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CLINTON COUNTY ZONING OFFICE

Elle Sandridge Zoning Administrator

SECTION 1 - GENERAL PROVISIONS

1.1 PREAMBLE - There is hereby established a Zoning Order for County of Clinton, Missouri:

To protect and promote the public health, safety, convenience, comfort and general welfare of Clinton County.

To guide the future growth and development of Clinton County in accordance with the most beneficial, economic and efficient relationships among the residential, nonresidential and public areas within Clinton County.

To provide adequate light, air, and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding and undue congestion of land and population.

To protect the character and the social and economic stability of all parts of Clinton County and to encourage the orderly and beneficial development of all parts of Clinton County.

To protect and conserve the value of land throughout Clinton County and the value of buildings appropriate to the various districts established by this Order.

To bring about the gradual conformity of the uses of land and buildings throughout Clinton County, and to minimize the conflicts among the uses of land and buildings.

To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic, having a particular regard to avoiding congestion in the streets and for providing for the safe and convenient vehicular and pedestrian movements throughout Clinton County.

To provide a guide for public policy and action relating to the uses of land and buildings throughout Clinton County.

To limit development to an amount equal to the availability and capacity of public facilities and services.

To prevent the pollution of air, streams and ponds, and encourage the wise use and management of the natural resources throughout Clinton County in order to preserve the integrity, stability and beauty of Clinton County and the value of the land.

To promote the preservation of the historic character of Clinton County and to encourage the development of uses which would add to or be in harmony with this character.

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1.2 AUTHORITY, APPLICABLE STATUTE

This order is adopted pursuant to RSMo §§ 64.510 through 64.695 the planning and zoning statute for counties such as Clinton County. If any provision of this order conflicts with the statute, the statutory provision shall prevail.

1.3 ENACTMENT CLAUSE AND SHORT TITLE

1.3-1 Enactment Clause - Clinton County Commission of Clinton, Missouri, pursuant to the authority vested by the law, hereby adopts and enacts this County Order known as The Zoning Order of Clinton County, Missouri.

1.3-2 Short Title - This County Order may be known and cited as The Zoning Order of Clinton County, Missouri.

1.4 INTERPRETATION, CONFLICT AND SEPARABILITY

1.4-1 Minimum Provisions - Provisions are to be regarded as minimum provisions. In their interpretation and application, the provisions of this order shall be considered to be minimum provisions for the purpose stated above. It is hereby declared to be the legislative intent that this Order shall be regarded primarily to further the public and community interests of Clinton County.

1.4-2 Conflict With Public and Private Provisions

- A. Public Provisions - The provisions of this Zoning Order are not intended to interfere with, abrogate or annul any other County Order, Order, County Court Order, rule or regulation, statute or other provision of law. Where any provision of this order imposes restrictions different from those imposed by any other provision of this order or any other County Order, Order, County Court Order, statute, rule, regulation or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.
- B. Private Provisions - The provisions of this Zoning Order are not intended to abrogate any easement, covenant or any other private agreement, or restriction, provided that where the provisions of this Zoning Order are more restrictive or impose higher standards than such easement, covenant or other private agreement or restriction, the requirements of this Zoning Order shall govern. Where the provisions of the easement, covenant or other private agreement or restriction are higher standards than this Zoning Order or determinations made thereunder, then such private provisions shall be operative and supplemental to the provisions of this Order and determinations made thereunder.

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1.4-3 Severability - If any part or provision of this Order or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Order or the application thereof to other persons or circumstances. Clinton County hereby declares that it would have enacted the remainder of this Order even without any such part, provision or application.

Note: from time to time you will find boxes like this one scattered through this ordinance. These boxes contain cross references and explanations intended to make it easier for you to find your way around the ordinance.

1.5 APPLICATION OF ZONING DISTRICT REGULATIONS

1.5-1 No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zoning district in which it is located.

1.5-2 No building or other structure shall hereafter be erected or altered

- A. To accommodate or house a greater number of families;
- B. To occupy a greater percentage of lot area; or
- C. To have narrower or small rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of these regulations.

Note: Additional prohibitions and requirements are found throughout this ordinance. In particular please examine Section 14, “Additional Use Regulations,”

1.6 SAVINGS PROVISION - This Zoning Order shall not be construed as abating any action now pending under, or by virtue of, prior existing zoning orders, or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of Clinton County under any section or provision existing at the time of adoption of this order, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of Clinton County, except as shall be expressly provided for in this order.

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1.7 RESERVATIONS AND REPEALS - Upon adoption of this amended Zoning and Subdivision Order, the previously adopted zoning and subdivision order as amended, is hereby repealed, except as to sections expressly retained herein.

1.8 SCOPE OF CONTROLS

1.8-1 Existing Permits - This Order is not intended to abrogate or annul any building permit, variance or special permit lawfully issued before the effective date of this Order, except as follows:

A. Nothing herein shall prevent any holder of a variance from applying to the Zoning Board of Adjustment for a variance, where appropriate under the currently existing law and facts.

1.8-2 New Construction or Reconstruction - All new construction or alteration of a building or structure, all new uses of buildings or land, and every change, enlargement or relocation of use, shall conform to this Order. Existing nonconforming uses may continue, subject to the regulations in this Order.

Note: See Section 14 for additional requirements that apply in all zoning districts.

SECTION 2 - DEFINITIONS

For the purpose of this Order, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular. The word “building” includes the word “structure”; the word “shall” or the word “must” is mandatory; the term “used for” includes the meaning “designed for” or “intended for”.

2.1 **ACCESSORY BUILDING OR USE:** A subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building, when it has any part of a wall in common with the building or is an extension of the main roof and designed as an integral part of the main building.

2.2 **ACREAGE:** Any tract or parcel of land in common ownership having an area of one acre or more which is not designated as a lot or parcel on a subdivision map.

2.3 **ADULT ENTERTAINMENT DEFINITIONS**

A. **ADULT BOOKSTORE** - An establishment having as ten percent (10%) portion of its stock and trade, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices, video machines, or other coin operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein.

B. **ADULT ENTERTAINMENT FACILITY** - Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes or films, predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either: (1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or (2) observe any live presentation, video tape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein.

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- C. **BATH HOUSE** - An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the state.
 - D. **MASSAGE PARLOR** - An establishment which has a fixed place of business having a source of income or compensation sixty percent (60%) or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of human body with the hands or with the aid of any mechanical, electrical apparatus appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, location ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some person on his or her behalf will pay money or give any other consideration or provided that this term shall not include the establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.
 - E. **MODELING STUDIO** - An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools wherever persons are enrolled in a class.
 - F. **SPECIFIED SEXUAL ACTIVITIES** - (1) Sexual conduct, being act of masturbation, sexual intercourse or physical contact with a person’s genitals, pubic area, buttocks, or breasts; (2) sexual excitement, being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or (3) sadomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.
- 2.4 **AGRICULTURE:** The planting, cultivating and harvesting of grains, hay or plants commonly grown in Clinton County; the storage of crops, grains, feeds or other products raised or to be consumed on the premises; the raising and feeding of livestock and/or poultry, except confinement feeding as hereinafter defined.
- 2.5 **AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES:** Any building or structure which is necessary or incidental to the normal conduct of agriculture as defined above, including but not limited to the residence of the operator; residence of hired men; barns, buildings and sheds for housing livestock, poultry and farm machinery; buildings for the storage of grain, hay and other crops; silos, windmills and water storage tanks.

2.6 AIRPORT DEFINITIONS

- A. **AIRPORT ELEVATION** - The highest point of an airport’s usable land area measured in feet from sea level. The airport’s elevation (ultimate development) is 777’ above mean sea level.
- B. **APPROACH SURFACE** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section VI of this Order.
- C. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES** - These zones are set forth in Section VI of this Order.
- D. **BOARD OF ADJUSTMENT** - The Appeals Board appointed by Clinton County Commissioners.
- E. **CONICAL SURFACE** - A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- F. **HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- G. **HEIGHT** - For the purpose of determining the height limits in all zones set forth in this Order and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- H. **HORIZONTAL SURFACE** - A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- I. **NONCONFORMING USE** - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Order or an amendment there to.
- J. **NON-PRECISION INSTRUMENT RUNWAY** - A runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or are type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
- K. **OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section VI of this Order.
- L. **PERSON** - An individual, firm partnership, corporation, company, association, joint stock association or government entity; including a trustee, a receiver, an assignee, or a similar representative of any of them.

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- M. **PRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) which provides both vertical and horizontal guidance. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
 - N. **PRIMARY SURFACE** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section VI of this Order. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
 - O. **RUNWAY** - A defined area on an airport prepared for landing and take-off of aircraft along its length.
 - P. **STRUCTURE** - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
 - Q. **Transitional Surfaces** - these surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface.
 - R. **TREE** - Any object of natural growth.
- 2.7 **ALLEYS:** A secondary means of vehicular service access to the back or side of properties otherwise abutting on a street.
- 2.8 **ALTERATION:** Any addition, removal, extension, or change in the location of any exterior wall of a main or accessory building.
- 2.9 **ANCHORING SYSTEM** means a system of straps, anchors, and other materials used to secure a manufactured home as approved and in accordance with the regulations of the Missouri Public Service Commission.
- 2.10 **ANTENNA** - "Antenna" means any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, microwave

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dishes and satellite dishes and omni-directional antennas, such as whips but not including satellite earth stations.

Note: Rules for the construction of large towers and antenna (e.g., cellular telephone towers, broadcast towers) are found at Section 13.3.

- 2.11 **ANTENNA, DISH-TYPE** - "Dish-type antenna" means any antenna external to or attached to the exterior of any building or structure which is parabolic or semi-circular in cross-section.
- 2.12 **ANTENNA HEIGHT** - "Antenna height" means the height of the entire antenna apparatus measured from the point of mounting to the point of highest possible extension of the antenna.
- 2.13 **ANTENNA SUPPORT STRUCTURE** - "Antenna support structure" means any pole, telescoping mast, tower, tripod, or any other structure which supports a device used in the transmitting or receiving of radio frequency energy.
- 2.14 **ANTENNA SUPPORT STRUCTURE HEIGHT** - "Antenna support structure height" means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height. Such height measurement shall also not include lightning arresters twelve (12) feet or less in length.
- 2.15 **APARTMENT:** A room or a suite of rooms within an apartment house arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit and has complete kitchen facilities, permanently installed.
- 2.16 **APARTMENT HOUSE:** A building arranged, intended, or designed for more than two families.
- 2.17 **APARTMENT HOTEL:** An apartment house furnished, for the use of its tenants, services ordinarily furnished by hotels, but the privileges which are not primarily available to the public.
- 2.18 **AUTOMOBILE WRECKING YARD:** Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition.
- 2.19 **BASEMENT:** A story below the first story as defined under "story" counted as a story for

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height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

- 2.20 **BLOCK:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Zoning Administrator shall determine the outline of the block.
- 2.21 **BOARDING HOUSE OR LODGING HOUSE:** A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.
- 2.22 **BUILDING:** An enclosed structure, anchored to permanent foundations, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building.
- 2.23 **BUILDING, COMPLETELY ENCLOSED** - A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls pierced only by windows and normal entrance or exit doors.
- 2.24 **BUILDING, DETACHED** - A building surrounded by open space on the same lot.
- 2.25 **BUILDING, EXISTING** - A building erected prior to the effective date of this Order, or one for which a legal building permit has been issued.
- 2.26 **BUILDING, NONCONFORMING** - Any building which does not conform to the requirements of this Order.
- 2.27 **BUILDING SETBACK LINE** - A line establishing the minimum allowable distance between nearest wall of building and lot line.
- 2.28 **BUILDING SITE** - A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this Order and having its principal frontage on a street.
- 2.29 **BUSINESS:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

- 2.30 **CABIN:** A building used primarily as a week-end or short-term living quarters by persons partaking of recreational activities in the general vicinity. The same regulations shall apply to cabins as apply to dwellings except when specifically excluded.
- 2.31 **CLUB:** A private, public or semi-public building or premises and appurtenant recreational facilities used by persons for recreational and eating purposes, but not dwelling purposes for other than managerial or transient lodging.
- 2.32 **CO-LOCATION:** Locating wireless communications equipment from more than one provider on a single mount, tower, or support structure.
- 2.33 **COMMERCIAL TOWER AND SUPPORT:** A structure or facility operated for financial gain by a person, corporation, or business.
- 2.34 **COMMUNICATION TOWER:** A guyed, monopole, or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.
- 2.35 **COMMUNICATIONS FACILITY:** A land use facility supporting antennas and microwave dishes that send and/or receive radio frequency signals. Communications facilities include structures or towers, accessory buildings, and ground base equipment.
- 2.36 **CONFINEMENT FEEDING:** The feeding of livestock or poultry in buildings, shelters, lots or small area. Special use zoning shall be required for any livestock confined feeding operations which will feed more than 2000 “animal units” as determined by the chart in Section 10.

Note: In general, confined feeding operations of small size (up to 999 animal units) are permitted by right in the Agriculture Zone. See Section 8.1-1A1. Medium sized operations of 1,000 to 2,999 animal units are permitted with a special use permit. See Section 8.1-1A2. Large confinement feeding operations must be located in a special use district. See section 10.6. The number of CAFO animal units is determined by the chart at section 10.6

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- 2.37 **COURT:** An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.
- 2.38 **CURB LEVEL:** The mean level of the curb in front of the lot, or in case of a corner lot, along the abutting street where the mean curb level is the highest.
- 2.39 **DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
- 2.40 **DISTRICT** - A section or part of the incorporated portion of Clinton County for which the use regulations are uniform, as set forth herein.
- 2.41 **DWELLING** - A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, boarding and lodging houses, apartment houses and apartment hotels but not motels or hotels. The term dwelling does not include any trailer, motel, hotel or boarding house as defined herein.
- 2.42 **DWELLING, SINGLE FAMILY-DETACHED** - A building designed for occupancy by one family which has no connection by a common part wall to another building or structure similarly designed.
- 2.43 **DWELLING, TWO FAMILY** - A building arranged or designed to be occupied by two families, the building having only two dwelling units.
- 2.44 **DWELLING, MULTIPLE** - A building or portion thereof, arranged, intended or designed for occupancy by three or more families, including apartment houses, row houses or tenements, and apartment hotels.
- 2.45 **FAA:** Shall mean the Federal Aviation Administration or successor federal agency.
- 2.46 **FCC:** Shall mean the Federal Communications Commission or successor federal agency.
- 2.47 **FAMILY:**
- A. An individual, or
 - B. Two or more persons related by blood, marriage, adoption, or guardianship, plus not more than two unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit, or
 - C. A group of not more than four living together by joint agreement and occupying a

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single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

- 2.48 **FLOOD** - A general and temporary condition of partial or complete inundation of normally dry land area from: (1) the overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- 2.49 **FLOOD-PROOFING** - Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- 2.50 **FOUNDATIONS SYSTEM**: Site constructed concrete footings or runners which together with “frost foot piers” are capable of transferring design loads of the structure directly to the underlying soil and/or bed rock.
- 2.51 **GARAGE, COMMUNITY**: A building or portion thereof, other than a public, private or storage garage providing storage for motor vehicles with facilities for washing, but no other service, such garage to be in lieu of private garages within a block or portion of block.
- 2.52 **GARAGE, PRIVATE**: An accessory building for storage only of motor vehicles.
- 2.53 **GARAGE, PUBLIC**: A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.
- 2.54 **GARAGE, STORAGE**: A building or portion thereof, except those defined as private, public or community garage, providing storage for more than four motor vehicles, with facilities for washing but no other services.
- 2.55 **GOVERNING AUTHORITY**: Shall mean the governing authority of Clinton County, Missouri.
- 2.56 **GROUP HOME** - A building which provides living accommodations for the physically or mentally handicapped, or children 16 years of age or younger or abused adults or persons 65 years of age or older. The residents of such group homes shall be supervised by a resident counselor in charge of their area.
- 2.57 **GUEST HOUSE** - A detached accessory building containing living quarters, but no kitchen or kitchen facilities, located on the same premises with the principal building, for use by nonpaying guests of the occupants of the premises.

- 2.58 **GUYED TOWER** - A communication tower that is supported, in whole or in part, by guy wires and ground anchors.
- 2.59 **HAZARDOUS, TOXIC, AND SPECIAL WASTE** - Hazardous solid or liquid waste such as highly flammable or caustic materials, explosives, pathological waste, sewage sludge or sewage effluent and poisons; infectious waste from doctors' offices including syringes, patients' specimens, discarded dressings, and the like; radioactive materials; or designated hazardous substances.
- A. Radiation - gamma rays and X-rays, alpha particles, beta particles, high-speed electrons, neutrons, and other nuclear particles; radiation does not include sound or radio waves, or visible, infrared, or ultraviolet light.
 - B. Radioactive material - material that emits radiation spontaneously.
 - C. Refuse disposal - the method of final disposition of refuse.
 - D. Sanitary landfill - a planned and systematic method of refuse disposal by which waste material is placed in the earth in layers, then compacted and covered with earth or other approved cover material at the end of each day's operation.
 - E. Waste handler - a person who transports or disposes of, or contracts, directly or indirectly, to transport or dispose of refuse or hazardous, toxic, and special waste in Clinton County.
- 2.60 **HEIGHT OF BUILDING:** The vertical distance measured from the highest of the following three levels;
- A. From the street curb level,
 - B. From the established or mean street grade in case there is no curb,
 - C. From the average finished ground level adjoining the building if it sets back from the street line, to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the main plates and the highest ridge for other roofs.
- 2.61 **HEIGHT OF YARD OR COURT:** The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.
- 2.62 **HOME OCCUPATION** -Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly within a main building or accessory building by a member of the family who resides on the premises.
- 2.63 **HOTEL:** A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms, and no provisions for cooking in individual rooms.

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- 2.64a **JUNK** – means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
- 2.64b **JUNK YARD** - Any land or building or other structure where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in operable condition, or used or salvaged materials as part of manufacturing operations.
- 2.65 **KENNEL:** Any place where four or more dogs over six months of age are boarded bred and/or offered for sale commercially.
- 2.66 **LATTICE TOWER:** A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.
- 2.67 **LIVING FLOOR AREA:** The area of the floor space of a dwelling excepting the area devoted to garage, porches and unfinished basement.
- 2.68 **LOT:** A parcel of land occupied or to be occupied by one main building, or unit group of buildings, and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under this Order, and having its principal frontage upon a public or private street.
- 2.69 **LOT CORNER:** A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Zoning Administrator.
- 2.70 **LOT FRONTAGE** - That boundary of a lot along a public street.
- 2.71 **LOT LINE** - The boundary property line encompassing a lot. For the purposes of this Order the front lot line is the boundary line which abuts a public street, the front lot line on a corner lot is the narrowest frontage facing a street, and the longest frontage facing a street is the side, irrespective of the direction in which the dwelling faces. The rear lot line is the lot line or line most nearly parallel to and most remote from the front property line. All other lot lines are side lot lines. An interior lot line is a side line in common with another lot.
- 2.72 **LOT, THROUGH:** An interior lot having frontage on two streets.
- 2.73 **LOT IN SEPARATE OWNERSHIP AT THE TIME OF PASSAGE OF THIS ORDER:** A lot whose boundary lines, along their entire length, touched lands under other

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ownership as shown by plat or deed recorded in the Office of the Recorder of Clinton County on or before the date of the adoption of this Order OR ANY PRIOR ZONING/SUBDIVISION ORDER.

- 2.74 **LOT LINES:** The lines bounding a lot as herein defined.
- 2.75 **LOT LINE, FRONT:** The boundary between a lot and the street on which it fronts.
- 2.76 **LOT LINE, REAR:** The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Zoning Administrator shall determine the rear line.
- 2.77 **LOT DEPTH:** The mean horizontal distance from the front line to the rear line.
- 2.78 **LOWEST FLOOR** - Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Order.

2.79 **MANUFACTURED HOME (A)** - A factory fabricated transportable building, or two or more similar units to be incorporated or joined together at the building site into a modular structure to be used for residential purposes. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term “Manufactured Home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term “Manufactured Home” does not include park trailers, travel trailers, and other similar vehicles.

For purposes of this order a “manufactured home” must

- A. have a width greater than 16 feet, and
- B. have a gable type roof with a minimum slope of 2 ft. rise per 12 ft. of run, and
- C. have siding compatible with that used on site-built homes in the area as determined by the zoning administrator, and
- D. be placed upon a full basement or permanent and continuous concrete foundation.

Note: The zoning administrator’s decision that siding is not “compatible” with the area can be appealed to the BZA, and then to the circuit court. If no appeal is filed within the time limits provided herein the administrator’s decision is final.

2.80 **MANUFACTURED HOME (B)** means a dwelling unit built on or after June 15, 1976 in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Code.

Note: As a general rule manufactured homes are permitted in residential and agricultural districts. Mobile homes are not permitted except in a “residential mobile home district” (Section 5, either in a “park” or a “subdivision”) or by variance because of hardship in the agricultural district (Section 8).

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- 2.81 **MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS** meets the standards for the construction, design, and performance of a manufactured home as set forth in the Code of Federal Regulations, Title 24, Part 3280, 3283 and 42:USC 5401, *et seq.*, as mandated in the United States of America and as administered by the United States Department of Housing and Urban Development.
- 2.82 **MANUFACTURED OR MOBILE HOME PARK** refer to Section 5: District MHC - Mobile Home Communities.
- 2.83 **MOBILE HOME** - A one family dwelling unit, other than a travel trailer or recreational vehicle, of vehicular, portable design built on a chassis and designed to be moved from one site to another. Any off-site manufactured home with a width of 16 feet or less (or which otherwise fails to meet the definition of a “manufactured home” above) shall be considered a “mobile home” regardless of size or style of construction.
- 2.84 **MOBILE HOME COMMUNITY OR SUBDIVISION** - A parcel (or contiguous parcels) - of land divided into two (2) or more manufactured home lots for rent or sale.
- 2.85 **MOBILE HOME PARK OR TRAVEL TRAILER PARK** - Lots and parcels of land designed for the temporary or permanent parking and occupancy of two or more travel trailers or mobile homes used for human habitation in areas zoned to permit such uses and with adequate area to provide parking spaces, access lanes, utilities and accessory buildings as herein required. The individual lots of a mobile home park may not be sold to separate owners, but the park must be sold as a unit.
- Note:** The rules for establishing a residential mobile home park or subdivision are generally found in Section 5 of this order.
- 2.86 **MOBILE HOME COMMUNITY** - A unified development where individual lots are used for the placement of mobile homes, and where the individual lots may be sold to different owners.
- 2.87 **MODULAR AND/OR DOUBLE WIDE MANUFACTURED HOME:** A factory fabricated transportable building by itself or two or more similar units to be incorporated or joined together at the building site into a modular structure to be used for residential, commercial, or educational purposes. The unit will have a gable type roof with a minimum slope of 2 ft. rise per 12 ft. of run. Siding will be compatible with that used on site-build homes in the area. The modular and/or double wide manufactured home shall be permitted as a permanent structure when placed upon a full basement or permanent and continuous concrete foundation.

- 2.88 **MODULAR HOME:** A manufactured home.
- 2.89 **MONOPOLE TOWER:** A communication tower consisting of a single pole, constructed without guy wires and ground anchors.
- 2.90 **NON-COMMERCIAL RADIO/TELEVISION TOWER AND SUPPORT:** A tower or support used for the private use and enjoyment of an individual and not used for any commercial or industrial use. This shall also include a structure or facility operated by a utility company or governmental entity for its own use (such as an electricity or natural gas provider, water district, or other company which is licensed or regulated by the State of Missouri, or the federal government.)
- 2.91 **NON-COMMERCIAL TOWER AND SUPPORT:** A tower or support used for the private use and enjoyment of an individual and not used for any commercial or industrial use.
- 2.92 **NUISANCE, MIXED:** A nuisance which is both a public nuisance (see below) and a private nuisance (see below) at the same time; it interferes with a right of the general public and also interferes with a particular person's use and enjoyment of his land.
- 2.93 **NUISANCE, PRIVATE:** An actionable interference with a person's interest in the private use and enjoyment of his land. A private nuisance offends only a particular person or persons.
- 2.94 **NUISANCE, PUBLIC (COMMON):** An unreasonable interference with a right common to the general public...It is behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community. A public nuisance offends the public at large or a segment of the public.
- 2.95 **OIL/GAS WELLS:** Wells producing or non-producing oil and gas wells, including those with pumps and those with natural flow; those with off-site storage and those with on-site storage.
- 2.96 **PARKING LOT:** A parking lot for automobiles which is not an accessory use to a building or structure on a lot.
- 2.97 **PERSONAL COMMUNICATIONS SERVICES (PCS):** Digital wireless telephone technology such as portable phones, pagers, faxes and computers. Such mobile technology promises to allow each consumer to use the same telephone number wherever he or she goes. Also known as Personal Communications Network (PCN).

- 2.98 **PERSONAL WIRELESS SERVICE:** Wireless communications technology that provides consumers with the ability to communicate using portable devices not physically interconnected by equipment such as wire or cable. Technologies include, but are not limited to, commercial mobile radio services (CMRS) such as personal communication systems (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and paging services; or any other local, regional, or global services using functionally equivalent technology.
- 2.99 **PLACE:** An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of vehicular access to property abutting thereon.
- 2.100 **REGULATORY FLOOD ELEVATION** - The water surface elevation of the 100 year flood.
- 2.101 **ROOMING HOUSE** - A building other than a hotel where lodging for three or more persons is provided for definite periods for compensation pursuant to previous arrangement.
- 2.102 **SALVAGE YARD** - Any land or building or other structure where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment, but not including the purchase or storage of used furniture and household equipment, used cars in inoperable condition, or used or salvaged materials as part of manufacturing operations.
- 2.103 **SCOPE:** in the subdivision or re-subdivision of land within Clinton County and not within incorporated areas, the owner or developer shall exercise due regard to the alignment, width, gradient and location of streets in relation to other existing or planned streets, to adequate drainage, to safe and expedient flow of traffic, and to provide for roadway surface, utilities, schools, and recreation areas, and other requirements as may be developed.
- 2.104 **SELF-SUPPORT TOWER:** A communication tower that is constructed without guy wires and ground anchors. Examples include lattice and monopole towers.
- 2.105 **SETBACK AREA:** The space on a lot required to be left open and unoccupied by buildings or structures, either by the front and side yard requirements of this Order, or by delineation on a recorded subdivision map.
- 2.106 **SERVICE FLOOR AREA:** The total floor area of a building, exclusive of stairways, restrooms, storage rooms, hallways, or other areas which are not regularly used by inhabitants, visitors, employees, clients, customers, patients or patrons in their normal everyday use of the building.

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- 2.107 **SIGN:** Every billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign or other outdoor display structure, and such term shall include any announcement declaration, demonstration display, illustrations or insignia used to advertise or promote the interest of any person or cause when placed out of doors in view of the general public.
- 2.108 **SIGN, PROPRIETARY:** Any sign situated on the premises of a business, firm, farm, or profession for the purpose of calling attention to such business, firm, farm or profession.
- 2.109 **SKIRTING:** means a type of perimeter enclosure constructed of weather-resistant material which encloses the entire area from the floor joists of the manufactured home to the ground.
- 2.110 **SPECIAL FLOOD HAZARD AREA:** The land within a community, subject to a one percent (1%) or greater chance of flooding in any given year. This land is identified as Zone A on the official map.
- 2.111 **SPECIAL USE:** The term "Special Use" shall mean a use or occupancy of structure, or a use of land, permitted only upon issuance of a Special Use Permit and subject to the limitations and conditions specified therein.
- 2.112 **STABLE, PRIVATE:** An accessory building for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.
- 2.113 **STABLE, PUBLIC:** A stable other than a private or riding stable as defined herein.
- 2.114 **STABLE, RIDING:** A structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire or sale.
- 2.115 **STORY:** That part of a building included between the surface of one floor and the surface of the next floor above, that part of the building which is above the surface of the highest floor thereof. A top story is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in "Height of Building" of this Section.
- 2.116 **STREET:** A right-of-way which provides vehicular and pedestrian access to adjacent properties, the dedication of which has been officially accepted by the Commission. The term "street" includes, also, the terms highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, and other such terms.
- 2.117 **STREET LINE:** The dividing line between the street and the abutting property.

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- 2.118 **STRUCTURE:** Anything constructed or erected, except fences not exceeding four feet in height, which requires permanent location on the ground or is attached to something having location on the ground; a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.
- 2.119 **STRUCTURAL ALTERATIONS:** Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.
- 2.120 **SUBDIVISION:** for the purpose of these regulations, the division of a tract of land into two (2) or more lots including the re-subdivision or re-platting of land, except the division of land into two (2) or more parcels, each of which is at least twenty (20) acres or greater, shall be exempt from these regulations.
- 2.121 **SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of Historic Places.
- 2.122 **TELECOMMUNICATIONS:** The transmission, between or among points as specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.
- 2.123 **TOURIST COURT, MOTEL OR MOTOR HOTEL:** A tract or parcel of land upon which two or more tourist sleeping units and the required parking areas are located.
- 2.124 **TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term shall include, but will not be limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.
- 2.125 **TRAILER OR MOBILE HOME:** Any structure used for living or sleeping purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and which has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place-to-place.

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- 2.126 **USE:** The purpose, for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, or leased.
- 2.127 **VACATION VEHICLE:** All vehicles used or so constructed as to permit being used as conveyances upon the public streets and highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof for human habitation, provided further that this definition shall refer and include all portable contrivances used or intended to be used generally for temporary living and sleeping quarters and which are capable of being moved by its own power, towed or transported by another vehicle provided that this definition shall apply to camping trailers of any sort, or pick-up campers.
- 2.128 **VARIANCE:** Relief from or variation of provisions of these regulations, other than Use Regulations, as applied to a specific place and piece of property, as distinct from rezoning, as further set out in the statutory powers of the Board of Adjustment.
- 2.129 **VOTE:** Any decision by the Planning and Zoning Commission requires a majority vote which is a majority of the members present at the meeting.
- 2.130 **YARD:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of distance between the lot line and the main building shall be used. Where a Major Highway Plan exists, all yards abutting said thoroughfare shall be measured from a line one half the proposed right-of-way width from the center line, or from the lot line, whichever provides the greater setback. On other lots all yards abutting a street shall be measured from a line 25 feet from the centerline, or from the lot line, whichever provides the greater setback.
- 2.131 **YARD, FRONT:** A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.
- 2.132 **YARD, REAR:** A yard between the rear lot line and the rear line of the main building and the side lot lines.
- 2.133 **YARD, SIDE:** A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.
- 2.134 **ZONING DISTRICT MAP:** The boundaries of zoning districts are shown upon a map made a part of this Order, and designated as “zoning district map” dated February 4, 1991.
- 2.135 **100 - YEAR FLOOD:** The condition of flooding having a one percent (1%) chance of annual occurrence.

- 2.136 **UTILITY TOWER AND SUPPORT:** A tower or support structure or facility operated by a utility company or governmental entity for its own use (such as an electricity or natural gas provider, water district, or other company which is licensed or regulated by the State of Missouri, or the federal government.)
- 2.137 **PARTICIPATING PROPERTY:** Any ACERAGE encumbered by a lease, contract, easement or other legal instrument permitting the construction, installation, erection, operation or use of any NON-COMMERCIAL or COMMERCIAL tower, support structure, BUILDING, facility, plant, etc. within or about the encumbered ACERAGE.
- 2.138 **NON-PARTICIPATING PROPERTY:** Any ACERAGE that does not qualify as a PARTICIPATING PROPERTY.
- 2.139 **CULTIVATION:** The planting, growing, harvesting, drying, processing or storage of one or more add plants or any part thereof.
- 2.140 **DEPARTMENT:** Missouri Department of Health.
- 2.141 **ENFORCEMENT OFFICIAL:** As used in this Article, shall mean the Clinton County Sheriff, Clinton County Planning & Zoning officials, employee of the Clinton County Health Department, or any other official authorized to enforce local, state or federal laws.
- 2.142 **FENCE:** means a wall or a barrier connected by boards, masonry, rail, panel, wire or any other materials approved by the Clinton County Zoning Office for the Purpose of enclosing space or separating parcels of land. The term “fence” does not include retaining walls, plastic, tarp, bamboo covering, corrugated metal, or other material not designed or manufactured for use as a fence.
- 2.143 **INDOOR:** means within a fully enclosed and secure structure that complies with the Clinton County Building Codes that has a complete roof enclosure supported by connecting wall extending from the ground to the roof, and a foundation, slab, or equivalent base to which the walls are surely attached. The structure must be secure against unauthorized entry accessible only through, such as standard 2” by 4” or thicker studs overlaid with 3/8” or thicker plywood or equivalent material. Cultivation within a greenhouse or “hoophouse” shall not be considered indoor cultivation.
- 2.144 **INDOOR CULTIVATION:** means a Medical Marijuana Cultivation Facility where the cultivation activities that are conducted within fully enclosed, permitted building, constructed of solid materials, accessible only through one or more locking doors. For purposes of this ordinance, cultivation within greenhouse or “hoophouse” shall not be

considered outdoor cultivation.

- 2.145 **MARIJUANA:** Shall have the same meaning as that set forth in Missouri law.
- 2.146 **MEDICAL MARIJUANA:** means marijuana grown for qualified patients, persons with a valid doctor’s recommendation, and the designated primary caregivers of qualified patients for medical purposes, as provided in Article XVI of the Missouri Constitution.
- 2.147 **“MEDICAL MARIJUANA CULTIVATION FACILITY”:** means a facility licensed by the Department, to acquire, cultivation, 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.
- 2.148 **OUTDOOR CULTIVATION:** means a Medical Marijuana Cultivation Facility where the cultivation activities that are not conducted within fully enclosed, permitted building, constructed of solid materials, accessible only through one of more locking doors. For purpose of this ordinance, cultivation within greenhouse or “hoophouse” shall be considered outdoor cultivation.
- 2.149 **QUALIFYING PATIENT:** means a Missouri resident diagnosed with at least on qualifying medical condition as defined in Article XIV of the Missouri Constitution.
- 2.150 **PREMISIS:** Includes the actual building, as well as accessory structures, parking areas and other on-site improvements.
- 2.151 **PRIMARY CAREGIVER:** means an individual twenty-one years of age or older who has significant responsibility for managing the well-being of a Qualifying Patient and who is designated as such on the primary caregiver’s application for an identification card under Missouri law or in other written notification to the Department.
- 2.152 **Accessory Solar Energy System (ASES):** An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system with a capacity of not more than ten kilowatts which consists of one (1) or more free-standing ground, or roof or wall mounted solar arrays or modules, or solar related equipment and is intended to reduce **on-site** consumption of utility power or fuels.
- 2.153 **Large Accessory Solar Energy System (LASES):** An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system with a capacity

greater than ten kilowatts but not more than one hundred kilowatts which consists of one (1) or more free-standing ground, or roof or wall mounted solar arrays or modules, or solar related equipment and is intended to reduce on-site consumption of utility power or fuels.

- 2.154 **Principal Solar Energy System (PSES):** An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof or wall mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures.
- 2.155 **Glare:** The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- 2.156 **Solar Array:** A grouping of multiple solar modules with purpose of harvesting solar energy.
- 2.157 **Solar Cell:** The smallest basic solar electric device which generates electricity when exposed to light.
- 2.158 **Solar Easement:** A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for solar energy systems.
- 2.159 **Solar Energy:** Radiant energy (direct, diffuse and/or reflective) received from the sun.
- 2.160 **Solar Module:** A grouping of solar cells with the purpose of harvesting solar energy.
- 2.161 **Solar Panel:** That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity.
- 2.162 **Solar Related Equipment:** Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

SECTION 3 - ESTABLISHMENT OF DISTRICTS, ZONING MAP, DISTRICT BOUNDARIES AND STREET CLASSIFICATIONS

3.1 ESTABLISHMENT OF DISTRICTS - The unincorporated area of Clinton County is hereby divided into the following districts, the respective symbol for each type of district and the section where most of the rules for that district are located, being set forth opposite its title.

<u>District Symbol</u>	<u>Title</u>	<u>Section</u>
A	Agriculture District	§8
R-1	Single-Family Dwelling District	§4.1
R-2	Two-Family Dwelling District	§4.2
R-3	Apartment House District	§4.3
RMHP	Residential Mobile Home Park District	§5
C-1	Local Business District	§6.2
C-2	Commercial District	§6.3
REC	Recreation District	§9
M-1	Light Industrial District	§7.3
M-2	Heavy Industrial District	§7.4
S-1	Special Use District	§10
F	Flood Hazard Area District	§12

Each such district may be designated on the Zoning Map and elsewhere in the text of this Order by symbol only.

3.1-1 Zoning Map - The areas and boundaries of such districts are hereby established:

- A. As shown on a map entitled "Zoning Map of Clinton County" dated **February, 2013** as amended.

Note: The official zoning map is posted on the wall in the zoning administrator's office. It is updated periodically to reflect amendments approved by Clinton County Commission..

- B. As specified in 3.1-2 - Such map, referred to hereinafter as the "Zoning Map," together with everything shown thereon, is hereby made a part of this Order.

3.1-2 District Boundaries on Zoning Map

- A. Where a district boundary is shown following a street, highway, road, right-of-way, interstate highway, any parkway, a public utility right-of-way, a railroad, or a stream or watercourse, the boundary is relatively the center line

of such street, highway, road, right-of-way, interstate highway, parkway, public utility right-of-way, main channel of a stream or watercourse, or a line located midway between the main track of said railroad, and such boundary shall be deemed to be changed automatically whenever the center line or the main railroad tracks are changed by natural or artificial means.

- B. If such boundary is shown as separated from but approximately parallel to any such land marked or monumental line, such district boundary shall be deemed to be parallel to the aforesaid center line, or line located midway between the main tracks of such railroad at such distance therefrom as shown on the Zoning Map.
- C. Where a district boundary is shown as following a property line, a plot line or a projection of any one of the same, such boundary shall be such land marked or monumented line or projection thereof. If such boundary is shown as separated from but approximately parallel to any such land marked or monumented line or projection thereof, such boundary shall be deemed to be parallel to any land marked or monumented line or projection thereof, as the case may be, at such distance therefrom as shown on the Zoning Map.
- D. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or divisional lines, or center lines of streets and highways, or railroad right-of-way, unless otherwise indicated. In the absence of a specified distance being indicated on the Zoning Map, the distance shall be determined by using the Map scale.
- E. Where a street, highway, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Zoning Map, the on-the-ground physical monument or marker shall control.

SECTION 4 - RESIDENTIAL DISTRICTS

Note: This section describes what is permitted in a residential district. Section 22 of this Order describes what is required for the subdivision of land. Many people who seek a rezoning to a residential district do so with the intention of dividing land for sale to potential homeowners. To do so requires compliance with both parts of this order. Note in particular that the permitted lot size will be greater than the minimum provided in this section if sewage treatment is to be provided by septic tank or private lagoon.

4.1 RESIDENTIAL DISTRICT R-1 - This district is established to provide for residential development of a spacious character, together with such public buildings, schools, churches, recreational facilities, and accessory uses as may be necessary or are normally compatible with residential surroundings.

4.1-1 Permitted Uses By Right - The following uses shall be permitted by right in the R-1 District:

- A. Single family detached dwellings occupied by a single family as that term is defined in Section 2 hereof, provided, however, that no single family detached dwelling may be constructed within 1,320 feet of a confined feeding operation as permitted in the Agricultural District (Section 8) or in the Special Use District (Section 10). No Bed and Breakfast business, no boarding house, no hotel or motel, nor any renting of rooms shall be permitted within this district.

Note: It is permitted to have a house in this district that is rented. It is not permitted to have a house that is occupied by two “family” units. This explains the prohibition against renting rooms. See the definition of “family” at §2.48.

- B. Public parks and playgrounds, including public recreation or service buildings within such parks, public administration buildings.
- C. Police and fire stations.
- D. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction, if located

- on the campus.
- E. Railroad right-of-ways, not including railroad yards; pipelines; public utility facilities such as electric substations, distribution lines and mains, pumping or regulator stations which serve a local neighborhood or area, provided that a screen of planting or masonry wall shall be provided by the utility to screen the equipment, excluding poles, from any surrounding land zoned for residential use.
 - F. Reservoirs, wells, elevated storage tanks, water supply plants and pumps for the purpose of furnishing water to the public.
 - G. Sewage treatment plants and oxidation basins, public and private, provided that the conditions of Section 14.5 are met.
 - H. Churches and places of worship.
 - I. Publicly owned community buildings, public mausoleums, libraries and historic sites.
 - J. Golf courses and clubhouses appurtenant thereto, excepting miniature golf, driving ranges and similar activities operated as a business.
 - K. Cemeteries, mausoleums, crematories for the disposal of human dead, provided that the site for a crematory or mausoleum shall be at least twenty (20) acres in size and no building or structure located thereon shall be less than three hundred (300) feet from a property line. The minimum size of a cemetery shall be one (1) acre.
 - L. Temporary real estate sales office, located on property being sold, and limited to period of sale.
 - M. Home occupation or office of resident, in connection with a dwelling unit either a home occupation or the office of a resident is a permitted use; provided, that:
 - 1. No more than one person is employed for this purpose by and in addition to a member of the family who resides on the premises;
 - 2. Use of the dwelling for such purposes does not require more than one-fourth of the gross floor area of the dwelling unit, or eight hundred square feet, whichever is the lesser;
 - 3. There is no advertising other than a non-illuminated identification sign of not more than one square foot in area;
 - 4. There is no display or storage of materials or any other exterior indication of the home occupation;
 - 5. There is no exterior variation from the residential character of the main building or accessory building;
 - 6. No exterior lighting is used except that which is normally permitted and used in connection with a dwelling;
 - 7. No mechanical equipment is used other than that which is normally used for residential household purposes or for office purposes; except

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that, a resident may use certain equipment peculiar and customary to the practice of such occupation, so long as there is no exterior indication by noise, glare, odor or vibration of the operation of such equipment;

8. Traffic generated by such an occupation shall not create a safety hazard or cause congestion.
9. Home day care is allowed provided that there are no more than ten (10) children being cared for.
10. No excess noise, dust, or pollution is created by the home occupation.

Note also: The decisions about whether a home based operation meets these conditions originally rests with the zoning administrator. Appeals from the administrator’s decisions go to the BZA and then to circuit court, provided an appeal is filed within the time limits prescribed herein.

Such an enlarged operation will not be “grandfathered in” because these conditions existed at the time the business started.

N. Accessory Buildings and Uses - The following accessory buildings and uses shall be permitted by right in the R-1 District:

1. A private garage.
2. A storage building solely for use by the individuals residing at that location.
3. A tennis court serving an individual residence.
4. Federally licensed amateur radio antenna support structures.
5. A swimming pool provided that it serves an individual residence and is enclosed by a fence at least 42 inches in height with a lockable gate.
(A) Portable swimming pools must be kept in the back area.
6. A home satellite dish provided that it is not erected in the front yard area.

O. Modular homes - Modular or manufactured homes are permitted provided that the home is placed on a continuous foundation. Mobile homes are not permitted.

4.1-2 Use Restrictions - The following restrictions shall be applied to R-1 District property:

- A. Outdoor storage - Any outdoor storage of non-working, unlicensed automobiles shall be confined to the back and side yards.

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- B. Driveways and Walks - A driveway or walk, as distinct from a dedicated street, to provide access to premises in District C-1 to M-2 inclusive, shall not be permitted in District R-1 to R-3 inclusive.
 - C. Agricultural Uses
 - 1. Gardening is permitted subject to the size and setback limitations of the district.
 - 2. Livestock is restricted to the following:
 - a. One (1) cow or horse per three (3) acres
 - b. Two (2) sheep or goats per three (3) acres
 - c. Five (5) rabbits per 3 acres
 - d. No bees
 - e. No swine
 - f. One (1) pair of poultry per 3 acres
- 4.1-3 Special Permit Uses - The following uses may be permitted in the R-1 District with a Special Use Permit issued in accordance with the provisions of Section 13 herein:
- A. Main libraries, museums and colleges.
 - B. Private noncommercial recreation facilities for group use, such as country clubs, tennis clubs, swimming clubs, golf courses and similar establishments.
 - C. Commercial radio, television, telephone, telegraph and electric transmission towers, provided that such tower conform to the provisions and restrictions in Section 13.3.
 - D. Small group homes for not more than ten persons.
 - E. Agriculture and farming activities allowed on a limited basis only. No hogs will be allowed in District R-1.
- 4.1-4 Site Area and Dimension Limitations
- A. Height - No dwelling or other primary structure in the R-1 District shall have a height in excess of thirty-five (35) feet and shall not exceed 2-1/2 stories, except:
 - 1. Radio, television, telephone, telegraph and electric transmission towers, provided that such towers conform to the provisions and restrictions found in Section 13.3.
 - B. Front Yard - There shall be a front yard, the minimum depth of which shall be fifty (50) feet. On lots less than five (5) acres, the minimum depth of which shall be thirty (30) feet.
 - C. Side Yard - There shall be a side yard on each side of a building lot not less than 15 percent of the depth of the lot, except that such side yard shall not be less than 15 feet and need not be more than 25 feet. On lots less than five (5)

acres, such side yard shall not be less than 10 feet.

- D. Rear Yard - There shall be a rear yard the minimum depth of which shall be 50 feet. On lots less than five (5) acres, the minimum depth of which shall be ten (10) feet.
- E. Lot Area per Family - See Section 22, Land Subdivision Regulations.
- F. Lot Width - The minimum lot width of a lot shall be one hundred (100) feet, provided that where a lot has less than the width herein required in separate ownership at the time of passage of this Order, this regulation shall not prohibit the erection of a one-family dwelling, and further provided it meets area requirements of this section.
- G. Minimum Dwelling Size - Nine hundred fifty (950) sq. ft. of living floor area with no trailers and/or mobile homes allowed.
- H. Parking Regulations - See Section 14.4, Off-Street Parking and Loading.
- I. Signs - Signs are permitted as regulated in Section 14 of this order.
- J. Accessory Building Setback - All permitted accessory building shall have a Front and rear setback of fifty feet and side setbacks of fifteen feet from all property lines. On lots less than five acres, the front and rear setback should be thirty feet and the side setbacks should be ten feet from all property lines.

4.2 RESIDENTIAL DISTRICT R-2 - This district is established to provide and protect medium density residential areas. Permitted uses are single-family detached dwellings, two-family dwellings, and multiple dwellings. Certain additional uses may be allowed as long as the character of the district is not altered by levels of traffic, vehicular parking, lighting, noise, and visual displays which are not compatible with medium density residential uses.

4.2-1 Permitted Uses By Right - The following uses shall be permitted by right in the R-2 District:

- A. Two-family dwellings, provided, however, that no dwelling may be constructed within 1,320 feet of a confined feeding operation as permitted in the Agricultural District (Section 8) or in the Special Use District (Section 10). No Bed and Breakfast business, no boarding house, no hotel or motel, nor any renting of rooms shall be permitted within this district.
- B. Single family attached dwellings, up to four attached dwellings, designed and constructed so as to permit the sale of individual units, provided that all dwellings are separated by fire walls.

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4.2-2 Use Restrictions - All R-1 Residential District restrictions shall be applied to R-2 District

- A. Gardening is permitted subject to the size and setback limitations of the district.
- B. Livestock is restricted to the following:
 - 1. One (1) cow or horse per three (3) acres
 - 2. Two (2) sheep or goats per three (3) acres
 - 3. Five (5) rabbits per 3 acres
 - 4. No bees
 - 5. No swine
 - 6. One (1) pair of poultry per 3 acres.

4.2-3 Special Permit Uses - All uses permitted in the R-1 Residential District by right or special permit may be permitted in the R-2 Residential District, subject to the same regulations and standards.

4.2-4 Site Area and Dimension Limitations

- A. Height - Same as R-1.
- B. Front Yard - Same as R-1.
- C. Side Yard - Same as R-1, including regulations for corner lots.
- D. Rear Yard - Same as R-1.
- E. Lot Area per Family - Every dwelling hereafter erected, moved or altered shall provide a lot area of not less than seven thousand five hundred (7,500) sq. ft. per family for two-family dwellings, provided that such dwelling shall be connected to a community sewer, and further provided that where a community sewer is not available, the sewer design shall be approved by the Zoning Administrator and the Missouri Division of Health.
- F. Lot Width - Same as R-1.
- G. Minimum Dwelling Size - Same as R-1 for one-family dwellings, nine hundred and fifty (950) sq. ft. per family for other dwellings.
- H. Parking Regulations - See Section 14, Off-Street Parking and Loading.
- I. Signs - Signs are permitted as regulated in Section 14 of this order.
- J. Accessory Building Setback - All permitted accessory buildings shall have a front and rear setback of fifty (50) feet and side setbacks of fifteen feet from all property lines. On lots less than five acres, the front and rear setback should be thirty (30) feet and the side setbacks should be ten (10) feet from all property lines.

4.3 RESIDENTIAL DISTRICT R-3 - This district is established to provide and protect high density residential areas. Permitted uses are single family detached dwellings, two-

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family dwellings, and multiple dwellings. Certain additional uses may be allowed as long as the character of the district is not altered by levels of traffic, vehicular parking, lighting, noise and visual displays which are not compatible with high density residential uses.

4.3-1 Permitted Uses By Right - The following uses shall be permitted by right in the R-3 District:

- A. Apartment Houses or Multiple dwellings, provided, however, that no dwelling may be constructed within 1,320 feet of a confined feeding operation as permitted in the Agricultural District (Section 8) or in the Special Use District (Section 12).
- B. Townhouses
- C. Boarding and Lodging Houses
- D. Tourist homes, rooming and boarding houses, having no more than twenty guests.
- E. Private clubs, fraternities, sororities, and lodges, excepting those the chief activity of which is a service, customarily carried on as a business and having no more than thirty residents.
- F. Philanthropic or eleemosynary institutions, other than penal institutions.
- G. Nursing homes and convalescent homes, having no more than thirty residents.
- H. Public and private schools.
- I. Day care centers, nursery, kindergartens, play school and similar establishments.
- J. Private recreational facilities for group use such as country clubs, tennis clubs, swimming clubs, golf course and similar establishments.
- K. Religious, educational and philanthropic institutions, agencies or centers, but no penal or mental institutions.
- L. Public clinics and health outreach services.
- M. Greenhouses, provided that no commercial greenhouse heating plant shall be operated within one hundred feet of any lot line, and provided that greenhouse in excess of 10,000 sq. ft on any Acreage shall not be permitted.
- N. Accessory buildings and uses which are customarily incidental to any uses permitted in this district.
 - 1. A patron swimming pool shall be permitted as an accessory use in the R-3 District.
- O. Group homes for not more than thirty persons.

4.3-2 Use Restrictions - All R-2 Residential District restrictions shall be applied to R-3 District

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- A. Gardening is permitted subject to the size and setback limitations of the district.
- B. Livestock is restricted to the following:
 - 1. One (1) cow or horse per three (3) acres
 - 2. Two (2) sheep or goats per three (3) acres
 - 3. Five (5) rabbits per 3 acres
 - 4. No bees
 - 5. No swine
 - 6. One (1) pair poultry per 3 acres

4.3-3 Special Permit Uses - The following uses may be permitted with a special use permit in the R-3 District:

- A. Sewage treatment plants, sewer pumping stations, water treatment plants, water pumping stations, gas regulator facilities, gas distribution facilities.
- B. Funeral homes and crematoriums.
- C. Radio, television, telephone, telegraph and electricity transmission towers and stations and similar facilities.
- D. Rooming and boarding houses, with no limits to maximum number of guests.
- E. Private clubs, fraternities, sororities, and lodges excepting those the chief activity of which is a service, customarily carried on as a business, with no limits to maximum number of residents.
- F. Nursing homes and convalescent homes, with no limit to maximum number of residents.
- G. Group homes with no limits on the maximum number of residents.
- H. All uses permitted in the R-1 and R-2 Residential districts by right or by special use permit may be permitted in the R-3 Residential District, subject to the same regulations and standards.

4.3-4 Site Area and Dimension Limitations

- A. Height - No dwelling or other primary structure in the R-3 District shall have a height in excess of forty-five (45) feet or three (3) stories in height, except:
 - 1. Radio, television, telephone, telegraph and electric transmission towers, provided that such tower conform to the provisions and restriction in Section 14.4.
- B. Front Yard - Same as District R-1.
- C. Side Yard - Same as District R-1, including regulations for corner lots.
- D. Rear Yard - Same as District R-1.
- E. Lot Area per Family - Every building or portion of a building hereafter erected, moved or altered shall provide a lot area for two-family dwellings,

the same as in District R-2. The minimum lot area for multiple family dwellings shall be two-thousand (2,000) sq. ft. per family where a public or community sewer is available. If public sewers are not available, multi-family dwellings are not allowed.

- F. Lot Width - Same as R-1.
- G. Minimum Dwelling Size - Same as in District R-2, except that a minimum area of nine hundred and fifty (950) sq. ft. per family unit shall be required in multiple dwellings of over four (4) units.
- H. Parking Regulations - See Section 19, Off-Street Parking and Loading.
- I. Signs - Signs are permitted as regulated in Section 14 of this Order.
- J. Accessory Building Setback - All permitted accessory buildings shall have A front and rear setback of fifty (50) feet and side setbacks of fifteen feet from all property lines. On lots less than five acres, the front and rear setback should be thirty feet and the side setbacks should be ten feet from all property lines.

SECTION 5- RESIDENTIAL MOBILE HOME PARK (RMHP) DISTRICT

5.1 RESIDENTIAL MOBILE HOME PARK DISTRICT (RMHP) - The intent of this Order is to insure a systematic development of MHC within Clinton County and to achieve an environment that will promote the health, safety, and welfare of the citizens of the unincorporated areas of Clinton County.

5.1-1 Permitted Uses - The following uses may be permitted in accordance with the requirements of this article:

- A. Mobile Homes, Travel Trailers.
- B. Accessory uses:
 - 1. Administrative offices.
 - 2. Playgrounds
 - 3. Laundry facilities for residents.
 - 4. Storage space
 - 5. Community building.
 - 6. Swimming pools.
 - 7. Public telephones.
 - 8. Refuse disposal.

5.1-2 Site Standards and Limitations for Rental Mobile Home or Travel Trailer Parks - Any area, tract, site, or plat of ground on which twenty (20) or more mobile homes are placed, located or maintained, shall be platted for record in conformity with platting regulations for a subdivision and submitted for the review and approval of the commission according to this Order and the subdivision regulations of Clinton County, except where noted or excepted herein.

- A. The following requirements as to number, density, area, setbacks and height shall apply to mobile home spaces:
 - 1. The minimum number of mobile home spaces in a mobile home park shall be twenty (20).
 - 2. The minimum mobile home space area shall be fifty (50) feet by seventy-five (75) feet.
 - 3. The minimum distance between mobile homes or between a mobile home and any structure within the mobile home park shall be twenty-five (25) feet.
- B. The following requirements as to number, density, area and setback shall apply to travel trailer spaces:
 - 1. The minimum number of travel trailer spaces in a travel trailer park shall be twenty-five (25).
 - 2. The minimum travel trailer space area shall be thirty-five (35) feet

- by sixty (60) feet.
3. The minimum distance between travel trailers or travel trailer and any structure within travel trailer parks shall be twenty (20) feet.
 4. All mobile homes shall be located at least fifty (50) feet from any MHC property boundary line.
 5. There shall be a minimum distance of twenty-five(25)feet between the mobile home and abutting internal MHC street pavement.
- C. Provisions for water supply, sewer system and sanitary facilities, electrical equipment and systems, gas supply and drainage shall be provided and shall meet the minimum state requirements.
- D. Ownership - The mobile home or travel trailer park shall remain under single entity ownership; that is, spaces within the park may not be sold off to individuals.
- E. Record of tenants - The operator of a trailer park or mobile homes park shall keep an accurate register of all transient tenants occupying transient trailers located in the park. The register shall show the name and permanent residence address of the owner and occupants of any travel trailer located and date of arrival and departure; and such other information as might be necessary to provide information about the occupants of the trailer. These records shall be open to County officials at all times.
- F. Skirting - Skirting of each mobile home unit shall be required, but this requirement shall not apply to travel trailers.
- G. Anchorage and tie-downs - Every parking space for mobile homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. Where concrete platforms are provided for the parking of the units, anchorage may be by eyelets embedded in the concrete with adequate anchor plates or hooks; or other suitable means.
- H. Each mobile home lot shall have either:
1. A four (4) inch slab or pad of adequate size to accommodate the outside dimensions of the mobile home to be placed thereupon.
 2. Runners at least four (4) inches thick, forty-two (42) inches wide, spaced fifty (50) inches apart and of sufficient length to allow the mobile home to be positioned, blocked and leveled properly.
 3. Such pad, slab or runners shall be constructed of appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons. All pads shall be located a minimum of one hundred fifty (150) feet from any sewage lagoon, disposal facility cesspool, septic tank, or seepage pit within the MHC or an adjacent property.

- I. One fire hydrant must be installed at the entrance to each subdivision, at the discretion of the public water supply district involved.
- J. The area shall be located on a well-drained site, properly graded to insure rapid drainage.
- K. All outside storage shall be prohibited on mobile home lots except for vehicular parking, miscellaneous items within storage units approved as a part of the final development plan or beneath the skirted mobile home.
- L. Common Spaces - An area of the MHC shall be required to be set aside as common usable open space. The amount of land to be a minimum of twenty percent (20%) of the total land area of the mobile home community. Areas set aside as buffer strips or any portion of a mobile home lot shall not be included as common usable open space. No more than one-third (1/3) of the open space shall be used for buildings and structures other than swimming pools and courts.
 - 1. Facilities to be provided may include: swimming pool, children’s playground, tennis or other game areas, game or recreation rooms or clubhouses, utility buildings for laundry facilities, storage facilities, green areas and lawns, and picnic areas.
- M. Sewage and Waste Disposal
 - 1. A sanitary sewer system and a mechanical treatment plant approved by the Missouri State Division of Health, or other state agency having jurisdiction over sewage treatment facilities.
 - 2. Individual septic tank and lateral field, provided the design is done by an engineer and installation, is approved by the Zoning Administrator.
- N. Off-Street Parking
 - 1. Off-street parking spaces shall be provided at the rate of at least two (2) spaces for each mobile home lot to provide for guest parking, for tenants, and for delivery and service vehicles. A space shall be at least nine (9) feet by twenty (20) feet.
 - 2. No off-street parking shall be located within any required usable open space.
 - 3. In addition to these parking spaces, accessory off-street parking areas shall be provided with parking space equal to one-half (1/2) the number of mobile home lots, for accessory vehicles such as trucks, boats, and travel campers.
 - 4. Off-street parking must be the same surface as streets.

5.1-3 Permits and Fees

- A. Permit - It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any

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property owned or controlled by him mobile home parks or travel trailer park without having first secured a permit issued by the Zoning Administrator. The Zoning Administrator shall issue a permit only if the applicant presents an approved site plan.

SECTION 6 - COMMERCIAL DISTRICTS

- 6.1 COMMERCIAL DISTRICTS ESTABLISHED - Certain classes of Districts, designated by the symbol "C", followed by a numeral, and referred to collectively herein as "C" or Commercial Districts, are established to preserve and enhance property values by protecting residential uses from non-residential uses and by providing space in suitable locations for retail stores, offices, service establishments, wholesale and other businesses necessary to the general welfare of Clinton County in conformance with the objectives of this Order.
- 6.1-1 Limitations - No use shall be permitted in which the nature or manner of operation shall be determined to be unduly detrimental or injurious to other properties in the vicinity or uses thereon or to the general public welfare by reason of the emission of odor, dust, smoke, noise, vibration, or electrical or other disturbances.
- 6.2 C-1 DISTRICTS - In District C-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for one or more of the following uses, and only after a permit has been first issued by the Zoning Administrator or his duly appointed representative in accordance with the terms of this Order. (For exceptions see Section 17, Non-Conforming Uses)
- 6.2-1 Permitted Uses by Right - The following uses shall be permitted by right in the C-1 District:
1. One dwelling shall be permitted to be occupied only by watchmen, guards, attendants and other personnel who oversee these premises.
 2. Antique Shops.
 3. Armories, Assembly Halls, Fraternal Orders, and Charitable Institutions.
 4. Art Gallery.
 5. Art Shop.
 6. Automobile Parking Lots.
 7. Bank.
 8. Beauty Shop.
 9. Barber Shop.
 10. Bicycle Repair, Electrical Appliance and “Fix-it” Shops.
 11. Bookstore
 12. Bowling Alley Provided No Intoxicating Beverage Shall Be Served on the Premises.
 13. Bus Passenger Stations.
 14. Cafe.
 15. Cafeteria.

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16. Candy Store.
17. Camera Shop.
18. Catering Service.
19. Cigar Store.
20. Clinic (Dental or Medical, Allowing Overnight Patients Only in Emergency Cases).
21. Clothing Stores.
22. Clubs (Private).
23. Confectionery.
24. Dancing School.
25. Delicatessen.
26. Dental Laboratory (Accessory to Dental Clinic Only).
27. Department Store.
28. Dress or Millinery Shop.
29. Dressmaking Shop.
30. Drug Store.
31. Dry Cleaning and Laundry Pick-up Station Including Coin-operated Machines.
32. Dry Goods Store.
33. Embroidery Shop.
34. Fishing Lake.
35. Flower Shop.
36. Food Market.
37. Frozen Food Lockers for Individual or Family Use.
38. Fur Store.
39. Furniture Store.
40. Gift Shop.
41. Glass Shop.
42. Golf Course.
43. Hardware Store.
44. Hat Shop.
45. Hemstitching and Pleating Shop.
46. Household Merchandise and Furnishings.
47. Ice Cream Parlor Where Persons Are Served Inside the Building Only.
48. Ice Delivery Stations for Sale of Ice at Retail Only Including Coin-operated Facilities.
49. Interior Decorator.
50. Jewelry Store.
51. Juice Bar or Shop (Provided There Is No “Adult Entertainment”).
52. Kennel.
53. Leather Goods Store.

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54. Library.
 55. Luggage Shop.
 56. Mortuaries.
 57. Music Store.
 58. Newspaper and Magazine Store (Not Second Hand).
 59. Nursery Sales Office, Building, Greenhouses or Area (Wholesale or Retail); provided that Greenhouses are no larger than 50,000 sq. ft per building. Multi building Greenhouse operations totaling more than Medical Marijuana Cultivation Facilities are not permitted in Commercial Districts C1 or C2.
 60. Notions Shop.
 61. Novelty Store.
 62. Office Building.
 63. Package Liquor Sales.
 64. Pastry Shop.
 65. Pet Shop.
 66. Photographic Studio.
 67. Portrait Studio.
 68. Pottery Shop and Ceramics (No Baking or Kiln Operations Permitted).
 69. Private Club.
 70. Radio and Television Store and Service.
 71. Real Estate Office.
 72. Reducing Salon.
 73. Restaurant (No Drive in or Curb Service).
 74. Schools and Colleges.
 75. Shoe Repair Shops.
 76. Shoe Shine Service.
 77. Shoe Store
 78. Signs as Provided in Section 20.
 79. Sporting Goods Store.
 80. Stationery Store.
 81. Storage Garages for Automobiles.
 82. Tailor Shop.
 83. Tea Room.
 84. Telegraph Offices.
 85. Toy Shop.
 86. Accessory Uses Customarily Incidental to Any of the above Uses.
- 6.2-2 No Drive-In or Curb Service. The above specified uses (Section 6.2-1) shall be retail or service establishments exclusively; no drive-in curb service shall be permitted for establishments serving food or beverages.
- 6.2-3 No service stations. No gasoline filling for service station, and no convenience

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store is permitted in the C-1 district.

6.2-4 Special Permit Uses - The following uses may be permitted in the C-1 District with a Special Use Permit issued in accordance with the provisions of Section 13 herein:

- A. Commercial radio, television, telephone, telegraph and electric transmission towers, provided that such tower conform to the provisions and restrictions in Section 14.4.
- B. Group homes, half-way houses, residential drug or alcoholic treatment centers, hospices for the terminally ill, and residential mental health treatment centers.
- C. Residential uses for owner or tenant (if any) of main commercial use.

6.2-5 Negotiated or Conditional Rezoning - Rather than seeking a rezoning to a commercial or industrial district, the applicant shall have the option of applying for a “conditional rezoning” to a C-1C or C-2C district, or to an M-1C or M-2C district. The purpose of this option is to limit the uses to which the property may be placed and thereby limit neighborhood opposition to the rezoning. The applicant will indicate in his/her application the restrictions to apply, and must attach to the application a letter from, if one is needed, the applicant’s bank or other financing agency consenting to the use limitation. If the limited purpose rezoning is approved, only the uses specified by the applicant will be permitted in the special conditional district.

- A. Except for the use limitation, any “conditional rezoning” will otherwise comply with all of the restriction contained in the district to which it belongs. (*Example: a C-1C zoning district for a candy store only will comply with all of the requirements for a C-1 zoning, but its use will be limited only to a candy store.*) (*Second example: a C-1C zoning district could be created that permitted all 86 uses permitted in a C-1 district except for numbers 12, 13, 27, 48, and 61.*)

6.2-6 Site Area and Dimension Limitations - The above specified uses shall be retail or service establishments exclusively. In District C-1 the height of the building, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows: Provided that buildings erected exclusively for dwelling shall comply with front, side and rear yard requirements of District R-3: (For exceptions see Section 14, Height and Area Exceptions, and District P, Section 11).

- A. Height - No dwelling or other primary structure in the C-1 District shall have a height in excess of forty-five (45) feet, or three stories
- B. Signs - Signs are permitted as regulated Section 14.2 of this Order.
- C. Front Yards - There shall be a front yard and the minimum depth shall be twenty-five (25) feet. No storage or display of merchandise, material or

equipment shall be permitted in the required front yard.

- D. Side Yards - No side yard is required except where a side line of a lot in this district abuts upon the side line of a lot in District R-1 to R-3 inclusive, a side yard of not less than seven feet shall be provided, and side yard of not less than fifteen (15) feet shall be provided on the street side of a corner lot. No storage or display of merchandise, material or equipment shall be permitted in the required side yard.
- E. Rear Yards - The depth of the rear yard shall be at least fifteen (15) feet. Where an alley of record exists, such rear yard shall be measured from the center line of said alley.
- F. Lot Area - Septic system to be the determining factor as to lot size. If on public or community sewers there will be no lot minimum, however, if individual treatment systems are used, the treatment system and lot size must be approved by Clinton County Zoning Commission and the Missouri Clean Water Commission.
- G. Lot Width - No minimum.
- H. Parking Regulations - See Section 14, Off-Street Parking and Loading.

6.3 C-2 DISTRICTS - The following regulations shall apply to all land located in any C-2 Districts and shall be subject to all general provisions of this Order.

6.3-1 Permitted Uses By right - In District C-2 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses, and only after a permit has first been issued by the Zoning Administrator or his duly appointed representative in accordance with the terms of this Order: (For exceptions see Section 17, Non-Confirming Uses).

- 1. Any use permitted in District C-1.
- 2. Amusement parks or race tracks.
- 3. Automobile, boat, truck or trailer sales rooms or repair shops or yards or display yards, or automobile self-service washing facilities, provided no dismantled vehicles are displayed or stored outside the building.
- 4. Bakeries.
- 5. Cocktail lounges.
- 6. Dance halls, shooting galleries, skating rinks, taverns, night clubs, and similar commercial recreation buildings or activities; provided that such use shall be not less than two hundred (200) feet from any existing clinic, hospital, school or church; and shall be not less than two hundred (200) feet from a District R-1 to R-3 inclusive.
- 7. Drive-in restaurants, refreshment stands, ice cream shops, etc., where persons are served in automobiles, provided all parking areas and drives shall be paved with a permanent asphalt or concrete surface.

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8. Drive-in theaters provided the following conditions shall apply:
 - a. The site shall be at least fifteen (15) acres in size.
 - b. The screen structure shall be constructed in compliance with plans and specifications approved by a structural or civil engineer registered in the State of Missouri.
 - c. The screen shall be so situated so that its face is not visible from a State or Federal highway.
 - d. Sufficient car storage areas, deceleration lanes, sight distance and lighting shall be provided for the safe and expedient handling of traffic.
 - e. The theater shall be completely screened from adjoining and adjacent property by fence, wall planting or other suitable means.
 - f. No portion of such drive-in theater premises shall be located within five hundred (500) feet of a dwelling or a residential subdivision of record in Clinton County Recorder's Office.
9. Dry cleaning plants employing not more than five (5) persons on the premises.
10. Filling stations or convenience stores.
11. Golf driving ranges and skeet shoots, provided no portion of such range or shooting area shall be less than five hundred (500) feet from a dwelling or a residential subdivision of record in the Office of Clinton County Recorder.
12. Golf driving range.
13. Gymnasiums.
14. Hospitals
15. Hospitals, homes for the aged.
16. Hospitals for small animals if within an enclosed building.
17. Launderette or self-service laundry.
18. Laundries employing not more than five (5) persons on the premises.
19. Miniature golf courses provided all lights shall be directed away from any adjoining or adjacent residential districts.
20. Nursing homes.
21. Ornamental iron sales rooms, but not forging, stamping or castings.
22. Plumbing and heating and air conditioning shops, provided no equipment or material is stored on the premises in the front or side yard.
23. Pop bottling plants.
24. Printing plants.
25. Radio and television broadcasting stations and studios.
26. Riding stables.
27. Roping arenas (where there is an admission charge).
28. Sale, rental or repair of boating and fishing supplies.

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29. Sale or maintenance of farm equipment including irrigation equipment.
30. Shops for custom work, or manufacture of articles to be sold at retail only, on the premises, provided that in such manufacture the space occupied by the manufacturing permitted herein shall not exceed fifty percent (50%) of the entire building.
31. Storage Buildings.
32. Storage in bulk of, or warehouse for, such materials as are incidental to sale on the premises as permitted above.
33. Storage in bulk for resale of L.P. Gas, provided installation of all equipment is in compliance with the Missouri L.P. Gas Law, and further provided that no tank used for a container of L.P. Gas shall be located closer than one hundred (100) feet to a property line, existing dwelling, or a District R-1 to R-3 exclusive.
34. Stores, shops and markets for retail trades, provided merchandise is not displayed, stored, or offered for sale on the premises outside of a building within the required front yard.
35. Target range.
36. Tourist courts, motels and hotels.
37. Transient trailer parks which provide for parking transient trailers for a period not to exceed seventy-two (72) hours. Parking area provided must be well lighted and have an all-weather surface, and requirements of the State Health Department regarding all sanitary facilities must be met.
38. Veterinary hospitals.
39. Wholesale sales offices or sample rooms.
40. Commercial airports, subject to the following regulations:
 - a. A commercial airport is considered an airport open to the public with service available.
 - b. All commercial airports must have written consent from all adjoining property owners unless the landing strip ends one thousand (1,000) feet from the property line.
 - c. All commercial airports must be zoned as District C-2 Commercial and must follow the guidelines as attached.
 - d. Rezoning fee listed in Section 29, Schedule of Fees.
 - e. Runway length to be a minimum of two thousand eight hundred (2,800) feet, except special purpose operations listed in Federal Air Regulations 21-25. The hangar and tie down area at least one hundred fifty (150) feet from the center of the runway.
 - f. The distance from either end of the landing strip must be five hundred (500) feet or more from the property line.
 - g. The distance from either side of the landing strip must be one hundred fifty (150) feet or more from the property line.

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- h. All commercial airports shall be fenced to prevent small children from entering airport unattended.
- i. A construction permit must be obtained for a hangar and the cost will be as listed for commercial business in Section 29, Schedule of Fees.
- j. Runway ends shall be defined so as not to create a hazard to aircraft.
- k. All commercial airports will be inspected and approved by the Zoning Administrator.

41. Accessory uses customarily incidental to any of the above uses.

6.3-2 Negotiated or Conditional Rezoning - Rather than seeking a rezoning to a commercial or industrial district, the applicant shall have the option of applying for a “conditional rezoning” to a C-1C or C-2C district, or to a M-1C or M-2C district. The purpose of this option is to limit the uses to which the property may be placed and thereby limit neighborhood opposition to the rezoning. The applicant will indicate in his/her application the restrictions to apply, and must attach to the application a letter from the applicant’s bank or other financing agency consenting to the use limitation, if needed. If the limited purpose rezoning is approved, only the uses specified by the applicant will be permitted in the special conditional district.

A. Except for the use limitation, any “conditional rezoning” will otherwise comply with all of the restriction contained in the district to which it belongs. (*Example: a C-1C zoning district for a candy store only will comply with all of the requirements for a C-1 zoning, but its use will be limited only to a candy store.*) (*Second example: a C-1C zoning district could be created that permitted all 86 uses permitted in a C-1 district except for numbers 12, 13, 27, 48, and 61.*)

6.3-3 Site Area and Dimension Limitations - In District C-2 the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows, provided that buildings erected exclusively for dwelling purposes shall comply with front, side and rear yard requirements of District R-3; (For exceptions see Section 14, Height and Area Exceptions and District P, Section 11).

- A. Height - Same as District C-1.
- B. Side Yards - Same as District C-1.
- C. Rear Yards - Same as District C-1.
- D. Lot Area - Same as District C-1.
- E. Lot Width - No minimum.
- F. Signs - Signs are permitted as regulated in Section 14 of this Order.

6.3-4 AIRPORT GUIDELINES

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- A. AIRPORT ZONES - In order to carry out the provisions of this Order, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. Such zones are shown on the Airport Approach Plan and Zoning Map consisting of one sheet. The various zones are hereby established and defined as follows:
1. Runway with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Runway Protection Zone - Precision Runway - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands southward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 2. Airport Instrument Runway Protection Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 3. Transitional Surface Zone - The transitional zones are the areas beneath the transitional surfaces in (Section 4) which begin at the primary surface of the runway.
 4. Horizontal Surface Zone - The horizontal zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
 5. Conical Surface Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.
- B. AIRPORT ZONE HEIGHT LIMITATIONS - Except as otherwise provided in this Order, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Order to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:
1. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Runway Protection Zone - Precision Runway - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as

the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

2. Precision Instrument Runway Protection Zone - Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway

centerline; thence slopes outward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

3. Transitional Surface Zone - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,927 feet above mean sea level. In addition to the foregoing there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet.
4. Horizontal Surface Zone - Established at 150 feet above the airport elevation or at a height of 927 feet above mean sea level.
5. Conical Surface Zone - Slope twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 200 feet above the airport elevation or at a height of 1,127 feet above mean sea level.

- C. USE RESTRICTION - Notwithstanding any other provisions of this Order, no use may be made of land or water within any zone established by this Order in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, resulting glare in the eye of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off, or maneuvering of aircraft intending to use the airport.

D. NONCONFORMING USES

1. Regulations Not Retroactive - The regulations prescribed in this

Order shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Order, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Order, and is diligently prosecuted.

2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Clinton County Road and Bridge Director to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction.

E. PERMITS

1. Future Uses - No material change shall be made in the use of land, and no structure shall be erected or otherwise established, unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use and structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Order shall be granted unless a variance has been approved in accordance with Section 7, Subsection d.
2. Existing Uses - No permits shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Order.
3. Nonconforming Uses Abandoned or Destroyed - Whenever the Planning and Zoning Commission determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Order, may

apply to the Zoning Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variance shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and, relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Order. Additionally, no application for a variance to the requirements of this Order may be considered by the Zoning Board of Adjustment unless a copy of the application has been furnished to Clinton County for advice as to the aeronautical effects of the variance.

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

SECTION 7 - INDUSTRIAL DISTRICTS

- 7.1 INDUSTRIAL DISTRICTS ESTABLISHED - Certain classes of districts, designated respectively by the symbols M or M-1 referred to herein as Industrial or M Districts, are established for the purposes hereinafter set forth.
- 7.2 PURPOSE - The purpose of this article is to provide a district for light industrial uses which have a minimum of environmental pollution in the form of traffic, noise, odors, smoke and fumes, fire and explosion hazard, glare and heat and vibration.
- 7.3 M-1 LIGHT INDUSTRIAL DISTRICT
- 7.3-1 Permitted Uses by Right M-1 District -In District M-1 no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses, and only after a permit has first been issued by the Zoning Administrator or his duly appointed representative in accordance with the terms of this Order. (For exceptions see Section 17, Non-Conforming Uses)
1. Any use permitted in District C-2 except non-agricultural dwellings, provided dwellings necessary for, and to be occupied by, watchmen guards, attendants, and other personnel who customarily reside on the premises, shall be permitted on the premises of an industrial use permitted herein.
 2. Bottling works.
 3. Bus barns or lots.
 4. Canning or preserving factories.
 5. Carpenter, cabinet, or pattern shops.
 6. Carpet cleaning establishments.
 7. Chemical laboratories not producing noxious fumes or odors.
 8. Cleaning, pressing and dyeing plants.
 9. Cold storage plants.
 10. Concrete mixing plants.
 11. Creameries.
 12. Dog pounds, if within an enclosed building.
 13. Electro-plating works.
 14. Fabrication or assembling of irrigation pipe and equipment.
 15. Flour mills, feed mills and grain processing.
 16. Freight terminals (rail or truck).
 17. Galvanizing works.
 18. Garages (public).
 19. Grain elevators.

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20. Ice plants.
21. Laundries and dry cleaners.
22. Lumber yards.
23. Machine shops.
24. Manufacture of products such as: Artificial flowers, feathers, plumes, awnings, bags, blacking, small boats, bone products, brooms and brushes, buttons and novelties, candy, canvas products, cement products, concrete blocks, chemicals (non-offensive), cigars, cleaning and polishing preparations, clothing, coffee (roasting), cosmetics, cotton seed, peanut or similar products, drugs or medicines, electrical signs, extracts, food products, fruit juices, gas or electric fixtures, ice-cream, leather products, plastic products, sausage, shell products, shoes and boots, syrup, terra cotta or tile hand-crafted products, textiles, toys, and wooden ware.
25. Milk bottling or distribution plants.
26. Monument or marble works, finishing and carving only, excluding stone cutting.
27. Moving, transfer or storage plants.
28. Photo engraving plants.
29. Planing mills.
30. Plumbing and sheet metal shops (allowing punching of materials of 1/3” or less in thickness).
31. Product markets (wholesale).
32. Railroad freight yards.
33. Sales rooms, yards and service for contractors’ equipment, and well supplies.
34. Sewage treatment plants.
35. Sign painting plants.
36. Storage in bulk of, or warehouse for, such materials as: Asphalt, brick, building materials, cement, coal, contractors’ equipment, cotton, feed, fertilizer, gasoline, gravel, grease, ice, lead, lime, machinery, metals, oil, plaster, roofing, rope, sand, stone, tar, tarred or creosoted products, terra-cotta, timber, wood and wool.
37. Stables (public) or wagon sheds.
38. Substations, pumping and lift stations, transformer stations and electric generating plants.
41. Accessory uses customarily incidental to any of the above uses.
42. Livestock sales pavilion, except within five hundred (500) feet of dwelling separate ownership constructed prior to such use.

7.3-2 Special Permit Uses - The following uses may be permitted in the M-1 District with a Special Use Permit issued in accordance with the provisions of Section 13

herein:

- A. Commercial radio, television, telephone, telegraph and electric transmission towers, provided that such tower conform to the provisions and restrictions in Section 14.4.
- B. Group homes, half-way houses, residential drug or alcoholic treatment centers, hospices for the terminally ill, and residential mental health treatment centers.

7.3-3 Negotiated or Conditional Rezoning - Rather than seeking a rezoning to a commercial or industrial district, the applicant shall have the option of applying for a “conditional rezoning” to a C-1C or C-2C district, or to a M-1C or M-2C district. The purpose of this option is to limit the uses to which the property may be placed and thereby limit neighborhood opposition to the rezoning. The applicant will indicate in his/her application the restrictions to apply, and must attach to the application a letter from the applicant’s bank or other financing agency consenting to the use limitation, if needed. If the limited purpose rezoning is approved, only the uses specified by the applicant will be permitted in the special conditional district.

- A. Except for the use limitation, any “conditional rezoning” will otherwise comply with all of the restriction contained in the district to which it belongs. (*Example: a C-1C zoning district for a candy store only will comply with all of the requirements for a C-1 zoning, but its use will be limited only to a candy store.*) (*Second example: a C-1C zoning district could be created that permitted all 86 uses permitted in a C-1 district except for numbers 12, 13, 27, 48, and 61.*)

7.3-4 Site Area and Dimension Limitations - In District M-1 the height of buildings, minimum dimensions of lots and yards and minimum lot area per family permitted on any lot, shall be as follows: provided that buildings erected for dwelling purposes exclusively shall comply with the front, side and rear yard requirements of District R-3: (for exceptions see Section 14, Height and Area Exceptions and District P, Section 11).

- A. Height - Buildings or structures shall not exceed forty-five (45) feet, and shall not exceed three (3) stories in height.
- B. Front Yards - Any building hereafter constructed shall provide a front yard the minimum depth of which shall be thirty-five (35) feet.
- C. Side Yards - There shall be a side yard on each side of a building lot not less than ten percent (10%) of the width of the lot, except that such side yard shall be not less than ten (10) feet and need not be more than thirty (30) feet, and further provided that a side yard of at least fifty (50) feet shall be provided adjacent to lot in a District R-1 to R-3 inclusive.

- D. Rear Yards - Same as District C-1.
- E. Lot Area - Same as District C-1.
- F. Parking Regulations - See Section 14, Off-Street Parking and Loading.
- G. Signs - Signs are permitted as regulated in Section 14 of this Order.

7.4 M-2 HEAVY INDUSTRIAL DISTRICT

7.4-1 Permitted Uses by Right M-2 District - In District M-2 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses, and only after a permit has first been issued by the Zoning Administrator or his duly appointed representative in accordance with the terms of this Order. (For exception see Section 17, Non-conforming Uses):

1. Any use permitted in District M-1.
2. Alfalfa drying and processing plants.
3. Ammonia, bleaching powder, chemical plants.
4. Asphalt mixing plants.
5. Assaying works (other than gold or silver).
6. Blooming or rolling mills.
7. Breweries or distilleries.
8. Chemical laboratories.
9. Cider mills, other than seasonal use incidental to operation of orchards.
10. Coal car dumps.
11. Coal distillation and by-products plants.
12. Coal hoists, pockets or trestles.
13. Coke ovens.
14. Cooperage works or stave mills.
15. Cotton ginning or bailing works.
16. Enameling works.
17. Electric power plants, electro-chemical, electro-metallurgical, electrolytic copper or electric steel plants.
18. Forges or foundries (iron, brass, aluminum).
19. Hides and skins (storage, curing or tanning).
20. Japanning works.
21. Lumber mills.
22. Machine shops.
23. Manufacturing of such products as adding machines, cash registers, farm machinery, typewriters, alcohol, asphalt, basket material, boats, boilers, boxes, bronze, cans, batteries, caustic soda, chlorine, electric lamps, celluloid or similar materials, clay, shale and glass products, creosote, cutlery or tools, disinfectants, insecticides, dyes, electrical machinery,

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engines, ferroalloys, furniture, glass, iron and steel, locomotives, motor vehicles, bicycles, airplanes, pumps, nuts, bolts, screws, etc., oil cloth, linoleum, paint, lacquer, oil, turpentine, varnish, enamel, etc., railway cars, rubber, shoddy, soap, starch, glucose, dextrin, tar products, tobacco, tools, vinegar, wine.

24. Metal stamping, shearing, punching works, etc.
25. Mines, quarries, including rock crushing or soil stripping, provided that the site shall be of sufficient size so that noise, dust, smoke, vibration and concussion shall not be objectionable or damaging to residents of, or buildings, and structures located on, adjacent or nearby property.
26. Monument or marble works.
27. Oil compounding and barreling plants.
28. Planing mills.
29. Plumbing and sheet metal shops.
30. Salt works.
31. Steel furnaces.
32. Stone cutting.
33. Structural iron or pipe works.
34. Sugar refineries.
35. Warehouses
36. Wire or rod mills.
37. Wood distillation plants (charcoal).
38. Accessory uses customarily incidental to any of the above uses.
39. Oil and gas wells shall only be permitted in the M-2 district.

Note: Certain intense uses of land require a “special use district” zoning designation. For example, landfills are permitted only within a special use district. See §13 for details..

7.4-2 Special Use Permits - The following additional uses may be permitted after the location of such use has been approved by Clinton County Engineer and the Planning and Zoning Commission:

1. Acid manufacture.
2. Atomic energy plants.
3. Cement, Lime gypsum, or plaster of paris manufacture.
4. Distillation of bones.
5. Explosives manufacture or storage.
6. Fertilizer manufacture.
7. Gas manufacture, or storage.
8. Glue manufacture.

9. Petroleum, or its products, refining of, and pipe line pumping stations.
10. Rendering fat, offal, or dead animals, etc.
11. Smelting of tin, copper, zinc, or iron ores.
12. Slaughter of animals.

The above additional permitted uses shall be housed within a completely enclosed building having incombustible exterior walls, and shall not have an offensive or noxious odor or noise beyond the confines of all property lines. The additional permitted uses shall not violate any State and Federal pollution control law or regulation.

- 7.4-3 Negotiated or Conditional Rezoning - Rather than seeking a rezoning to a commercial or industrial district, the applicant shall have the option of applying for a “conditional rezoning” to a C-1C or C-2C district, or to a M-1C or M-2C district. The purpose of this option is to limit the uses to which the property may be placed and thereby limit neighborhood opposition to the rezoning. The applicant will indicate in his/her application the restrictions to apply, and must attach to the application a letter from the applicant’s bank or other financing agency consenting to the use limitation, if needed. If the limited purpose rezoning is approved, only the uses specified by the applicant will be permitted in the special conditional district.
- A. Except for the use limitation, any “conditional re-zoning” will otherwise comply with all of the restriction contained in the district to which it belongs. (***Example: a C-1C zoning district for a candy store only will comply with all of the requirements for a C-1 zoning, but its use will be limited only to a candy store.***) (***Second example: a C-1C zoning district could be created that permitted all 86 uses permitted in a C-1 district except for numbers 12, 13, 27, 48, and 61.***)
- 7.4-4 Site Area and Dimension Limitations - In District M-2 the height of buildings and the minimum dimensions of lots and yards shall be as follows: (For exceptions see Section 14, Height and Area Exceptions and District P, Section 11)
- A. Height - Same as District M-1.
 - B. Front Yards - Same as District M-1.
 - C. Side Yards - Same as District M-1.
 - D. Rear Yards - Same as District C-1.
 - E. Lot Area - Same as District C-1.
 - F. Width of Lot - No minimum.
 - G. Parking Regulations - See Section 14, Off-Street Parking and Loading.
 - H. Signs - Signs are permitted as regulated in Section 14 of this Order.

SECTION 8 - AGRICULTURE DISTRICTS

- 8.0-1 Section 8.1 Agriculture District A applies to properties twenty (20) contiguous acres or larger in size.
- A. Any uses not expressly permitted by right as defined in Section 8.1 of this order are prohibited in Agricultural District A.
- 8.0-2 Section 8.2 Agriculture District B applies to properties equal to or greater than five (5) but less than twenty (20) contiguous acres in size.
- A. Any uses not expressly permitted by right as defined in Section 8.2 of this order are prohibited in Agricultural District B.

AGRICULTURE DISTRICT A

- 8.1-1 **Permitted Uses By Right** - In District A no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, moved or altered, except for one or more of the following uses: (for exceptions see Section 17, Non-Conforming uses.)
- A. **Confinement Operations** -- No confinement feeding operation shall be permitted in the agriculture district except as provided below. Any operator choosing to conduct a confined feeding operation in the Agriculture District shall do so only if able at all times to conform to the following regulations. If at any time the operations fails to meet the requirements, the operation must cease within 30 days following notice from the zoning administrator to do so.

<p>Note: The important term here is “animal units.” We use the same definition as the Missouri Department of Natural Resources. See the chart at §10.6.</p>

1. A confined feeding operation of 1 to 999 “animal units” shall be permitted as a matter of right in the Agriculture District, provided the requirements of Subsection C below are followed. (See Section 10) for explanation of “animal units.”
2. A confined feeding operation of 1,000 to 2,999 animal units shall be permitted as a special use permit, provided that the operation will meet the requirements of Subsection C below, and further provided:
 - a. The operation is located on the property of the applicant so

- as to minimize odor and sewerage problems of neighbors,
 - b. The roads likely to be used in taking the livestock to market are capable of safely carrying the truck traffic,
 - c. The lagoon for the treatment of animal waste is located so that the prevailing winds will carry any odor associated with the lagoon toward the applicant's property and/or residence before crossing onto the property of another, and
 - d. The applicant demonstrates by a written "operating plan" knowledge of the operation of a treatment lagoon, including how the applicant will deal with odor problems when the ambient air temperature is too low, or the BOD demand is too high for the lagoon to work properly, and how the applicant will keep the lagoon from damage by vegetation, wildlife, or erosion, and how the applicant intends to deal with any odor created at the lagoon.
3. Any confined feeding operation within the Agriculture District shall operate in accordance with the following requirements: The operation must not be located closer than 1,000 feet from the property of any other landowner, nor within 1,320 feet of a dwelling in separate ownership constructed prior to such use.
4. The concentration of animals must remain below the maximum threshold stated above, and must be conducted as part of an operation using at least 160 acres for each 1,000 animal units (i.e., 320 acres would be required for 1,001 to 2,000 animal units; 480 acres would be required for 2,001 to 2,999 animal units, all operations of 3,000 or more animal units can only be located within a Special Use District (Section 10 of this order). Leased acreage may, at the option of the property owner or operator, be considered in meeting this acreage requirement, but at any time the leased land ceases to be leased to the operator the confined feeding operation must continue to qualify under the acreage requirement of this subsection. *[NOTE: The one existing confined feeding operation in Clinton County operating on a special use permit will be permitted to continue operation without meeting the acreage requirement contained herein, and may be permitted to expand the confined feeding operation the limit of up to 2,999 animal units upon application for an amendment to his special use permit without meeting this new acreage requirement.]*
5. At all times the confined feeding operation shall comply with Missouri Department of Natural Resources regulations concerning said operation.

6. 6. Those confined feeding operations permitted under a special use permit shall follow the written “operations plan” required in sub-section B above. Failure to do so on three separate occasions shall be grounds for the revocation of the permit, and thereby shall require the confined feeding operation to end.
 - a. Grazing of livestock shall be permitted at a rate that does not deplete normal summer vegetation.
 - b. No feeding or disposal of garbage, rubbish or offal shall be permitted.
- B. Private Landing Strips which are used by the owner or other persons authorized by owner not to exceed three airplanes, subject to the following regulations:
 1. Runway length according to the size and make of airplane with a minimum length of 1,320 feet.
 2. There will be an extra fee for a hangar.
 3. The owner must have signed approval from adjoining landowners that have land which is within 500 feet from the center of each end of the landing strip and file it with the Zoning Administrator, unless the landing strip ends 500 feet or more from the property line. Signed approval is not required from owners on both sides of a landing strip.
 4. If the landing strip is used for other than what the Commission considers private use it will revoke the permit and operations will cease.
 5. All private landing strips will be inspected and approved by the Zoning Administrator before they are in use and will be considered on an individual basis at a hearing before the Commission.
- C. Cemeteries, mausoleums, or crematories for the disposal of human dead, provided that the site for a crematory or mausoleum shall be at least twenty acres in size and no building or structure located thereon shall be less than 300 feet from a property line. The minimum size for a cemetery shall be one acre.
- D. Churches and publicly owned and operated community buildings, public museums, public libraries, historic sites and historic exhibitions.
- E. Single family dwelling, provided that no more than one dwelling is permitted per farm and provided that:
 - (1.) the dwelling is located on at least 20 acres, or
 - (2.) the dwelling is located on at least 5 acres and some part of said 5 acres or more is located within one mile of an incorporated city or village.Any such single family dwelling may not be constructed within 1,320 feet

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of a confinement feeding operation owned by a different owner

- F. Ferry landings.
- G. Fireworks stand, temporary.
- H. Guest House - A guest house is permitted provided that the occupant is related to the owner. **A guest house cannot be rented.**

Note: A “guest house” may only be occupied by a guest. See the definition at §2.57.

- I. Fish hatcheries, apiaries, aviaries.
- J. Forests and wildlife reservations, or similar conservation facility.
- K. Fur farming for the raising of fur-bearing animals.
- L. Nurseries, truck gardens and greenhouses, except that no greenhouse building or structure shall be less than 300 feet from any property line in separate ownership and no building larger than 50,000 square feet. Provided the greenhouse operations with more than 50,000 square feet of greenhouse space on any Acreage shall require a Special Use Permit. Medical Marijuana facilities shall comply with Section 8.1-1 U through Y.
- M. Publicly owned parks and playgrounds, including public recreation or service buildings within such parks, public administrative buildings, police and fire stations, and public utility buildings and structures.
- N. Public schools, elementary and high, and private schools with curriculum equivalent to that of a public elementary or high school, and institutions of higher learning, including stadiums and dormitories in conjunction if located on the campus, and not less than 100 feet from any property line other than street frontage.
- O. Railroad right-of-ways not including railroad yards: pipeline, underground telephone and electric transmission cable right-of-ways.
- P. Reservoirs, wells, elevated storage tanks, water supply plants and pumps for the purpose of furnishing water to the public.
- Q. Generally, mobile homes of 16 feet width or less are not permitted within the Agriculture District of Clinton County except in a mobile home community. Occupied single-wide mobile homes may be upgraded by current landowner if placed on exact location with the purchase of a new permit. Removal from property of older mobile home must be completed within thirty (30) days.

1. STANDARDS

- a. **Permitted Placement of Manufactured Homes.** The establishment, location and use of manufactured homes as residences shall be permitted in District A, Agriculture District subject to the requirements and limitations applying to such residential use in the district and provided that such

homes shall meet the following requirements and limitations.

1. The home shall meet all the requirements applicable to single family site-built dwellings and possess all necessary improvement location and building and occupancy permits and other certificates required by code.
 2. The manufactured home will have a minimum of 950 square feet excluding hitch. Two structures may not be joined together to meet the square footage requirement, nor may add-on or lean-to type structures be joined to a manufactured home for that purpose.
 3. The home shall be attached and anchored to a permanent foundation in conformance with the regulations of the Missouri Public Service Commission and Clinton County Planning and Zoning Commission. Drawings are available at Clinton County Zoning Office.
 4. Skirting will be installed within 90 days of occupancy unless a permanent perimeter enclosure has been installed.
 5. Manufactured homes may be inspected by the Zoning Administrator or a notarized affidavit may be requested from the manufactured home owner to assure that the unit is habitable. Any manufactured home found to be uninhabitable shall not be allowed in any unincorporated areas of Clinton County.
- b. **Structural Additions or Alterations.** Any structural alteration or modification of a manufactured home after it is placed on the site shall comply with the same regulations applicable to any other dwelling.
2. **TEMPORARY USE PERMIT**
- a. Subject to conditions, fees and standards otherwise required in the zoning regulation, a temporary permit may be issued, 1) as temporary housing during construction of permanent site--built structure, (ex. as housing while replacing home destroyed by fire or during extensive remodeling) said temporary permit to be valid for duration of construction period or 6 months.
 - b. Permit Expiration. At the time the temporary permit

- expires, the manufactured home and all appurtenances shall be removed from the property within thirty (30) days.
- c. **Utility Requirements.** Manufactured homes used for permanent or temporary uses shall have an approved water supply, sewage disposal system and utility connections. 1) Septic system will be installed as outlined in zoning order with approval by Zoning Administrator and to be inspected when system is in place and before closure. 2) Water and septic systems must be completed and inspected before residency may take place.
- 3. **APPEAL** - see Section 16, Zoning Board of Adjustment, Planning and Zoning Commission Procedure.
 - 4. **PENALTY FOR VIOLATION** - see Section 19, Violation and Penalty
 - a. Subject to removal. A home placed upon property in violation of this regulation, shall be subject to removal from said property. If action is required to bring compliance, the expense involved may be made by a lien against the property.
 - b. **Removal Method.** The designated Administrator may institute in an appropriate court a suit for injunctive relief to cause such violation to be prevented, abated or removed.
 - 5. **SEVERABILITY CLAUSE.** If any section, subsection, paragraph, sentence, clause or phrase of this regulation is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this regulation. It is being expressly declared that this regulation and each section, subject to paragraph, sentence, clause and phrase would have been adopted regardless of the fact that any one or more section, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.
- R. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses. The term accessory use shall include customary home and farm occupations, such as mechanical repair and maintenance services, and retail distribution of feeds and supplies for farm use, under the following restrictions:
- 1. That such uses are located in the dwelling or accessory farm buildings used by a person as his or her private residence.
 - 2. That no assistant other than a member of the family household is employed and no window display or sign is used to advertise

except as permitted in Section 14 of this Order.

3. A hobby shop may be operated as an accessory use by the occupant of the premises for personal enjoyment, recreation or profit; provided that only such articles so produced or constructed are sold on the premises.
4. No accessory use shall be permitted if such use produces obnoxious or offensive vibration, noise, odor, dust, smoke or fumes.

S. Proprietary signs as provided in Section 14.

T. Bed and Breakfast establishments

1. No more than 4 bedrooms shall be rented out as a bed and breakfast business operation.
2. If more than 4 bedrooms are rented out the land must be re-zoned to C-2 Commercial.
3. No Bed and Breakfasts will be allowed in a Residential Zoned area.

U. **General Standards for Medical Marijuana Cultivation** – The following are general standards for indoor OR outdoor Medical Marijuana Cultivation Facilities:

1. Buffer Requirement. No Medical Marijuana Cultivation shall be located within one-thousand (1000) feet of an existing elementary or secondary school, child day care center, or church. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point on the exterior building wall of the school, child day care center, or church, to the nearest point of the area used for growing medical marijuana by the Medical Marijuana Cultivation Facility.
2. Outdoor Storage Prohibited. All storage of harvested medical marijuana, seed, plants, or materials, products, or equipment used for the production of medical marijuana, shall be within a fully enclosed building. No outdoor storage shall be permitted.
3. Onsite usage Restricted. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Cultivation Facility.
4. Hours of Operation. All Medical Marijuana Cultivation Facilities shall be closed to the public, and no persons not employed by the Medical Marijuana Cultivation Facility shall be on the premises, except for Department offices, other Enforcement Official, or, for as short of time as is practical, person delivering product, services, or engaged in transportation in connection with the Medical Marijuana Cultivation Facility. All non-employees shall log in with security personnel and are required to obtain a visitor's pass. No loading or unloading of truck for transportation to or from the premises of the

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Medical Marijuana Cultivation Facility for medical marijuana seed, plants, products, materials, or other item used in connection with the medical marijuana cultivation, shall occur on the premises between the hours of 10:00 p.m. and 7:00 a.m.

5. Display of Licenses Required. The medical marijuana license for the Medical Marijuana Cultivation Facility issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
6. Ventilation Required. All Medical Marijuana Cultivation Facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the Medical Marijuana Cultivation Facility. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the Medical Marijuana Cultivation Facility is located.
7. Site Plan Review Required. A site plan meeting the requirements of this ordinance shall be submitted for review and approval to the Clinton County Zoning Office. The site plan shall show the facility meets all requirements of this ordinance and applicable building and zoning codes and shall include a description of the ventilation system to be used to contain odors within the building for the Medical Marijuana Cultivation Facility.
8. Other Requirements. All person engaging in the operation of a Medical Marijuana Cultivation Facility shall:
 - a. Have a legal water source on the premises, and have all local, state, and federal permits to utilize the water source.
 - b. Not engage in unlawful or unpermitted surface drawing of water for use in cultivation.
 - c. Not allow illicit discharges of irrigation or storm water from the premises, defined in Title 40 of the Code of Federal Regulation, Section 122.26, which could result in degradation of water quality of any water body.
 - d. Not allow the off-site drift or discharge of fertilizer or pesticides.
 - e. No person shall extract resins from marijuana using dangerous materials or combustible gases without a medical marijuana-infused product manufacturing facility license.
 - f. Pursuant to Missouri law, the use of hazardous material shall be prohibited in the cultivation of marijuana except for limited quantities of hazardous material that are below State threshold levels of 55 gallons of liquid, 500 pounds of solids, or 200 cubic feet of

compressed gas. Any hazardous material stored shall maintain a minimum setback distance of 100 feet from any private drinking water well, spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland or vernal pool, and 200 feet from any public water supply well. The production of any Hazardous Waste as part of the Cultivation process shall be prohibited.

- g. Dispose of marijuana waste material lawfully.
- 9. Nuisance. Medical Marijuana cultivation shall not adversely affect the health or safety of nearby residents or their property by creating dust, glare, heat, noise, odor, smoke, traffic, or other impacts, or be hazardous due to the cultivation of medical marijuana or the use or storage of fertilizers, pesticides or wastes in connection with such cultivation.

V. **Medical Marijuana Cultivation Facilities – Outdoors** - The following are general standards for outdoor Medical Marijuana Cultivation Facilities:

- 1. Plant Limits. Each outdoor Medical Marijuana Cultivation Facility utilizing natural lighting may be limited by the Department to two thousand-eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the Department, at the election of the licensee, to two thousand-eight hundred flowering plants or thirty thousand square feet of flowering plant canopy.
- 2. Parcel requirements. Outdoor cultivation, including cultivation within greenhouses or “hoop house”, is prohibited on any parcel that is located within a zone other than an AG-A zone, and on any parcel that is one hundred and sixty (160) acres or smaller.
- 3. Location near Water Sources. Outdoor cultivation, including any topsoil, pesticides as defined by Section 281.020 RSMO, or fertilizers, used for the cultivation of medical marijuana. Shall not be located within 100 feet of any spring, top of bank of any creek or seasonal stream, edge of lake, delineated wetland.
- 4. Screening. Outdoor cultivation shall be completely screened from public view and the views of adjacent parcels with a fully enclosed solid fence of a minimum of eight (8) feet in height, with locked gates. The marijuana shall be shielded from public view at all stages of growth. Should the marijuana plant(s) grow higher than the fence, the plants shall be cut so as not to extend higher than the fence. The fence must be adequately secure to prevent unauthorized entry and include locking gates that shall remain locked at all time except for entry and exit. All fences shall be approved by the Clinton County Zoning Office prior to construction.

5. Set Back Requirements. Outdoor medical marijuana shall not be cultivated or otherwise placed within 1000 feet of any property line or within 1320 feet of any off-site residence, as measured from the edge of the fence of the cultivation area. The fence must include a locking gate which shall be kept locked at all times when the qualified patient or caregiver is not in the immediate area. Fences and gates shall comply with the definition of “fence” provided in this ordinance.
6. Leased Property. If the premises where the Medical Marijuana Cultivation Facilities is located are rented or leased, written approval shall be obtained from the property owners(s), containing the property owner(s) notarized signature that authorized the tenant or lessee to cultivate medical marijuana at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by Enforcement Officials upon request. Written approvals shall be renewed annually.
7. Display of permit. A copy of a current and valid state-issued medical marijuana cultivation permit shall be displayed on each side of the fencing on the secure cultivation area in a manner that allows Enforcement Officials to easily see the permit without having to access inside the secured cultivation area used by the outdoor Medical Marijuana Cultivation Facility.
8. Lights. Any artificial lights used by an outdoor Medical Marijuana Cultivation Facility, including greenhouses and “hoophouses”, other than security lighting, may only be used from 7:00 a.m. to 10 p.m. Security lighting shall be so arranged as to not illuminate neighboring properties. Security lighting shall be designed to eliminate light pollution. Security lighting shall not be used as grow lighting.

W. **Medical Marijuana Cultivation Facilities – Indoors** - The following are general standards for indoor Medical Marijuana Cultivation Facilities:

1. Size Restrictions. Each Medical Marijuana Cultivation Facility utilizing artificial lighting may be limited by the Department to thirty thousand square feet of flowering plant canopy space.
2. Parcel Requirements. Indoor cultivation is prohibited on any parcel that is located within a zone other than an AG-A zone, and on any parcel that is one hundred and sixty (160) acres or smaller.
3. Lighting. Indoor lighting shall not exceed 75 watts per square foot and shall conform to all applicable electrical codes. Any artificial lights used by an indoor Medical Marijuana Cultivation facility, other than security lighting, may only be used from 7:00 a.m. to 10:00 p.m. Unless blackout curtains are used to completely block outside light pollution.

4. Structures. Indoor Cultivation shall occur only within a legal structure that meets the definition of Indoor Cultivation and complies with all applicable provisions of the County’s Zoning Ordinance. Any accessory structure used for Cultivation of Marijuana shall be ventilated with odor control filters, and shall not create an odor, humidity or mold problem on the Premises or on adjacent Premises. Cultivation within any detached accessory structure that does not meet the definition of Indoor shall be considered Outdoor Cultivation.
5. Ventilation. Indoor cultivation area(s) shall have ventilation and filtration systems installed that prevent medical marijuana plant odors from exiting the interior of the structure while addressing the potential for mold. The ventilation and filtration system, along with any plumbing improvements, shall be installed with valid electrical and plumbing permits issued and inspected by the Clinton County Enforcement Officials prior to commencing cultivation within the allowable structure.
6. Leases Premise. If the premises are rented or leased, written approval shall be obtained from the property owner(s), containing the property owner(s) notarized signature that authorizes the tenant of lessee to cultivate medical marijuana at the site. A copy of the written approval shall be maintained by the tenant or lessee and made available for review by Enforcement Official upon request. Written approvals shall be renewed annually.
7. Display Permit. A copy of a current and valid state-issued medical marijuana cultivation permit shall be displayed on each exterior side of the building use for cultivation area used by an indoor Medical Marijuana Cultivation Facility, in a manner that allows law enforcement officials to easily see the card without having to access inside the secured cultivation area used by the indoor Medical Marijuana Cultivation Facility.
8. Set Back Requirements. An indoor Medical Marijuana Cultivation Facility shall not be within 1000 feet of any property line or within 1320 of any off-site residence, as measured from the edge of the fence of the cultivation area.

X. **Medical Marijuana Cultivation – Qualifying Patients and Primary Caregivers**

– These provisions apply to the cultivation of Medical Marijuana by Qualifying Patients and Primary Caregivers:

1. No outdoor cultivation of medical marijuana by a Qualifying Patient or Primary Caregiver is permitted
2. Medical marijuana cultivation areas, whether in a detached shed, a garage, or

inside residence shall not be accessible to anyone who are not Qualifying Patient or Primary Caregiver.

3. Indoor Cultivation by a Qualifying Patient or Primary Caregiver is an accessory use to existing, permitted residential use of a legal parcel. The Qualifying Patient or Primary Caregiver must notify the Clinton County Zoning Office prior to the commencement of such accessory use and must file a plan showing the location of the enclosed, locked facility within a building on the parcel and a description of the security devices that permit access only by the Qualifying Patient or by such patient's Primary Caregiver.

- a. The Qualifying Patient or Primary Caregiver may cultivate up to six flowering marijuana plants for the exclusive use of that Qualifying Patient. No individual shall serve as the primary caregiver for more than three Qualifying Patients. All Qualifying Patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the Qualifying Patient or by such patient's Primary Caregiver. Two Qualifying Patients, who both hold valid qualifying patient cultivation identification cards, may share one enclosed, locked facility.

4. A copy of the Qualifying Patient or Primary Caregiver's license to use Medical Marijuana must be attached to the outside of the locked facility readily viewable by any Enforcement Official who would inspect the facility.

5. No more than twelve (12) the Qualifying Patient or Primary Caregiver (cultivated flowering marijuana plants) may be cultivated in a single, enclosed, locked facility, except when a Primary Caregiver also holds a Qualifying Patient cultivation identification card, in which case no more than eighteen (18) flowering marijuana plants may be cultivated in a single, enclosed, lock facility.

6. No more than twelve (12) cultivated flowering marijuana plants may be cultivated by the Qualifying Patient or Primary Caregiver in a single, enclosed, locked facility, except when a Primary Caregiver also holds a Qualifying Patient cultivation identification card, in which case no more than eighteen (18) flowering marijuana plants may be cultivated in a single, enclosed, lock facility.

Y. Medical Marijuana; Nuisance Declared, Violation – Enforcement Authority

1. Nuisance or Violation. The cultivation of marijuana plants in excess of the amount specified by Missouri law or in a manner prohibited by Missouri law, either indoors, outdoors, or combination thereof on any premises is hereby declared to be unlawful and shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law. Any person who violates a provision of the ordinance is subject to criminal sanctions, civil

actions, and administrative penalties.

2. **Violations.** Any person, firm, partnership, association, corporation or other entity whether a principal agent, employee or otherwise, who own or is a tenant upon the property upon which medical marijuana is cultivated in violation of the provisions of this ordinance can be charged with a misdemeanor or infraction at the discretion of the County Prosecuting Attorney.
3. **Punishment.** If charged as a misdemeanor, the violation shall be punishable by a fine not to exceed One-thousand Dollars (\$1000.00) or by imprisonment in the County jail for a term not exceeding six (6) months, or by both such fine and imprisonment. If charged as an infraction the violation shall be punishable by a fine not exceeding One-Thousand Dollars (\$1000.00) for the first violation, Two-Thousand Dollars (\$2000.00) for the second violation within one year, Five-Thousand Dollars (\$5000.00) for each additional violation within one year. Such person, firm, partnership, association, corporation or other entity may be charged with a separate offense for each and every day, or portion of a day, that a violation exists.
4. **Cumulative.** All remedies prescribed under this ordinance shall be cumulative and the election of one or more remedied shall not bar the County from the pursuit of any other remedy for the purpose of abating or otherwise regulation or preventing public nuisances.

8.1-2 **Site Area and Dimension Limitations** - In District A the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (for exceptions, see Section 14, Height and Area Exceptions.)

- A. **Height** - Height regulations shall not apply to farm buildings or farm structures.
- B. **Front Yard** - There shall be a front yard, the minimum depth of which shall be 50 feet.
- C. **Side Yard** - There shall be a side yard on each side of a building lot not less than fifteen percent (15%) of the depth of the lot, except that such side yard shall be not less than fifteen (15) feet and need not be more than 25 feet.
- D. **Rear Yard** - There shall be a rear yard, the minimum depth of which shall be 50 feet.
- E. **Lot Area per Family** - Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall have a lot area of not less than twenty (20) acres per family.

- F. Minimum Dwelling Size - Nine hundred fifty (950) sq. ft. of living floor area.
- G. Parking Regulations - See Section 14, Off-Street Parking and Loading.
- H. Signs - Signs are permitted as regulated in Section 14 of this order.
- I. Accessory Buildings Setback - All permitted accessory buildings shall have a setback of fifty (50) feet from front and rear property lines and 15 feet from each side property line.

8.2 AGRICULTURE DISTRICT B

8.2-1 **Permitted Uses By Right** - In District B no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, moved or altered, except for one or more of the following uses: (for exceptions see Section 17, Non-Conforming uses.)

- A. Single family detached dwellings occupied by a single family as that term is defined in Section 2 hereof, provided, that the following conditions are met:
 - 1. The tract of land on which the dwelling is built shall be a minimum of five (5) contiguous acres in size;
 - 2. The septic system shall comply with standards outlined in the zoning order with approval by Zoning Administrator and to be inspected when system is in place and before closure;
 - 3. The outside edge of the sewage treatment lagoon or the outside edges of the lateral system shall be located at least 75 feet from all property lines;
 - 4. The tract of land shall have either road frontage on an existing public road or deeded right-of-way for access to an existing public road or recorded easement for access to an existing public road; *Note: Construction and maintenance of private drives built on rights-of-way or easements shall be the responsibility of the property owner who holds the right-of-way or easement.*
 - 5. The dwelling shall NOT exceed two floor levels above grade without approval of the fire authority having jurisdiction;
 - 6. The dwelling shall NOT be constructed within 1,320 feet of a confined feeding operation as permitted in the Agricultural District (Section 8) or in the Special Use District (Section 10).
 - 7. No Bed and Breakfast business, no boarding house, no hotel or motel, nor any renting of rooms shall be permitted within this district.
- B. Modular homes - Modular or manufactured homes are permitted provided that the home is placed on a continuous foundation and otherwise complies with the requirements of Section A above.
- C. Generally, mobile homes of 16 feet width or less are not permitted within the Agriculture District B of Clinton County except in a mobile home community.

Occupied single-wide mobile homes may be upgraded by current landowner if placed on exact location with the purchase of a new permit. Removal from property of older mobile home must be completed within thirty (30) days.

1. STANDARDS

a. Permitted Placement of Manufactured Homes.

The establishment, location and use of manufactured homes as residences shall be permitted in District B, Agriculture District subject to the requirements and limitations applying to such residential use in the district and provided that such homes shall meet the following requirements and limitations.

1. The home shall meet all the requirements applicable to single family site-built dwellings and possess all necessary improvement location and building and occupancy permits and other certificates required by code.
2. The manufactured home will have a minimum of 950 square feet excluding hitch. Two structures may not be joined together to meet the square foot- age requirement, nor may add-on or lean-to type structures be joined to a manufactured home for that purpose.
3. The home shall be attached and anchored to a permanent foundation in conformance with the regulations of the Missouri Public Service Commission and Clinton County Planning and Zoning Commission. Drawings are available at Clinton County Zoning Office.
4. Skirting will be installed within 90 days of occupancy unless a permanent perimeter enclosure has been installed.
5. Manufactured homes may be inspected by the Zoning Administrator or a notarized affidavit may be requested from the manufactured home owner to assure that the unit is habitable. Any manufactured home found to be uninhabitable shall not be allowed in any unincorporated areas of Clinton County.

- b. Structural Additions or Alterations.** Any structural alteration or modification of a manufactured home after it is placed on the site shall comply with the same regulations applicable to any other dwelling.

2. TEMPORARY USE PERMIT

- a. Subject to conditions, fees and standards otherwise required in the zoning regulation, a temporary permit may be issued, 1) as temporary housing during construction of permanent site-built structure, (ex. as housing while replacing home destroyed by fire or

during extensive remodeling) said temporary permit to be valid for the duration of construction period or 6 months whichever is greater but in no case shall exceed eighteen (18) months.

- b. Permit Expiration. At the time the temporary permit expires, the manufactured home and all appurtenances shall be removed from the property within thirty (30) days.
- c. Utility Requirements. Manufactured homes used for permanent or temporary uses shall have an approved water supply, sewage disposal system and utility connections.
 - 1) Septic system will be installed as outlined in zoning order with approval by Zoning Administrator and to be inspected when system is in place and before closure.
 - 2) Water and septic systems must be completed and inspected before residency may take place.

3. **APPEAL** - see Section 16, Zoning Board of Adjustment, Planning and Zoning Commission Procedure.

4. **PENALTY FOR VIOLATION** - see Section 19, Violation and Penalty

- a. Subject to removal. A home placed upon property in violation of this regulation, shall be subject to removal from said property. If action is required to bring compliance, the expense involved may be made by a lien against the property.
- b. Removal Method. The designated Administrator may institute in an appropriate court a suit for injunctive relief to cause such violation to be prevented, abated or removed.

5. **SEVERABILITY CLAUSE.** If any section, subsection, paragraph, sentence, clause or phrase of this regulation is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this regulation. It is being expressly declared that this regulation and each section, subject to paragraph, sentence, clause and phrase would have been adopted regardless of the fact that anyone or more section, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

- D. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation well pumps, buildings and structures customarily required for any of the above uses. The term accessory use shall include customary home and farm occupations, such as mechanical repair and maintenance services, and retail distribution of feeds and supplies for farm use, under the following restrictions:
- 1. That such uses are located in the dwelling or accessory farm buildings used by a person as his or her private residence.
 - 2. That no assistant other than a member of the family household is employed and no window display or sign is used to advertise except as permitted in Section 14 of this Order.

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3. A hobby shop may be operated as an accessory use by the occupant of the premises for personal enjoyment, recreation or profit; provided that only such articles so produced or constructed are sold on the premises.
 4. No accessory use shall be permitted if such use produces obnoxious or offensive vibration, noise, odor, dust, smoke or fumes.
 5. A tennis court serving an individual residence.
 6. Federally licensed amateur radio antenna support structures.
 7. A swimming pool provided that it serves an individual residence and is enclosed by a fence at least 42 inches in height with a lockable gate.
 - a.) Portable swimming pools must be kept in the back area.
 8. A home satellite dish provided that it is not erected in the front yard area.
- E. Proprietary signs as provided in Section 14.
- F. Agricultural Uses
1. Gardening is permitted subject to the setback limitations of the district (same as the accessory building limits).
 2. Raising crops is permitted so long as the cultivated area does not encroach on the front, rear or side yards of the dwelling (the dwelling setbacks defined for this zone shall be considered the definition of yard areas for the dwelling).
 3. Livestock is restricted to the following provided that the animals are properly fenced/caged so as not to create a nuisance or hazard to nearby land owners:
 - a) Two (2) animal units as defined by the Missouri Department of Natural Resources per five (5) acres;
- 8.2-2 Site Area and Dimension Limitations - In Agricultural District B the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows: (for exceptions, see Section 14, Height and Area exceptions, and Section II, District P)
- A. Height – Height regulations shall not apply to farm buildings or farm structures. Dwelling units shall not exceed two (2) floor levels above grade without approval of the fire authority having jurisdiction.
 - B. Front Yard - There shall be a front yard, the minimum depth of which shall be 50 feet.
 - C. Side Yard - There shall be a side yard on each side of a building lot not less than thirty (30) feet.
 - D. Rear Yard - There shall be a rear yard, the minimum depth of which shall be 50 feet.
 - E. Lot Area per Family - Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall have a lot area of not less than five (5) acres and not more than twenty (20) acres per family.
 - F. Minimum Dwelling Size - Nine hundred fifty (950) sq. ft. of living floor area.
 - G. Parking Regulations - See Section 14, Off-Street Parking and Loading.
 - H. Signs – Signs are permitted as regulated in Section 14 of this order.
 - I. Accessory Buildings Setback - All permitted accessory buildings shall have a

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setback of fifty (50) feet from front and rear property lines and thirty (30) feet from each side property line.

- 8.2-3 Other Uses - In Agricultural District B any uses not defined in this section are prohibited without a special use permit.

SECTION 9 - RECREATION DISTRICT

- 9.1 RECREATIONAL DISTRICTS ESTABLISHED - Certain classes of districts, designated respectively by the symbol REC referred to herein as Recreational or REC Districts, are established for the purposes hereinafter set forth.
- 9.2 PURPOSE - The purpose of this article is to provide a district for recreational uses which maximizes conservation and enjoyment of Clinton County's natural resources while minimizing the amount of pollution and other negative impacts on the environment.
- 9.3 RECREATIONAL DISTRICT
- 9.3-1 Permitted Uses By Right REC District - In District REC no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses: (See Section 17 for Non-Conforming Uses and Section 14 for Off-Street Parking and Loading)
- A. Residence under the Same Regulations as R-1.
 - B. Private (Boat, Yacht, Fishing, Gun, Skeet or Social) Clubs.
 - C. Boat Docks, Wharves, Piers and Ramps for the Use of Pleasure Craft Only
 - D. Hotels or Motels under the Same Regulations as in District C-2.
 - E. Fishing Lakes.
 - F. Accessory Uses Customarily Incidental to Any of the above Uses.
 - G. Signs as Provided in Section 14.
- 9.3-2 Site Area and Dimension Limitations - In District REC the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted of any lot shall be as follows: (See Section 14 Height and Area Exceptions)
- A. Height - Buildings or structures shall not exceed thirty-five (35) feet and shall not exceed 2 1/2 stories in height.
 - B. Front Yards - Any building hereafter erected or constructed shall provide for a front yard, the minimum depth of which shall be twenty-five (25) feet, except that when such yard fronts on an existing public road, the minimum depth shall be fifty (50) feet.
 - C. Side Yards - There shall be a side yard on each side of a building not less than ten percent (10%) of the width of the lot, except that such side yard shall not be less than ten (10) feet, and need not be more than twenty-five (25) feet. Buildings on corner lots shall provide a side yard on the street side of not less than thirty (30) feet, provided this regulation shall not be

- so interpreted as to reduce the buildable width of a corner lot in separate ownership at the time of passage of this Order to less than fifty (50) feet.
- D. Rear Yards - The depth of the rear yard shall be at least twenty percent (20%) of the depth of the lot, but such depth need not be more than fifty (50) feet.
 - E. Lot Area Per Family - Every dwelling hereafter erected, moved or altered shall provide a lot area of not less than fifteen thousand (15,000) sq. ft. per family, provided that such dwelling shall be connected to a community sewer, and not less than five (5) acres per family where no community sewer service is available.
 - F. Lot Width - The minimum width of a lot shall be seventy (70) feet, provided that where a lot has less than the width herein required in separate ownership at the time of passage of this Order, this regulation shall not prohibit the erection of a one-family dwelling, and further provided it meets area requirements of this section.
 - G. Minimum Dwelling Size - Eight hundred fifty (850) sq. ft. of living floor area.
 - H. Parking Regulations - See Section 14, Off-Street Parking and Loading.
 - I. Signs - Signs are permitted as regulated in Section 14 of this Order.

SECTION 10 - SPECIAL USES DISTRICT

10.1 **SPECIAL USES DISTRICT S-1** - Certain uses of property are not permitted in any of the other districts created under this Order. Such uses are permitted only in the Special Uses District, S-1. The purpose of this district is to provide a location for lawful uses which have the potential for adversely affecting adjacent property, and/or adversely affecting the public health or morals. Special Use District Zoning shall be approved only after the Planning and Zoning Commission and Clinton County Commission have concluded that (1) the public benefit to the people of Clinton County from the proposed special use would outweigh the adverse effects that would be experienced by adjoining property owners, (2) that all reasonable efforts will be taken to minimize the adverse effects, and (3) that the proposed use would be constructed within a reasonable time after approval of the special use district. In order to provide reasonable assurance to the Planning and Zoning Commission and Clinton County Commission, a contract shall be negotiated between the proponent of the special use district and Clinton County that outlines the special use district proponent's project, provide a performance bond to guarantee the performance of the project (or at least those parts of the project which are important to Clinton County to assure it of the three numbered conclusions stated above), and provides Clinton County with the financial resources necessary to conduct supervisory inspections and, if necessary, funds for litigation against the proponent to enforce the contract and the regulations contained herein.

10.1-1 In **DISTRICT S-1** no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for the following **USES**, provided, however the use must come within the appropriate District as here set out and designated S-1 followed by a letter (*Example "S1-A" would designate a property that could be used only for an institution for the insane, penal institution or alcohol and drug abuse center; "S1-C," salvage and junk yards, etc.*), and only after a permit has been issued by the Zoning Administrator or his/her duly appointed representative in accordance with the terms of this Order.

- A. Institution for the insane, penal institutions, and alcohol and drug abuse center.
- B. Sanitary land fills.
- C. Salvage and junk yards.
- D. An Adult Entertainment Facility, Massage Parlor, Adult Bookstore with or without Theater, Bath House, Juice Bar with Adult Entertainment, Modeling Studio or any other facility at which Specified Sexual Activities

(as defined herein) is permitted.

- E. Confined Feeding Operation
- F. Material Recovery Facility, Composting Facility or Recycling Center.
- G. Any other use of property not specifically authorized in any other district.

10.1-2 Site Area and Dimension Limitations - In District S-1 the height of buildings and the minimum dimensions of lots and yards shall be as follows: (for exceptions, see Section 14, Height and Area Exceptions and District P, Section 11)

- A. Height -Buildings or structures shall not exceed forty-five (45) feet, and shall not exceed three (3) stories in height.
- B. Front Yards - Any building hereafter constructed shall provide a front yard the minimum depth of which shall be thirty-five (35) feet.
- C. Side Yards -There shall be a side yard on each side of a building not less than ten percent (10%) of the width of the lot, except that such side yard shall be not less than ten (10) feet and need not be more than thirty (30) feet, and further provided that a side yard of at least fifty (50) feet shall be provided adjacent to lot in a District R-1 to R-3 inclusive.
- D. Rear Yards - The depth of the rear yard shall be at least fifteen (15) feet. Where an alley of record exists, such rear yard shall be measured from the center line of said alley.
- E. Lot Area Per Family -Residences are not permitted within the S-1 district.
- F. Lot Area - Septic system to be the determining factor as to lot size. If on public or community sewers, there will be no lot minimum. However, if individual septic systems are used, the lot size must be five (5) acres or larger, and if tract is smaller than five (5) acres, the septic system must be approved by the Clinton County Zoning Administrator and the Missouri Clean Water Commission..
- G. Parking Regulations - See Section 14, Off-Street Parking and Loading.
- H. Signs - Signs are permitted as regulated in Section 14 of this Order.
- I. Screening - Any property that is zoned S-1 (other than confined feeding operations, S-1G) shall be screened by a wood or masonry fence at least six (6) feet in height. There shall be no opening in said fence greater than one inch in width. Behind this fence shall be evergreen screening at least eight feet in height at the time of planting and not more than eight feet across, with potential to reach twenty feet in height and a continuous screen to a height of ten feet within 15 years. In front of the fence shall be vegetation (ornamental brush or shrubs) not more than 20 feet apart and at least 2 feet in height at the time of planting, with the potential to reach 4 feet in height within 3 years. The vegetation screening in front of and behind the fence shall be maintained, and any dead vegetation replaced within 15 days of notice from the zoning administrator. The screening shall be placed on all sides of the area zoned S-1, except for two openings for members of the public, the maximum total

width of which shall be 100 feet or 10% of the front property line (whichever is less).

10.2 ADULT ENTERTAINMENT ESTABLISHMENTS - Adult entertainment establishments are hereby acknowledged to have special characteristics and impacts upon their surroundings, and upon the use and enjoyment of adjacent property. It is the intent of these regulations to provide for the confinement of adult entertainment establishments to those commercial areas in which these special impacts are judged to be least disruptive to the use and enjoyment of adjacent properties. These regulations are further intended to require that adult entertainment establishments shall not be permitted to locate in such concentration that their operational features may establish the dominate character of any commercial area. These regulations are further intended to protect and balance lawful rights of expression with other lawful rights to the use and enjoyment of property. Adult entertainment uses are recognized as having serious objectionable operational characteristics, particularly if several such uses are concentrated, thereby having a deleterious effect upon adjacent areas, and contribute to blight and degradation of the surrounding neighborhood. The special regulation of adult entertainment establishments is necessary to ensure that the adverse affect of such uses will not contribute to the blighting or downgrading of surrounding neighborhoods whether residential or non-residential by location or concentration and to ensure the stability of such neighborhoods. This regulation is to provide for commercial locations for adult bookstores; adult entertainment facilities, bath houses, massage shops, modeling studios, “juice bars”, and other adult entertainment establishments.

10.2-1 Location of Adult Entertainment Establishment. No adult bookstore, adult entertainment facility, bathhouse, massage shop or modeling studio shall be permitted within one-half (1/2) mile of any religious institution, school, or public park, or any property zoned for residential use or within any structure used as a residential dwelling. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior wall of the adult entertainment establishment to the closest property line of the religious institution, school, public park, residentially zoned property, or residential dwelling.

A. No adult entertainment establishment shall be allowed to locate or expand within one-half (1/2) mile of any other adult entertainment use or of any business licensed to sell or serving alcoholic beverages whether or not such business is also an adult entertainment establishment as defined herein. The distance between any two (2) adult entertainment establishments or between an adult entertainment establishment and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structure wall of each business.

10.3 MATERIAL RECOVERY FACILITY - Any material recovery facility built within Clinton County shall be located within the S-1 district and **shall** conform to the following requirements:

- A. All design criteria outlined in the application must be adhered to and if any changes are proposed they be submitted to the Clinton County Planning and Zoning Commission and the Clinton County Commission for review.
- B. That a sediment and erosion control plan be submitted prior to any earthwork being done.
- C. That a landscaping plan detailing all existing vegetation, proposed structures and proposed plantings be submitted to the Clinton County Planning and Zoning Commission for review and approval.
- D. That any additional development or construction on the entire tract of land must come back before the Clinton County Planning and Zoning Commission for review and approval.
- E. That exterior lighting for the structures be placed and adequately shielded to prevent glare and direct view of light from surrounding properties.
- F. That all other existing Clinton County Zoning Regulations be met.
- G. Clinton County Commission will develop a committee, based on upcoming discussions, consisting of a county representative, a Planning and Zoning Commission member and one additional person with technical background. The purpose of this committee would be to:
 - 1. Improve communications and cooperation between the facility and area neighbors.
 - 2. Recommend county uses such as walking trails, nature trails, or similar uses for the unused portion of the area, funded by the Material Recovery Facility tipping fee.
 - 3. Provide an opportunity for contact between the Treatment Plant, their personnel and area neighbors including open houses and tours of the facility.
 - 4. Review performance of both the Treatment Plant and the operations and make periodic report and recommendations to the Clinton County Planning and Zoning Commission.
- H. Clinton County will incorporate performance guarantees in the contract with the materials recovery facility operator which will insure the proper operation of the plant. Clinton County will utilize funds from the tipping fee to make modifications to the plant if problems develop which are not covered by the performance guarantees. Performance guarantees will include the following standards and conditions:
 - 1. **Noise Mitigation;** Construction period:
 - a. Compliance with regulations requiring noise mufflers on all heavy

- equipment.
 - b. Construction hours will be limited from 7:00 am to 5:00 pm, Monday through Saturday.
 - c. Heavy equipment will be operated only when necessary and will not be permitted to idle for long periods of time.
2. **Noise Mitigation;** Operational period:
- a. Measures will be incorporated into the design of the facility to mitigate operational noise. At no point on the property boundary will noise from the Materials Recovery Facility exceed sixty-five (65) DBA during the hours between 7:00 am and 10:00 pm or fifty (50) DBA during the hours between 10:00 pm and 7:00 am. For reference purposes, 65 DBA is similar to the sound of a car traveling at 55 miles per hour at a distance of 50 feet.
3. The most important noise control measure incorporated into the conceptual design is the locating of equipment and activities inside buildings as much as possible. In order to meet all design requirements, the following are included:
- a. Operations enclosed by buildings.
 - b. Compost aeration blowers enclosed by soundproof structures and provided with air intake silences.
 - c. Flail shredder enclosed by reinforced concrete walls.
 - d. Oversized screen material processed by low speed shredders enclosed by reinforced concrete walls.
 - e. The facility will be operated for only two shifts per day: 8:00 am until 4:00 p.m. and 4:00 p.m. until 11:30 p.m., the shifts to be adjusted to minimize activity after 10:00 p.m.
 - f. On-site vehicles will have efficient exhaust mufflers which will be properly maintained.
4. **Abatement Procedures:** The following abatement procedures will be followed:
- a. Traffic related noise on the proposed facility site will be minimized by methods that include enforcement of speed limits and avoidance of excessive hauler queuing during hot weather conditions that would prompt high speed engine idling.
 - b. Solid waste material deliveries to the facility and transport of recovered materials from the facility will be limited to the hours of 8:00 am to 5:00 p.m., except during emergencies. In an emergency situation, Clinton County committee will be notified.
 - c. Noise in the receiving and storage area, processing building and blower rooms will be controlled by effective design of the building walls and roof to absorb rather than reflect sound waves.

- d. Noise from the processing system will be controlled by adherence to strict OSHA requirements during the operating of the equipment. All occupied area, e.g. control rooms, visitors' area, personnel facilities, offices, and etc., will include provisions to minimize noise levels.
- e. Noise from the testing or operation of emergency systems (e.g., alarms, relief valve venting and etc.) will occur only rarely and be limited to daytime hours unless an emergency situation exists.
- f. Facility systems and sub-systems will not interact so as to generate excessive noise (oscillations, etc.) and during the hours between 10:00 p.m. and 7:00 am, the exterior doors of the buildings will be closed to assist in containing the noise within the building.

5. **Odor Control:** It is the goal of this County that no odor from the Material Recovery Facility leave the property boundary. The current State of Missouri odor regulation is that no odor be detected at a 7 to 1 dilution ration.

The nature of Municipal Solid Waste is such that it can be expected to produce gaseous/odorous emissions upon delivery to the receiving and tipping building. Some gaseous emissions can also be expected during the solid waste processing stages, prior to initiation of the composting process. After plant start-up the trash currently delivered to the landfill will be diverted to the facility where strict controls on the potential emissions will be accomplished by maintaining the receiving and tipping building under negative air pressure and passing all the air from this building through biofilters when odorous conditions are present. Composting is an aerobic process which is generally odorless, as the products of aerobic decomposition are water and carbon dioxide. When trash is first received, however, anaerobic decomposition may have already begun. Under anaerobic conditions, at least five (5) different type of gaseous emissions are possible. Some of these emissions include (DuPont 1989):

- a. Ammonia and aliphatic amines.
- b. Hydrogen sulfide and aliphatic mercaptans.

Gaseous by-products of anaerobic digestion of carbohydrates:

- a. Aliphatic acids from sugars.
- b. Phenolics from lignin.

Gaseous by-products of anaerobic digestion of lipids:

- a. Terpenes and their derivative alcohols, aldehydes, and ketones.
- It should be noted that certain combinations of these above gases

are unlikely to be found together, since their vapors react to form less odorous, readily condensable vapors. Amines and acid gases are an example. The proposed control method consists of rapid aeration (of the compostable material) to establish aerobic conditions. Also, during processing, air is collected from potential odor sources. This air is exhausted through a biological filter. As stated, the primary means of odor control in aerated static pile composting is the prevention of anaerobic conditions. Anaerobic conditions can produce by-products consisting of malodorous compounds. These by-products of anaerobic conditions consist primarily of nitrogen and sulfur-based compounds. These by-products of anaerobic conditions consist primarily of nitrogen and sulfur-based compounds including hydrogen sulfide (H₂S) and ammonia (NH₃). Conversely, aerobic composting produces water (H₂O) and carbon dioxide (CO₂). The United States Environmental Protection Agency specifically recognizes adequate oxygen supply as the primary means of odor control. A secondary means of odor control is accomplished by passing process exhaust air through a biological compost filter. Air flow rates through the compost are designed to rapidly achieve aerobic digestion and limit odor production. Biofilters have been shown to be very effective in controlling dust and odor. (Hartenstein, 1987)

6. **Traffic:** Clinton County will abide by recommendations of the State Highway Department and the Clinton County Director of Operations in order to make the intersection and the entrance to the Material Recovery Facility Plant as safe and efficient as possible.
7. **Performance:** The performance of these conditions by the Material Recovery Facility operator will be secured by a Financial Security in a form approved and in an amount acceptable to Clinton County. If, upon review of the plant performance by the State of Missouri Department of Natural Resources personnel and upon concurrence with Clinton County committee, the plant is found not to be operating pursuant to the established standards, the operator will be required to correct the problem as quickly as possible.

10.4 SALVAGE AND JUNK YARDS

10.4-1 The following general **OPERATING REQUIREMENTS** shall apply to all salvage and junk yard owners:

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1. The junkyard, together with things kept therein, shall at all times be maintained in a sanitary condition.
2. No space not covered by the license shall be used in the licensed business.
3. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
4. Weeds and vegetation on the premises, other than trees, shall be kept at a height of not more than four inches.
5. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises; nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business.
6. No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises.
7. No combustible material of any kind not necessary or beneficial to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
8. No junk shall be stored in piles exceeding ten feet in height and shall be arranged so as to permit easy access to all such junk for firefighting purposes.
9. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
10. No junk or other material shall be burned on the premises in any incinerator not meeting the requirements of the building code; and no junk or other material shall be burned on the premises in the open except in accordance with Department of Natural Resources regulations.
11. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on Sunday, Christmas, Thanksgiving, or at any time between the hours of 6:00 p.m. and 7:00 a.m.
12. The licensee shall permit inspection of the business premises by any member or representative of a member of the Planning and Zoning Commission at any reasonable time.
13. No junk dealer licensed hereunder or his agent or employee shall purchase or receive any junk for use in the licensed business from any person under the age of 17 years without the written consent of a parent or guardian of such person. Such writing shall be held available for inspection by any member, or a representative of a member of the county for a period of at least two years.
14. Each acquisition of junk shall be recorded in English in a permanent type register kept on the business premises, giving the name and residence address of the person from whom the acquisition was made, a description of the junk acquired, and the date of the transaction. Such data shall be

held available for inspection by any member, or representative of a member of the county government for a period of at least two years.

15. No junkyard shall be allowed to become a nuisance; nor shall any junkyard be operated in such manner as to become injurious to the health, safety, or welfare of the community or of any residents close by.
16. No junkyard shall be established, maintained or operated within two hundred feet of any other state or county road in this county unless such junkyard is screened from the road by a tight board or other screen fence not less than ten feet high, or of sufficient height to screen the wrecked or disabled automobiles or junk kept therein from the view of persons using the road on foot or in vehicles in the ordinary manner.

10.5 LANDFILLS

10.5-1 Legislative Intent. It is the intent and purpose of this Order and rules and regulations adopted under this Order to protect the public health and safety of the citizens of Clinton County by setting down minimum standards for the disposal of solid wastes in Clinton County.

10.5-2 Application of this Order to Clinton County. Notwithstanding any other provisions of this Order, Clinton County and its governmental agencies are not required to pay a permit fee or furnish the bond required of other permit fees. Clinton County and its governmental agencies shall comply with the other requirements of this Order.

10.5-3 Powers and Duties of Director of Public Works

- A. The Director of Public Works may:
 1. adopt rules and regulations relating to the administration and operation of sanitary landfills that are owned and operated by Clinton County;
 2. pass orders and directives relating to the administration and operation of sanitary landfills that are owned and operated by Clinton County;
 3. establish operating hours and schedules for the use of landfills that are owned and operated by Clinton County;
 4. prohibit the acceptance of solid wastes that may prove detrimental to the operation and projected life of the sanitary landfills that are owned and operated by Clinton County; and
 5. prohibit the acceptance of solid waste that originates or is generated outside Clinton County at sanitary landfills that are owned or operated by Clinton County if acceptance of the waste would be detrimental to the best interests of Clinton County;
- B. The Director of Public Works shall compile and maintain monthly

statistics indicating the tonnage of solid wastes for which charges are made under Section 21 of this Order for wastes generated and collected in the following categories:

1. inside Clinton County;
 2. inside the State but outside Clinton County; and
 3. outside the State.
- C. A report of the statistics shall be filed by the tenth day of the succeeding month with Clinton County Executive and with the Administrative Officer to Clinton County Commission. The report shall set forth the percentage of the total that each category constitutes, the percentage of change from the preceding month, and any other data the Director of Public Works considers relevant.
- D. The Director of Public Works shall keep a record of the rules, regulations, orders and directives adopted or passed by the Director of Public Works. The record shall be open to public inspection at reasonable times.

10.5-4 Burying Refuse.

- A. Except as otherwise provided in subsection (3) of this section, a waste handler may not engage in refuse disposal by burial except in compliance with this Order.
- B. Each sanitary landfill shall consist of a planned and systematic method of refuse disposal whereby the waste material is placed so that it is thoroughly compacted and covered at the end of each day's operation with at least six inches of compacted natural soil, earth, or other nonflammable, non-putrescible material acceptable to Clinton County Health Officer. When the fill is completed, a covering of at least 24 inches of compacted natural soil, earth, or other nonflammable, non-putrescible material acceptable to the Department of Health shall be provided. The completed sanitary landfill shall blend with the ground and may not cause a dust nuisance. After completion, a waste handler may not use a landfill for disposal purposes and access shall be prohibited until further authorized construction begins.
- C. Subject to the approval of the Health Officer, a property owner may bury refuse on the owner's property if the property is in an agricultural area.

10.5-5 Depositing Refuse near Building or Road. A waste handler may not deposit refuse within 500 feet of a public roadway, building or neighboring dwelling.

10.5-6 Permits and Bonds for Sanitary Landfills.

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- A. A waste handler may not engage in solid waste disposal by the sanitary landfill method unless the waste handler has a permit to engage in solid waste disposal by the sanitary landfill method, issued by the Planning and Zoning Commission.
- B. An application for a permit to engage in solid waste disposal by sanitary landfill method shall be made to the Clinton County Planning and Zoning Commission, on forms provided by them, and shall be accompanied by the following:
 - 1. An engineering report of proposed site survey in accordance with subsection © of this section; and
 - 2. design and development plans and specifications in accordance with subsection (C) of this section;
- C. The design of the proposed sanitary landfill accompanying an application for a permit shall include one or more topographic maps and development plans to a scale of not over 200 feet to the inch with contour intervals of two feet. The maps and plans shall show:
 - 1. An area location map;
 - 2. The limits of the property on which the proposed sanitary landfill site is to be located;
 - 3. The proposed fill area and proposed method of operation;
 - 4. Any borrow areas;
 - 5. Access roads, and if only one access road for two-way truck traffic to the site is planned, the design shall indicate what alternate access will be available whenever the access road is temporarily unusable;
 - 6. Information as to the character of the soil to the depth of the groundwater table in the area;
 - 7. Finish contours;
 - 8. Diversion channels;
 - 9. Where it is proposed to extend the limits of the sanitary landfill into a flood plain, the extent of the encroachment and analysis of its effect on the stream flow at the site and upstream;
 - 10. Fencing, gates, ditches, and banks to be used to control access to the site;
 - 11. The location of buildings within 1,000 feet of the sanitary landfill area or the site;
 - 12. On-site employee and equipment maintenance facilities;
 - 13. Electricity, telephone, personnel sanitary facilities, and water supply; and,
 - 14. Other pertinent information to indicate clearly the proposed orderly development, operation, and completion of the sanitary

- landfill, including:
 - a. progressive clearance of trees;
 - b. all-weather job roads to work areas;
 - c. diversion of watercourses, when planned by phases;
 - d. storage of topsoil for final cover;
 - e. depth of lifts, daily, intermediate, and final cover;
 - f. firebreaks and water supply;
 - g. proposed method of operations, such as area, ramp, trench, cell, or imported cover, by applicable areas;
 - h. dust control measures; and
 - i. grass or ground cover of each section as work progresses.
- D. Each applicant for a permit to engage in solid waste disposal by the sanitary landfill method shall provide a site completion bond and a maintenance bond on the total acreage approved for landfill operations for the purpose of guaranteeing that completion of the landfill is in accordance with approved plans and that the completed landfill is maintained for 10 years. The completion bond for a regular sanitary landfill shall be in the amount of \$1,000 per acre, shall be posted at the time the permit is issued, and may not be released until an approved maintenance bond has been posted. The amount of the maintenance bond for a regular sanitary landfill shall be \$2,000 per acre and the bond shall remain in effect for 10 years. The completion bond for a hazardous waste landfill shall be \$2,000 per acre, shall be posted at the time the permit is issued, and may not be released until an approved maintenance bond has been posted. The amount of the maintenance bond for a hazardous waste landfill shall be \$5,000 per acre and the bond shall remain in effect for 20 years.
- E. A permit expires three years after issuance.
- F. The fee for a permit or renewal of a permit is:
 - 1. Twenty (20) cents per cubic yard of waste that is anticipated or designed to be disposed of in the landfill during the permit period for a hazardous waste landfill; and
 - 2. Ten (10) cents per cubic yard of waste that is anticipated or designed to be disposed of in the landfill during the permit period for any other sanitary landfill.
- G. Applications for permit renewals shall be submitted to the Department of Inspections and Permits at least six months before the permit expiration date and shall be accompanied by so much of the design and development plans and specifications and supplementary reports as to allow review of the scope of operations.
- H. Permits to proceed with site preparation and operation may only be issued

after the application, plans and specifications have been approved by the Department of Public Works, the Office of Planning and Zoning, the Fire Marshal, the Health Officer, and the State Department of Health and Mental Hygiene. In addition to approval of the application, plans, and specifications, the proposed site for a sanitary landfill shall be inspected and approved by the Department of Public Works, the Planning and Zoning Commission, the Fire Marshal, and the Health Officer.

10.5-7 Site Requirements for Sanitary Landfills

- A. The location of a sanitary landfill must be in accordance with Clinton County General Development Plan.
- B. Unless unusual circumstances make a closer location both desirable and acceptable, the site of a sanitary landfill shall be at least 2,640 feet from any residential, institution, or industrial building. The unusual circumstances shall be fully explained in the engineering report and accompany the application for a permit required by this Order.
- C. The operation of a sanitary landfill may not hinder the natural drainage pattern of the general vicinity of the site. Where flood plains may exist on or bordering the proposed site, the effect of the proposed fill operations shall be investigated to ensure that there will be no interference with stream flow at flood stages. There shall be no encroachment into the natural 50-year flood-plain of a stream, creek, or river.
- D. An engineering survey, including topography and determination of soil characteristics and groundwater table, shall be made of each proposed site of a sanitary landfill, and report of the survey shall accompany the application for a landfill permit.

10.5-8 Operational Requirements for Sanitary Landfills.

- A. Before initiation of sanitary landfill operations, the site preparation work shall be completed, at the expense of the person to whom a permit for a sanitary landfill is issued, to the satisfaction of the Department of Public Works, Director of Clinton County Emergency Management, and the Fire Marshal. This work shall include access roads, gates, or barricades, fencing, necessary drainage, all-weather job roads to work areas, employee facilities, utilities, trench or cell excavation to permit uninterrupted flow of work, and construction or provision of firebreaks and water supply as necessary.
- B. Finish contours of a sanitary landfill shall be based on the proposed development of the site and the following criteria:

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1. individual lifts in sanitary landfills may not be greater than eight feet in depth, after which there must be an intermediate well-compacted cover that is at least 12 inches deep;
2. daily cover of at least six inches of well compacted material, measured perpendicular to the surface of the compacted refuse, shall be placed daily to cover refuse deposited that day; and
3. final compacted covering for the surface and the side slopes shall consist of six inches daily cover and an additional 18 inches of compacted earth or other approved material to meet the minimum 24-inch cover depth requirement.
 - a. The surface of the sanitary landfill shall be smooth graded. The minimum permissible slope is 1:100. The maximum slope of the sides to the toe of the completed fill may not be greater than 2:1. The slope shall be adequately protected against erosion. The bottom of the slope shall be protected against raveling and shall be so designed and constructed as to provide either surface or subsurface drainage to prevent ponding.
 - b. Sanitary landfill cover shall be composed of earth or other approved material of such a character that it can be compacted to provide a tight seal, will not crack excessively when dry, is free of putrescible materials and large objects, and will inhibit habitation by rodents and vermin. Cover material shall be approved by the Health Officer before use.
 - c. Diversion channels of adequate size and grade based on runoff estimate from the area above the site of the sanitary landfill, dikes, and levies shall be provided. If the surface water control and the above means are not completely successful, further measures to control drainage shall be taken.
 - d. Access to a sanitary landfill site shall be through permanent gates that can be locked. Appropriate physical measures such as fencing, ditching, or banking shall be made to prevent indiscriminate access at other locations. Access to the site shall be limited and the gates shall be open only when an attendant or operator is on duty. A person may not scavenge on the site.
 - e. An all-weather access which is negotiable by loaded refuse vehicles shall be provided to the entrance of a sanitary landfill site.

- f. The operator of a sanitary landfill shall conduct operations in accordance with the approved design and development plans and specifications.
- g. Necessary equipment for spreading and compaction of refuse and cover material and delivery of cover material to the work area shall be available to ensure the conduct of proper sanitary landfill operations.
- h. Refuse may not remain uncovered for more than six hours from the time of deposit at a sanitary landfill.
- i. The operator of a sanitary landfill shall control blowing papers by means of portable fencing, a hosed water supply, or other approved means. Scattered materials shall be collected and placed in the fill.
- j. Water pollution during site development and operations at a sanitary landfill shall be prevented in accordance with the rules and regulations of the State Department of Natural Resources.
- k. Vermin and rodent life shall be eliminated by carrying out routine landfill operations promptly in a systematic manner. If necessary, supplementary control measures shall be performed within 24 hours.
- l. The operator of a sanitary landfill shall be ready and have suitable measures, approved by the Director of Clinton County Emergency Management, to control dust when dust conditions develop. If suitable measures are not taken when dust conditions develop, the operator of a sanitary landfill shall take such action within 24 hours after being ordered to do so.
- m. Electricity, telephone, personnel sanitary facilities, and a water supply shall be available for proper year-round operations at a sanitary landfill.
- n. Rubber tires shall be shredded or cut in no less than quarter sections before deposit in a sanitary landfill.
- o. After completion of a sanitary landfill lift, the entire surface of the intermediate cover shall be inspected monthly and cracked, eroded, or uneven cover shall be repaired.
- p. There shall be an adequate number of large commercial type waste containers located at the entrance of County-operated sanitary landfills. These containers shall be accessible, during normal hours of landfill operation, to passenger automobiles only.

10.5-9 Fire Protection in Sanitary Landfills.

- A. A waste handler may not burn refuse at a sanitary landfill.
- B. Firebreaks between fill trenches and cells shall be provided and maintained at sanitary landfills to ensure control in the event of fire. The firebreaks shall be at least three feet wide. In area-type sanitary landfills, earth firebreaks shall be constructed, isolating each fill projection into areas not exceeding one acre in size.
- C. Fire protection shall be provided at a sanitary landfill by any or all of the following methods.
 - 1. an adequate supply of water being available at the site;
 - 2. a stockpile of cover material being maintained reasonably close to the working face of the fill;
 - 3. a nearby organized fire department voluntarily agreeing in writing to provide immediate service whenever called; and
 - 4. means and devices mutually agreeable to the operator and Fire Marshal being used.

10.5-10 Completion of Sanitary Landfill

- A. Whenever a sanitary landfill permit tee states in writing to the Department of Inspections and Permits that sections of the construction of the sanitary landfill have been completed, the following measures shall be taken before release from the maintenance bond:
 - 1. an inspection of the entire site shall be made by the representatives of the Health Officer, the Fire Marshal, and the Department of Public Works, in congress, before the earth-moving equipment is removed from the site;
 - 2. the permit tee shall leave a satisfactory permanent organized growing cover or an approved road-type permanent surfacing to prevent erosion and to control the flowing of dust;
 - 3. necessary corrective work shall be performed before the landfill project is accepted as completed;
 - 4. when the landfill is accepted as complete, there may not be further disposal on the site and the permit tee shall close all access roads with locked gates;
 - 5. arrangements shall be made for the repair of cracked and eroded areas in the final cover during the year following completion of the fill; and
 - 6. a plat of the completed landfill or the portions of the landfill that are accepted as completed shall be filed with the Department of Public Works and the Department of Health.

- B. At the completion of the fill operations, if a sanitary landfill permit tee performs all obligations under the completion bond and as otherwise required, the full amount of the Bond shall be returned to the permit tee 12 months from completion of the fill. If the sanitary landfill permit tee fails to fulfill these obligations, Clinton County may use the bond to make necessary maintenance repairs and do other work as necessary with its own personnel and equipment or by contract with an outside party, in which case Clinton County shall refund to the sanitary landfill permit tee the remaining balance after deducting the direct costs plus 10% for overhead costs. If any part or all of a sanitary landfill permit tee’s bond is used for this purpose, then the permit tee may not obtain any future sanitary landfill permit from Clinton County.

10.5-11 Disposal of Hazardous Waste

- A. Before engaging in the disposal of hazardous, toxic, and special waste, an application and a permit issued by Clinton County must be on file with the Department of Inspections and Permits.
- B. An application for the permit shall be made to the Department of Inspections and Permits on forms provided by the Department of Inspections and Permits and shall be accompanied by a manifest detailing the quantity and quality of the waste.
- C. A manifest of hazardous, toxic, and special waste materials shall accompany each shipment while in transit and be retained at the site of disposal in Clinton County.
- D. Hazardous, toxic, and special waste materials shall accompany each shipment while in transit and be retained at the site of disposal in Clinton County.
- E. Radioactive materials may not be accepted at the sanitary landfills or other landfills in Clinton County.

10.5-12 Certificate of Emergency Transport

- A. Persons transporting the following named substances in Clinton County, other than in small quantities intended for therapeutic radiology and biomedical research or educational purposes, shall obtain a certificate of emergency transport for the transporting of the material:
 - 1. plutonium isotopes exceeding two grams or 20 curies, whichever is less;
 - 2. uranium enriched in the isotope U-235 exceeding 25 atomic percent of the total uranium content in quantities where the U-235 exceeds one kilogram;
 - 3. an actinide (i.e. element with atomic number 89 or greater), the activity of which exceeds 20 curies;

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4. spent reactor fuel elements or mixed fission products associated with such spent fuel elements, the activity of which exceeds 20 curies;
 5. any quantity of radioactive material specified as a “large quantity” by the Nuclear Regulatory Commission in 10 CFR Part 71; and
 6. hectocurie and kilocurie cobalt-60 and cesium-137 teletherapy sources employed in therapeutic radiology and biomedical research, for educational purposes, and for medical devices designed for individual human application (e.g. cardiac pacemakers) containing plutonium-238, promethium-147, or other radioactive material.
- B. A fee of \$50 and an additional fee determined by the Director of Inspections and Permits based on the estimated necessary Clinton County costs of inspection, supervision, and escort actions required by approving agencies to guarantee the safe and expeditious movement of hazardous, toxic, and special waste over Clinton County roads shall be paid to Clinton County for a certificate of emergency transport.
- C. The Director of Inspections and Permits shall issue certificates of emergency transport, with the approval of the Director of Clinton County Emergency Management. A certificate of emergency transport shall specify the route to be traveled and estimated travel time. The issuing or approving agencies may impose route or time restrictions to minimize exposure of such hazardous, toxic, and special waste to the public.

10.5-13 Inspections: Notice of Violation

- A. The Director of Clinton County Emergency Management or agents of the Emergency Management Office or other officials, employees, or agents of a county or state agency, if requested by the Director of Clinton County Emergency Management shall make inspections of refuse disposal facilities as may be necessary or proper. The results of these inspections shall be recorded on standardized forms with copies on file at each site and be available for public inspection.
- B. Whenever the Director of Clinton County Emergency Management determines that this Order or any rules or regulations adopted under this Order have been violated or a permit condition has been violated, the Director of Clinton County Emergency Management shall issue a written notice advising the permit tee of the specific violation, the ordinance, rule, regulation, or condition violated in accordance with this article.

10.5-14 Appeals from Decisions of Director of Clinton County Emergency Management

A person aggrieved by a decision of the Director of Clinton County Emergency Management under this Order may appeal the decision to the Clinton County Board of Appeals. A person may not appeal a notice of violation or a civil citation.

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10.6 **CONFINED FEEDING OPERATIONS** -- Special Use Zoning shall be required for any livestock confined feeding operation which will feed more than 2999 “animal units.” An “animal unit” is determined by the following chart:

1 Animal Unit equals the following number of livestock:		Requires CAFO Zoning
1	Beef feeder calves/cows	3,000 calves/cows
0.5	Horse	1,500 horses
0.7	Dairy cow	2,100 dairy cows
2.5	Swine(over 55 lbs.)	7,500 swine
15.0	Nursery pigs (55 under)	45,000 nursery pigs
10.0	Sheep	30,000 sheep
30.0	Laying hens	90,000 hens
55	Turkeys	165,000 turkeys
100.0	Broiler chicks/chickens	300,000 chickens

SECTION 11 – FOR FUTURE USE

SECTION 12 - FLOOD HAZARD AREA DISTRICT

- 12.1 **FLOOD HAZARD AREA DISTRICT** - The Zoning Administrator hereby has these added responsibilities and is authorized and directed to enforce all of the provisions of this Order and all other orders of Clinton County now in force or hereafter adopted, related to zoning, subdivision or building codes.
- 12.2 **ZONING ADMINISTRATOR DUTIES** - The Zoning Administrator shall be appointed to these additional responsibilities by resolution of the Governing Body and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Zoning Administrator, the Governing Body of Clinton County shall designate acting enforcement official.
- 12.3 **OFFICIAL MAP** - The Governing Body of Clinton County hereby designates the current FEMA Flood Insurance Rate Map dated June 18, 1987, and amendments, as the official map to be used in determining those areas of special flood hazard.
- 12.4 **PERMITS REQUIRED** - No person, firm or corporation shall erect, construct, enlarge, or improve any building or structure in Clinton County or cause the same to be done without first obtaining a separate development permit for each building or structure.
- A. Within Zone(s) A on the official map, separate development permits are required for all new construction, substantial improvements and other development, including the placement of manufactured homes.
- B. **Application** - To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
1. Identify and describe the work to be covered by the permit for which application is made.
 2. Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indicate the use or occupancy for which the proposed work is intended.
 4. Be accompanied by plans and specifications for proposed construction.
 5. Be signed by the permit tee or his authorized agent who may be required to submit evidence to indicate such authority.
 6. Within designated flood prone areas, be accompanied by elevations (in relation to a mean sea level) of the lowest floor (including basement) or in the case of flood-proofed nonresidential structures, the elevation to which it has been flood-proofed. Documentation or certification of such elevations will

be maintained by the Zoning Administrator.

7. Give such other information as reasonably may be required by the Zoning Administrator.

12.5 The Zoning Administrator shall **REVIEW** all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

12.6 The Zoning Administrator, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (As defined in Section 2 of this Order) will:

A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State by other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following **PERFORMANCE STANDARD** be met:

1. **RESIDENTIAL CONSTRUCTION** - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.
2. **NONRESIDENTIAL CONSTRUCTION** - New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot above base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structure components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.
3. **REQUIRED FOR ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS** - That fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they

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permit the automatic entry and exit of flood waters.

- B. Require the use of construction materials that are resistant to flood damage.
- C. Require the use of construction methods and practices that will minimize flood damage.
- D. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy.
- E. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - 1. Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side.
 - 2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side.
 - 3. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
 - 4. Any additions to manufactured homes be similarly anchored.
- G. Required that all manufactured homes to be placed within Zones A 1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system.

12.7 The Governing Body of **CLINTON COUNTY** shall **REVIEW** all subdivision applications and other proposed new developments, including mobile home communities or subdivisions, and shall investigate the matters to be considered and assure that:

- A. All such proposed developments are consistent with the need to minimize flood damage.
- B. Subdivision proposals and other proposed new developments (including proposals for mobile home communities and subdivisions), greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

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- D. All public utilities and facilities are located so as to minimize or eliminate flood damage.
- 12.8 **NEW WATER, SEWER, ETC.** - New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into flood waters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.
- 12.9 The Governing Body of Clinton County will insure that the flood carrying capacity within the altered or **RELOCATED** portion of any **WATERCOURSE** is maintained. Clinton County will notify, in ravine situations, adjacent communities and the State Emergency Management Agency prior to any alteration or relocation of a water course, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, Clinton County will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.
- 12.10 **CONFLICTING REGULATIONS** - This Order shall take precedence over conflicting Orders or parts of Orders. The Governing Body of Clinton County may, from time-to-time, amend this Order to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Order are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.
- 12.11 **DAMAGE ASSESSMENT PROCEDURES** - Regarding damage assessment procedures for floodplanning administrative procedures, refer to Damage Assessment in Annex D of the Clinton County Emergency Operations Plan.
- 12.12 **INSPECTIONS** - First inspection will be to confirm if the site and the data conform; second inspection will determine if the lowest floor conforms to BFE requirements and is construction proceeding according to plans; third inspection will determine if the construction has complied with the plans at completion including anchoring, openings, materials used, etc.
- 12.13 **ENFORCEMENT ACTIONS** - Should there be violations, the applicant will be informed verbally. If no action is taken, they will be informed in writing by certified mail of the specific violation and given a timetable for correcting deficiencies. Possible penalties may include stop work orders, fines, revoking permits, arrest warrants, or a combination of these actions. Should a permit applicant wish to appeal the decision of the Floodplain Administrator, they may appeal to the County Commission, and if not resolved, to the Circuit Court.

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- 12.14 **VARIANCES** - Variances, as a rule will not be issued by the Floodplain Administrator or the County Commission, however there are conditions in the Clinton County Floodplain Ordinance for variances.
- 12.15 **RECORD KEEPING** - The Floodplain Administrator will establish and keep a file for records pertaining to floodplain management in the county courthouse. Files will consist of both blank and completed forms, including but not limited to development permits, elevation certificates, flood proofing certificates, and variance forms.
- 12.16 **MAPS - APPEAL AND REVISION** - The County will keep on file the applicable NFIP Firm Maps for the unincorporated areas of Clinton County, and keep available for public inspection. A copy of any map revisions will be kept, and the affected property owner or owners will be notified in writing of changes.
- 12.17 **BIENNIAL REPORTS** - The Floodplain Administrator will complete, sign and submit all reports required by FEMA and keep them in file for inspection.
- 12.18 **INVESTIGATE COMPLAINTS** - The Floodplain Administrator should investigate all complaints within one week of receiving the complaint.
- 12.19 **GUIDANCE FOR UNNUMBERED A ZONES** - In dealing with Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM), flood areas designed as “Zone A” may be encountered. When converting to the Regular Phase of the National Flood Insurance Program (NFIP), the FIRM for the community may show the special flood hazard areas without assigned 100-year base flood elevations. The lack of elevations on the flood maps does not remove the requirement for elevating structures. The community is required under Section 60.3 (b)(4) of the NFIP regulations of local floodplain ordinance/resolutions, to obtain, review and reasonably use any base flood elevation (BFE) and floodway data available from a Federal, State or other source. These data are to be used by the community to require that (I) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or flood proofed to our above the base flood elevation. If possible, you should make every effort to identify an area of the floodplain, which will carry the floodwaters without resulting in much greater flood heights. FEMA studies refer to this area as a “floodway” and Flood Insurance Studies often show floodway areas. For Zones A unnumbered, floodways are not provided, but obviously, if new development occurs too close to the channel, additional flood heights, greater than the acceptable norm of one (1) additional foot may occur. Floodway data are usually found in flood reports provided by a State or Federal agency. You are encouraged to check with the State floodplain management office for information on the existence of such information. Without such reports, common sense or locally funded studies are the only way to manage future flooding. Provided below is a list of sources which BFE information frequently may

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be obtained.

- A. Preliminary, Draft or final Flood Insurance Studies for the community or adjacent communities
- B. U.S. Army Corps of Engineers District Office (Floodplain Management Section)
- C. USDA Natural Resources Conservation Service
- D. United States Geological Survey
- E. State Agencies (Department of Transportation, Natural Resources, Emergency Management)
- F. Local Sources (County Public Works, Department of Bridges and Roads)
- G. Private Engineering Firms

NOTE: You must require that BFE and floodway data to be included with all subdivision proposals and other proposed new developments that are greater than 50 lots or five (5) acres whichever is the lesser. In these cases, the developer is required to perform an engineering study to develop base flood elevations and floodway information. This will be considered the best available information. The Federal Emergency Management Agency (FEMA) has prepared a guide “Managing Floodplain Development in Approximate Zone A Areas”, FEMA 265 July 1995. This guide is primarily intended to assist local community officials to administering and enforcing the floodplain management requirements for the NFIP. This document provides guidance for determining Base Flood Elevations in special flood hazard areas. For information regarding this document, contact your NFIP State Coordinating Agency. Remember that final, as-built elevation certificates are required for all new floodplain developments. In the absence of an estimated base flood elevation from an authoritative source or an estimated flood elevation from the community or a registered professional engineer, architect or surveyor, the community may issue a floodplain development permit without determining a BFE. In these cases, the lowest floor (including basement) must be above the highest natural adjacent grade next to the proposed structure. It is recommended that the lowest floor (including Basement) be at least three (3) feet above the highest natural adjacent grade. All other flood damage protection measures such as anchoring proper construction materials and methods are required as specified in the community’s floodplain management ordinance. This method for issuing a floodplain development permit should be used only as a last resort by a community. The community should use all possible means to establish a BFE. It should be noted that for post-FIRM structures, using an estimated BFE and elevating at or above the BFE will qualify that structure for substantial savings in flood insurance premiums. However, if a BFE is not estimated, a savings in flood insurance premiums is available if the measured distance between the lowest floor of the structure and the highest adjacent grade is between two (2) and four (4) feet. Substantial savings can be realized if the lowest floor is five (5) feet or higher above the highest adjacent grade. In accordance with NFIP Regulations 60.3(b)(5),

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the community official must obtain and maintain a record of the elevation of the lowest floor (including the basement) of all new or substantially improved structures constructed in the special flood hazard areas. This information should be documented on an NFIP elevation certificate.

SECTION 13 - SPECIAL USE PERMITS

13.1 GENERAL CONSIDERATIONS - The purpose of a special use permit is to allow a use inside a general district which otherwise is not permitted. This contrasts with a special use district (Section 10 of this order), the purpose of which is to allow uses that are incompatible with any district and require a special location. *For example, a child day-care facility is generally a commercial use and would have to be located in a commercial district. However, a small child care facility might be appropriate in a residential zone without unduly disrupting the neighborhood, and providing a friendly environment for the care of children. An applicant desiring a child care facility in a residential zone would request a “special use permit” for that purpose.*

13.1-1 Delegation of Power - The Planning and Zoning Commission is hereby authorized to decide whether special use permits shall be granted subject to the general and specific standards contained in this Order; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Order; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interests of this Order and the health, safety and welfare of Clinton County. The Planning and Zoning Commission shall in no event grant a special use permit where the proposed use is not authorized by the terms of this Order or where the standards of this article are not found to exist.

13.1-2 Conditions and Guarantees - Prior to granting any special use permit, the Planning and Zoning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning and Zoning Commission may recommend and require such evidence and guarantees as may be deemed necessary to insure that the conditions stipulated are being, and will be, fully complied with.

13.2 PROCEDURES

13.2-1 Application - A written application for a special use permit shall be filed with the Zoning Administrator and shall include a statement indicating the section of the Order under which the permit is sought, the grounds upon which it is requested and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.

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13.2-2 Fee - Every application for a special use permit shall be subject to a filing fee of three hundred dollars (\$375.00) which is not refundable if the special use permit is not allowed.

13.2-3 Site Plan

- A. The site plan shall show:
 - 1. Approximate Size and Location of All Buildings.
 - 2. Access from Road or Roads.
 - 3. Parking Arrangements.
 - 4. Interior Drives and Any Service Areas.
 - 5. Landscaped Areas.
 - 6. All Proposed Signs, If Any.
- B. Location map showing any development and the zoning of adjacent property within one thousand (1000) feet.
- C. The full legal description of the boundaries of said area.
- D. A description of the general character of all buildings.

13.2-4 Hearing - Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall set up a Public Hearing. Notice must be published in a newspaper of general circulation at least fourteen (14) days prior to the date set for the Public Hearing. The petitioner will be responsible for erecting the “Notice of Proposed Special Use Permit” sign or signs on property. These signs are the property of Clinton County and must be turned into the Clinton County Road and Bridge Department before the Public Hearing will be heard. If any sign is damaged or destroyed the petitioner will be responsible for replacement of said sign at \$100 per sign. The petitioner shall provide the names & addresses of property owners 1,000 feet or less from this area to the Zoning office so letters can be sent.

13.2-5 Matters to be Considered - In making a recommendation, the Planning and Zoning Commission shall specify the particular grounds relied upon and their relation to the proposed use conforms with the general standards set forth in this regulation. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to Clinton County. (The three legal definitions for nuisance have been added to Section 2-Definitions).

13.2-6 Standards for Issuance of Special Use Permits

- A. Before any permit shall be granted, the Planning and Zoning Commission

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shall document the matters to be considered indicating that adequate provisions have been made for the following:

1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of the operations proposed thereon.
2. Accessibility of the property to police, fire, refuse collection, adequacy of ingress and egress to and within the site, traffic flow and control and the adequacy of parking and loading areas.
3. Utilities and service, including water, electricity, drainage and septic systems.
4. The location, nature and height of buildings, walls, fences and other improvements; their relation to adjacent property and any need for buffering or screening.
5. The general compatibility with adjacent properties, other properties in the district and the general safety, health, comfort and welfare of Clinton County.

13.2-7 Additional Conditions for Particular Special Uses - In granting a special use, the Zoning Administrator may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the area and to carry out the general purpose and intent of these regulations.

13.2-8 Permits - A building permit must be purchased through the Planning and Zoning Officer before construction of any building in a special use permit.

13.2-9 Time Limit - A special use permit shall expire within twelve (12) months upon a Public Hearing, unless a building permit is taken to effectuate such specially permitted uses; or, if no building permit is required for this special use, the evidence of such use is filed with the Zoning Administrator.

13.2-10 Abandonment - Once a specially permitted use ceases or is abandoned for a period of more than twelve (12) months, the special use permit shall expire upon Public Hearing or by special decision by the Planning and Zoning Commission after due consideration.

13.2-11 Appeal: Any appeal regarding a decision from a Special Use Permit request by the Clinton County Planning and Zoning Commission will go directly to Circuit Court, securing a private attorney is recommended. Any appeal must generally be filed within thirty days of the determination.

13.3 TOWERS

COMMERCIAL TOWER AND SUPPORT, NON-COMMERCIAL TOWER AND SUPPORT and UTILITY TOWER AND SUPPORT (referred to as towers) provided they meet the following requirements:

- A. Meet all federal requirements - All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency or department of the federal government with the authority to regulate towers and antennas. These regulations shall also include radio frequency emissions. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense, in accordance with this section.
- B. Removal of abandoned towers - Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. Should this installation remain unused for a period of more than twelve (12) consecutive months, then it shall be deemed abandoned, and the owner shall be notified that the tower will be demolished at the cost of the owner, by order of the Clinton County Planning and Zoning Commission. A bond, irrevocable letter of credit, or other form of surety acceptable to Clinton County, shall be kept on file with Clinton County Clerk's office equal to an amount of binding bid for the demolition of the proposed tower structure, if Clinton County deems the tower abandoned by the owner. Such binding bid and corresponding surety shall be updated every five (5) years. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operation.
- C. Towers/Antenna supports located on County property - Antenna supports or towers located on property owned, leased, or otherwise controlled by Clinton County shall require a Special Use Permit in accordance with the provisions of this section. The placement of antennas on existing supports or towers shall be approved by the Planning and Zoning Commission and may be exempt from the provisions of this section. However, this shall not be construed to eliminate the requisite building permit.
- D. Design and construction - A building permit shall be issued for the construction of a tower. All plans and specifications shall be from a professional engineer, registered in the State of Missouri experienced in the design and/or analysis of communication towers. Facilities should be architecturally compatible with surrounding buildings

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and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.

- E. Accessory equipment storage - Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication tower, unless repairs or necessary maintenance are being made to the tower.
- F. Fencing - Towers shall be enclosed by security fencing not less than six (6) feet in height, maintain a locked gate, and be equipped with an appropriate anti-climbing device. Signs shall also be posted on each outward face of the fence indicating “No Trespassing”, “High Voltage” and any other pertinent information.
- G. Inspection - At least every twelve (12) months and at other times deemed reasonable and necessary by the Planning and Zoning Commission, the tower shall be inspected by a structural engineer registered in the State of Missouri, who is regularly involved in the maintenance, inspection and/or erection of communication towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, “Structural Standards for Steel Antenna Towers and Antenna Support Structures.” A copy of such inspection record shall be provided to Clinton County. If, upon inspection, it is concluded that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within thirty (30) days, the governing authority may remove such tower at the owner’s expense.
- H. Lighting - All towers shall be lighted to comply with the minimum FAA requirements; lighting fixtures shall employ cut-off shields and/or be so arranged where practicable to eliminate light pollution at ground level while complying with FAA requirements.
- I. General Requirements - For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off-street parking in the form of private garages, carports or open areas made available exclusively for that purpose shall be provided. The parking area provided for each car space shall be at least 8.5 by 20.0 feet plus the maneuvering space necessary to utilize each space. No portion of a parking area except the necessary drives shall extend into a public street or alley. Entrances to and exits from parking areas from a street shall not be greater than thirty-five (35) feet in width. Any lights used to illuminate said parking areas shall be directed away from any adjacent properties. A minimum of thirty (30) feet of open space shall be allowed between parking areas for angle or straight in parking.

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- J. Co-Location - Unless otherwise exempted in this section, all towers shall be constructed for a capacity of three (3) times the intended use in order that secondary users may lease the balance of the tower capacity at a fair market rental rate. A tower owner’s willingness to make antenna sites available to competition may influence or hinder future decisions of Clinton County Planning and Zoning. Proof must be presented to the Planning and Zoning Commission that there are not other suitable sites within a one mile radius of the proposed tower site. The Planning and Zoning Commission shall be notified by letter of all additional users of the tower and related facilities. This letter shall also include an engineering certification that additional equipment was properly installed. Public safety and emergency shall, if technologically feasible, be allowed to co-locate on the tower without charge.

- K. Accessory/Principal Uses - Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to, set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure. Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function.

- L. Separation from existing towers -

NEW TOWERS / EXISTING TOWERS			
	Lattice	Guyed	Monopole
Lattice	5000'	5000'	1500'
Guyed	5000'	5000'	1500'
Monopole	1500'	1500'	1500'

The Clinton County Planning and Zoning Commission may, upon its sole discretion grant a variance from the setback (see #12 below) and separation standards. In support of a deviation request from the separation requirements, the applicant shall submit a technical study acceptable to the Planning and Zoning Commission which

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confirms that there are no other suitable sites available within the separation requirements.

- M. Height and Setback - The maximum height for all TOWERS including all antennas, lighting protection or any other attachment or protuberance shall not exceed three hundred (300) total feet above ground level. No tower shall be situated within five hundred (500) feet of any residential structure. The minimum standard setback from all NON-PARTICIPATING PROPERTY boundaries shall be equal to eleven (11) times the total tower height.
- N. Installation of Antennas on Existing Structures - No Special Use Permit shall be required to install antenna(s) on existing structures such as radio towers, elevated water storage structures, church steeples, silos, and other buildings, provided no structure height is added. When such antenna(s) are installed on an existing structure, a building permit is required from Clinton County Planning and Zoning Department. The information submitted for the building permit by the applicant shall also include a report from a structural engineer, registered in the State of Missouri, indicating that the existing structure is capable of supporting the additional antenna. Such report shall be obtained by and at the expense of the applicant.
- O. Other Conditions and Requirements - Additional conditions may be required as deemed necessary by the Planning and Zoning Commission or Clinton County governing body to protect the health, safety, and welfare of the public.
- P. Towers and associated support structures, antennas, attachments, protuberances and facilities shall be allowed with a Special Use Permit in Agricultural A, C-1 Commercial, C-2 Commercial, M-1 Industrial, M-2 Industrial Districts.
- Q. Submission Requirements - A development plan/applicant shall include:
 - 1. Written authorization from the property owner of the proposed tower site.
 - 2. A site plan that includes the following:
 - a. Drawn to scale
 - b. Showing the property boundaries
 - c. Showing any tower guy wire anchors and other apparatus
 - d. Existing and proposed structures
 - e. Scaled elevation view
 - f. Access road(s) location and surface material
 - g. Parking area
 - h. Fences
 - i. Location and content of (any or warning) signs
 - j. Exterior lighting specifications

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- k. Proposed transmission buildings and/or other accessory uses with details including Elevations AND Proposed use.
- 3. Prior to approval or grant of a permit, a written report including:
 - a. Information describing the tower height and design
 - b. A cross-section of the structure
 - c. Typical engineering specifications detailing construction of tower, base, and guy wire anchorage
 - d. Information describing the proposed painting and lighting schemes
 - e. Information describing the tower's capacity, including the number and type of antennas that it can accommodate
 - f. Radio frequency coverage
 - g. All tower structural information to be certified by a licensed professional engineer
 - h. Wireless telecommunications data to be certified by an appropriate wireless telecommunications professional
 - i. Information discussing unavailability of other sites for one or more of the following reasons:
 - Refusal by current tower owner
 - Topographic limitations
 - Adjacent impediments blocking transmission
 - A letter stating that the applicant conducted an analysis of the available collocation opportunities on existing towers within the same search ring in accordance with RSMO 67.5094.
 - j. Site limitations to tower construction:
 - Technical limitations of the system
 - Equipment exceeds structural capacity of an existing facility or tower
 - No space on an existing facility or tower
 - k. Other limiting factors rendering existing facilities or towers unusable
 - An update of capacity on an existing tower
 - A copy of your five (5) year projected master plan for this County for tower locations
- 4. Site Plan:
 - a. A site plan showing:
 - 1) Approximate size and location of all buildings.

- 2) Access from road or roads.
 - 3) Parking arrangements.
 - 4) Interior drives and any service areas.
 - 5) Landscaped areas.
 - 6) All proposed signs, if any.
- b. Location map showing any development and the zoning of adjacent property within 1000'.
 - c. The full legal description of the boundaries of said area.
 - d. A description of the general character of all buildings.
5. Hearing: Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall set up a Public Hearing for the next scheduled meeting of the Planning and Zoning Commission; provided, however, that the notice must be published in a newspaper of general circulation at least fourteen (14) days prior to the date set for the Public Hearing.
6. Matters to be Considered: In making a recommendation, the Planning and Zoning Commission shall specify the particular grounds relied upon and their relation to the proposed use conforms with the general standards set forth in this regulation. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to Clinton County.

13.4 Standards for Issuance of Special Use Permits: Generally, before any permit shall be granted, the Planning and Zoning Commission shall document the matters to be considered indicating that adequate provisions have been made for the following:

- A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of the operations proposed thereon.
- B. Accessibility of the property to police, fire, refuse collection, adequacy of ingress and egress to and within the site, traffic flow and control and the adequacy of parking and loading areas.
- C. Utilities and services, including water, septic systems, drainage and electricity.
- D. The location, nature and height of buildings, walls, fences and other improvements; their relation to adjacent property and any need for buffering or screening.
- E. The general compatibility with adjacent properties, other properties in the district and the general safety, health, comfort and a general welfare of Clinton County.

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

- A. Day care homes shall obtain a special use permit for the care of more than six (6) children in zoning districts permitting residents, provided that:
 - 1. One parking space is provided for each non-resident or non-family member employee. The residential driveway is acceptable for this purpose.
 - 2. The requirements for accessory uses for the proposed day care home are met.
- B. Limited Special Use Permit -- Significant Physical or Mental Impairment or Serious Illness. The following criteria must be met:
 - 1. Application -- In addition to the written application, a letter from the doctor who is treating the patient involved stating that he/she needs family assistance and a letter from the applicant with a detailed reason for this request are required.
 - 2. Abbreviated Site Plan - The abbreviated site plan shall show:
 - 1. Approximate Size and Location of All Buildings.
 - 2. Access from Road or Roads.
 - 3. Type of septic system that will be used for additional residence.
 - 4. Location map showing any development and the zoning of adjacent property within one thousand (1000) feet.
 - 3. Standards for Issuance of Limited Special Use Permits: Before any permit shall be granted, the Planning and Zoning Commission document the matters to be considered indicating that adequate provisions have been made. "NOTE": Due to the limited and temporary nature of this permit, subsections 1-5 of Section 13.2-6 need not be specified in the written documentation.
 - 4. Time Limit - A limited special use permit shall expire within six (6) months of a Public Hearing, unless a building permit is taken to accomplish such specially permitted uses; or, if no building permit is required for this limited special use, the evidence of such use is filed with the Zoning Administrator. When the need for the limited special use permit no longer exists, a maximum of ninety (90) days is allowed for the living area to be removed. At that time, the limited special use permit becomes null and void.
- D. Billboards

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1. Billboards shall not be located within 300 feet of any R-1, R-2 or R-3 zoning district.
 2. Billboards shall not be erected with 1,400 feet of other Billboards on the same side of the road. Double-faced sign structures having parallel sign surfaces and adjacent sign structures having touching sign surfaces with an angle no greater than 90 degrees between sign surfaces shall not be prohibited by this requirement, provided they do not exceed applicable sign surface area limits.
 3. The maximum gross area of any billboard shall not exceed 700 square feet.
 4. No billboard shall be attached to the roof of any building.
 5. No billboard shall have more than 1 viewable sign face directed toward the same direction.
 6. Billboards may be illuminated by electrical lighting of the surface of the sign face, provide that no flashing, blinking or intermittent lighting of billboard sign faces shall be allowed.
 7. Billboards are structures for purposes of the Zoning and Subdivision Order, and they shall be subject to setback, height and other zoning district standards.
- 13.6 Permits: A building permit must be purchased through the Zoning Administrator before construction of any building in a special use permit.
- 13.7 Time Limit: A special use permit shall expire, upon a Public Hearing, unless a building permit is taken within twelve (12) months to effectuate such specially permitted use; or if no building permit is required for this special use, the evidence of such use is filed with the Zoning Administrator.
- 13.8 Abandonment; Once a specially permitted use ceases or is abandoned for a period of more than twelve (12) months, the special use permit shall expire upon Public Hearing or by a special decision by the Planning and Zoning Commission after due consideration.
- 13.9 Appeal: Any appeal regarding a decision from a Special Use Permit request by the Clinton County Planning and Zoning Commission will go directly to Circuit Court. Securing a private attorney is recommended. Any appeal must generally be filed within thirty days of the determination.
- 13.10 Once a Special Use Permit has been granted, the permit will be valid until revoked, or until it expires, whichever occurs first. A Special Use Permit may be revoked by the Planning and Zoning Commission for any of the following reasons:
- A. The permit holder violates one or more conditions of the permit.

- B. The permitted use becomes a public nuisance.
- C. The permit was granted on the basis of false statements or a fraudulent application.

If the administrator has reason to believe that a Special Use Permit is subject to revocation, he or she may institute proceedings to revoke the permit. Before revoking any special use permit, the Planning and Zoning Commission must hold a public hearing as provided in Section 13 of the Zoning and Subdivision Order of Clinton County, Missouri.

13.11 WIND ENERGY CONVERSION SYSTEMS (WECS)

Clinton County prohibits Commercial Wind Energy Conversion Systems. Permitted are small wind conversion systems which will be defined as follows: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kilowatt, which is less than 120 feet in height and which is intended solely to reduce onsite consumption of purchased utility power.

13.12 ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

13.12-1 Exemptions

- A. ASES with an aggregate collection and/or focusing area of fifty (50) square feet or less are exempt from this ordinance. (this is basically two 3.5' x 5.5' solar panels)
- B. ASES constructed prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing ASES whether or not existing prior to the effective date of this Section that materially alters the size or placement of the ASES shall require compliance with the provisions of this ordinance.

13.12-2 Where Permitted

- A. ASES that have a maximum power rating of not more than ten (10.0kW) shall be permitted as a use by right in all zoning districts.
- B. ASES that have a maximum power rating of not more than ten kilowatts (10.0kW) shall require a building permit only.

13.12-3 Compliance with Industry Standards

- A. The ASES layout, design, installation, and ongoing maintenance shall conform with all applicable Missouri State Statutes as well as applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials

(ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

13.12-4 Installation

- A. The ASES layout, design and installation documents and drawings shall be submitted as part of the building permit application. Hand drawn sketches showing the arrangement of system components in relation to property lines and existing structures, whether drawn to scale or not to scale but documenting actual equipment and setback dimensions are acceptable.

13.12-5 Maintain in Good Working Order

- B. Upon completion of installation, the ASES shall be maintained in good working order in accordance with standards and any other codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by Clinton County Planning and Zoning in accordance with applicable ordinances.

13.12-6 Underground Requirements

- A. All on-site utility, transmission lines, and plumbing shall be placed underground to the extent feasible.

13.12-7 Utility Notification

- A. The owner of an ASES shall provide Clinton County Planning and Zoning written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. Off-grid systems shall be exempt from this requirement.

13.12-8 Signage

- A. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.

13.12-9 Glare

- A. All ASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.

- B. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

13.12-10 Solar Easements

- A. Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar easement shall include but not be limited to:
 - 1. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - 2. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - 3. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - 4. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- B. If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

13.12-11 Decommissioning

- A. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- B. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
- C. The ASES owner shall, at the request of Clinton County Planning and Zoning, provide information concerning the amount of energy generated by the ASES in the last 12 months.

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- D. Once the ASES specially permitted use is discontinued, ceases or is abandoned, the special use permit shall become null and void and all rights thereunder shall terminate.
- E. The permit cost for ASES 10kW and under shall be \$100.00 until January 31, 2020. After January 31, 2020 the permit cost shall be as defined in SECTION 21 - SCHEDULE OF FEES.
- F. The permit cost for ASES above 10kW shall be \$100.00 plus \$10.00 per kW of rated capacity until January 31, 2020. After January 31, 2020 the permit cost shall be as defined in SECTION 21 - SCHEDULE OF FEES. *E.G. a system with 80 solar panels rated at 250 watts each would be \$100.00 plus (250w x 80 = 20kW x \$10.00 per kW = \$200.00) for total permit cost of \$300.00.*

13.12-12 Building Permit Requirements for Systems That Do Not Require a Special Use Permit

- A. Building Permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Hand drawn sketches showing the arrangement of system components in relation to property lines and existing structures, whether drawn to scale or not to scale but documenting actual equipment and setback dimensions are acceptable.
- B. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.
- C. Prior to the issuance of a Building Permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- D. Routine maintenance or like kind replacements do not require a permit.

13.12-13 Building Permit Requirements for Systems That Require a Special Use Permit

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- A. Building Permit applications shall include a copy of the approved Special Use Permit for the system to be constructed.
- B. Routine maintenance or like kind replacements do not require a permit.

13.12-14 Special Use Permit Requirements

- A. Special Use Permit applications shall document compliance with this Ordinance and shall be accompanied by scale drawings showing the location of the ASES on the property, including property lines and documenting all required clearances, set backs and system dimensions. Hand drawn sketches shall not be permitted. Permits shall be kept on the premises where the ASES is constructed.
- B. The Special Use Permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
- C. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.
- D. Prior to the issuance of a Special Use Permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- E. Routine maintenance or like kind replacements do not require a permit.
- F. If construction is not started within 12 months of the approval of the special use permit the special use permit shall become null and void and all rights thereunder shall terminate.

13.12-15 Roof Mounted and Wall Mounted Accessory Solar Energy Systems

- A. Location
 - 1. A roof mounted or wall mounted ASES may be located on a principal or accessory building.

2. Roof mounted solar panels shall be located only on rear or side-facing roofs as viewed from any adjacent street unless the applicant demonstrates that, due to solar access limitations, no location exists other than the street-facing roof, where the solar energy system can perform effectively.

B. Setbacks

1. Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
2. Solar panels shall not extend beyond any portion of the roof edge.

C. Height

1. The total height of a building with an ASES shall not exceed by more than three (3) feet above the maximum building height specified for principal or accessory buildings within the underlying zoning district.

13.12-16 Ground Mounted Accessory Solar Energy Systems

A. Setbacks

1. The minimum yard setbacks from side and rear property lines shall be equivalent to the accessory structure setback in the underlying zoning district.
2. A ground mounted ASES shall not be located in the required front yard unless the applicant demonstrates that, the ASECS complies with the required minimum front yard space and set back requirements for the zone in which it is located.
3. Clinton County Planning and Zoning may authorize the installation of a ground mounted ASES in front of the principal building, that does not meet required minimum front yard space and set back requirements for the zone in which it is located, if the applicant demonstrates that, due to solar access limitations, no location exists on the property other than the front yard where the solar panel can perform effectively. Such location shall require a Special Use Permit.

B. Height

1. Freestanding ground mounted ASES shall not exceed twelve (12) feet in height above the ground elevation surrounding the systems within residential districts.
2. Freestanding ground mounted ASES shall not exceed twenty (20) feet in height above the ground elevation surrounding the systems in all other districts.

C. Coverage

1. The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the underlying zoning district.
2. The total surface area of the arrays of ground mounted ASES on the property shall not exceed more than fifteen (15) percent of the lot area.
3. The applicant shall submit a Stormwater Management Plan for ASES exceeding one thousand (1000) square feet in ground coverage that demonstrates storm water runoff will not adversely affect local or neighboring properties, septic lagoons, dwellings and other structures, drives and roadways or existing stormwater management structures i.e. ditches and tubes.

D. Screening

1. Ground mounted ASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used.

E. Safety/Warning Signage

1. Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

F. Location Restrictions

1. Ground-mounted ASES shall not be placed within any legal easement or right-of-way location, or be placed within any stormwater conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed stormwater conveyance system.

13.13 LARGE ACCESSORY SOLAR ENERGY SYSTEMS (LASES)

13.13-1 Exemptions

- A. LASES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing LASES, whether or not existing prior to the effective

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date of this Section that materially alters the LASES shall require approval under this Ordinance.

13.13-2 Where Permitted

- A. LASES shall be permitted by Special Use Permit only in all Zoning Districts.
- B. LASES shall require both a special use permit and a building permit.

13.13-3 Compliance with Industry Standards

- A. The LASES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

13.13-4 Installation

- A. The LASES layout, design and installation documents and drawings shall be submitted as part of the special use permit application.

13.13-5 Maintain in Good Working Order

- A. Upon completion of installation, the LASES shall be maintained in good working order in accordance with the design documents and any other codes under which the LASES was constructed. Failure of the owner to maintain the LASES in good working order is grounds for appropriate enforcement actions by Clinton County Planning and Zoning in accordance with applicable ordinances.

13.13-6 Underground Requirements

- A. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.

13.13-7 Utility Notification

- A. The owner of a LASES shall provide Clinton County Planning and Zoning written confirmation that the public utility company to which the LASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.

13.13-8 Signage

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- A. No portion of the LASES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the LASES provided they comply with the prevailing sign regulations.

13.13-9 Glare

- A. All LASES shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways.
- B. The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

13.13-10 Noise Study

- A. LASES rated more than 10kW shall be exempted from this noise study requirement.

13.13-11 Tree and Landscaping Removal

- A. No trees or other landscaping otherwise required by the municipal ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a LASES.

13.13-12 Contact Information

- A. The LASES owner and/or operator shall maintain a phone number and identify a person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to Clinton County Planning and Zoning. The LASES owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.

13.13-13 Solar Easements

- A. Where a subdivision or land development proposes a LASES, solar easements may be provided. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating a solar easement shall include but not be limited to:
 - 1. A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;

2. Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 3. Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 4. Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- B. If required, a LASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

13.13-14 Decommissioning

- A. The LASES owner is required to notify Clinton County Planning and Zoning immediately upon cessation or abandonment of the operation. The LASES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
- B. The LASES owner shall then have twelve (12) months in which to dismantle and remove the LASES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the LASES and restore the land within the established time frames, Clinton County may complete the decommissioning and land restoration at the owner's expense.
- C. Once the LASES specially permitted use is discontinued, ceases or is abandoned, the special use permit shall become null and void and all rights thereunder shall terminate.

13.13-15 Building Permit Requirements

- A. Building Permit applications shall include a copy of the approved Special Use Permit for the system to be constructed.
- B. Building Permit applications that will disturb one (1) acre or more of land shall include a copy of the Missouri Department of Natural Resources Land Disturbance Permit.
- C. Routine maintenance or like kind replacements do not require a permit.

13.13-16 Special Use Permit Requirements

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- A. Special Use Permit applications shall document compliance with this Ordinance and shall be accompanied by scale drawings showing the location of the LASES on the property, including property lines and documenting all required clearances, set backs and system dimensions. Hand drawn sketches shall not be permitted. Permits shall be kept on the premises where the LASES is constructed.
- B. LASES shall comply with Clinton County zoning and subdivision and land development requirements. The installation of LASES shall be in compliance with all applicable permit requirements, codes, and regulations.
- C. The LASES owner and/or operator shall repair, maintain and replace the LASES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the LASES in good repair and operating condition.
- D. Prior to the issuance of a Special Use/building permit, LASES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
- E. Routine maintenance or like-kind replacements do not require a permit.
- F. If construction is not started within 12 months of the approval of the special use permit the special use permit shall become null and void and all rights thereunder shall terminate.
- G. The permit cost for LASES shall be \$100.00 plus \$10.00 per kW of rated capacity until January 31, 2020. After January 31, 2020 the permit cost shall be as defined in SECTION 21 - SCHEDULE OF FEES. *E.G. a system with 800 solar panels rated at 250 watts each would be \$100.00 plus (250w x 800 = 200kW x \$10.00 per kW = \$2000.00) for total permit cost of \$2100.00.*

13.13-17 Ground Mounted Large Accessory Solar Energy Systems

- A. Lot Size
 - 1. The LASES shall meet the lot size requirements of the underlying zoning district but no case shall be less than 1 acre in size.
- B. Setbacks
 - 1. LASES shall comply with the setbacks of the underlying zoning district for principal structures.

2. LASES shall be located a minimum of twenty (20) feet from any other structures on the same property.

C. Height

1. Ground mounted LASES shall not exceed twenty (20) feet in height.

D. Coverage

1. The area beneath the ground mounted LASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the impervious surfaces limitations for the underlying zoning district.
2. The LASES shall not exceed the maximum lot coverage requirements of the underlying zoning district.
3. The applicant shall submit a Stormwater Management Plan that demonstrates storm water runoff will not adversely affect local or neighboring properties, septic lagoons, dwellings and other structures, drives and roadways or existing stormwater management structures i.e. ditches and tubes.
4. LASES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.
5. Weed/Vegetation control shall be accomplished by mechanical methods; chemical based weed/vegetation control is prohibited.

E. Screening

1. Ground mounted LASES shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the zoning ordinance may be used.

F. Agricultural Zoning Districts

1. In Agricultural Zoning Districts, no more than 50 percent of the entire area for development shall consist of Class I and Class II prime agricultural soils.

G. Location Restrictions

1. Ground-mounted LASES shall not be placed within any legal easement or right-of-way location, or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.

H. Security

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1. All ground-mounted LASES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
2. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the LASES informing individuals of potential voltage hazards.

I. Access

1. At a minimum, a 25' wide access road shall be provided from a state or county roadway into the site.
2. At a minimum, a 20' wide cartway shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
3. Access to the LASES shall comply with all Missouri Highway Department or Clinton County Road and Bridge Department minimum requirements.

J. Lighting

1. The ground mounted LASES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.

K. Earth Disturbance

1. If a ground mounted LASES is removed, any earth disturbance resulting from the removal must be graded and reseeded. (see Sec. 13.13-14 (B)).

13.13-18 Roof and Wall Mounted Large Accessory Solar Energy Systems

A. For roof and wall mounted systems, the applicant shall provide evidence that the roof or wall is capable of safely holding the load imposed on the structure. Applications for roof mounted LASES shall be accompanied by engineer stamped plans that demonstrate the structural sufficiency of the roof to hold the weight of the LASES.

B. LASES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.

C. Fire Safety

1. Marking – High-contrast, reflective and consistent wording shall be used to identify all solar related conduits, electrical panels and disconnects.
2. Access, pathways and smoke-ventilation space – Roof mounted LASES shall have a three (3) foot setback from the edge of the roofline and from the

roof ridge line to ensure that firefighters can access the roof quickly and in a safe manner.

13.14 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

13.14-1 Clinton County prohibits Principal Solar Energy Conversion Systems, as defined in Section 2, intended to generate power for off-site use.

13.14-2 Clinton County prohibits any Solar Energy Conversion System which has a rated capacity of more than 100 kW (one hundred kilowatts) regardless of the intended use of the generated power.

SECTION 14 - ADDITIONAL USE REGULATIONS

- 14.1 General Requirements - The following general requirements must be observed, except as provided elsewhere in this Order:
- A. No building, sign or other structure of any kind shall be erected, constructed, reconstructed, moved or altered unless a permit shall have been first issued by the Zoning Administrator or his duly appointed representative in accordance with the terms of this Order.
 - B. No building or structure shall be erected, constructed, reconstructed, moved, or altered to exceed the height or area limit or violate the yard or parking requirement herein established for the district in which such building or structure is located.
 - C. No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by these regulations, nor shall the density of population be increased in any manner, except in conformity with the area regulations established herein.
 - D. Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one residence on one lot.
 - E. In order to construct a house or modular home on a tract of land, it will be necessary to secure a permit prior to starting construction.
 - F. All land zoned as Agriculture-A may not be divided into parcels less than 20 acres. Land zoned Agriculture B must be in parcels at least 5 acres in size. Any land zoned Agriculture B that is proposed to be further subdivided into one or more parcels of 5 acres or more must meet subdivision requirements in Section 22. Any other division of the property shall be subject to rezoning. Only tracts of 20 acres or more shall constitute a family farm for the purpose of the Zoning Regulation.
 - G. Any dwelling or vacant land that is located within 1 mile of an incorporated city or village, can be divided into a 5 acre tract, construct a single family residence, and does not have to be rezoned. Any such single family dwelling may not be constructed within 1,320 feet of a confinement feeding operation owned by a different owner.
 - H. Any environmental testing that would be required to be completed for a project will be at the expense of the applicant.
 - I. No dwelling shall be constructed within 1,320 feet of a confined feeding operation or an agricultural feed lot owned by another; no confined feeding operation or agricultural feed lot shall be permitted within 1,320 feet of a residence of someone other than the feed lot owner.

14.2 Height and Area Exceptions - The regulations and requirements as to height of buildings and area of lots which may be occupied by buildings, front yards, side yards, rear yards and other regulations and requirements as follows in the foregoing sections of this Order, shall be subject to the following exceptions and additional regulations:

A. Height

1. Height regulations shall not apply to farm buildings or farm structures.
2. In any district, public or semi-public buildings, such as hospitals, hotels, churches, sanitariums or schools, either public or private, where permitted, may be erected to a height not exceeding seventy-five (75) feet, provided that such buildings shall have yards which shall be increased one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
3. Dwellings in District R-1 or R-2 may be increased in height not exceeding ten (10) feet in addition to the limitations of 2 1/2 stories, or thirty-five (35) feet, as prescribed in such districts, provided that two side yards of not less than twenty (20) feet in width, each, are provided. In no case shall such dwelling, however, exceed three (3) stories in height.
4. Parapet walls and false mansards shall not extend more than six (6) feet above the height limit. Flagpoles, chimneys, cooling towers, elevator bulkheads, penthouses, finials, gas tanks, grain elevators, stacks, storage towers, radio towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and necessary mechanical appurtenances may be erected as to height in accordance with existing or hereafter enacted laws affecting the same.
5. On through lots one hundred twenty-five (125) feet or less in depth, the height of a building may be measured from the curb level of either street. On through lots of more than one hundred twenty-five (125) feet in depth, the height regulations for the street permitting the greater height, shall apply to a depth of not more than one hundred twenty-five (125) feet from that street.

B. Yard Exceptions

1. Yard regulations shall not apply to farm buildings or farm structures.
2. In District R-1, R-2 and R-3 where lots comprising forty percent (40%) or more of the frontage, on the same side of a street between two (2) intersecting streets, (excluding reverse corner lots) are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such front yards shall establish the minimum front yard depth for the remainder of the frontage; provided that the Board of Adjustment may permit a variance in case of hardship, or where the configuration of the ground is such as to make conformity with the front yard

requirements impractical.

3. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall extend into a court more than six (6) inches nor into a minimum yard more than thirty (30) inches; and provided further that canopies or open porches having a roof area not exceeding sixty (60) square feet may project a maximum of six (6) feet into the required front or rear yard; and existing open porches extending into the required yard shall not be enclosed.
4. An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four (4) feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet into a rear yard.
5. In any district, a detached accessory building not exceeding twenty-four (24) feet or two (2) stories in height, or in any case not higher than the main building, may occupy not more than thirty percent (30%) of a rear yard.
6. On any corner lot there shall be no planting, structure, fences or obstruction to vision more than three (3) feet higher than the curb level within twenty-five (25) feet of the intersection of the street line.
7. No rear yard shall be required in Districts C-1 to M-2 inclusive on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.
8. In computing the depth of a rear yard for any building where such yard abuts an alley, one-half (1/2) of such alley may be assumed to be a portion of the rear yard.
9. A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

14.3 SIGNS

14.3-1 Application - The regulations set forth in this article or set forth elsewhere in this order and referred to in this article shall apply to all existing signs as well as to new signs and their modification.

14.3-2 Purpose - The purpose of this article is to minimize safety hazards and to facilitate the creation of an attractive and harmonious community through regulation and control of the size, location, height, number and characteristics of signs and any modifications.

14.3-3 Standards

- A. Any establishment may have no more than two signs per major street frontage, and one additional sign for each additional street frontage.
- B. Shopping centers shall be permitted one free standing sign per street frontage.
- C. No sign shall be located in such a manner so as to obstruct free or clear vision, or cause hazards for vehicular, bicycle or pedestrian traffic by reason of location, shape, illumination or color.
- D. The total area of all signs allowed for any building shall not exceed fifty square feet.
- E. No single sign face of any freestanding or projecting sign shall have an area greater than thirty square feet.
- F. No wall sign shall have an area greater than fifty (50) square feet.
- G. No roof sign shall have an area greater than fifty (50) square feet.
- H. No sign shall be erected, replaced or relocated so as to:
 - 1. Prevent free ingress or egress from a required door, window or fire escape, or
 - 2. Obstruct the light or ventilation required by the provisions of this Order or other County orders from any window.
 - 3. No advertising or business sign of any kind shall be attached to a standpipe or fire escape.
- I. When exposed incandescent lamps are used to illuminate signs, they shall be equipped with goose neck reflectors or other devices arranged so as to concentrate the illumination upon the area of the sign and prevent glare. Special attention shall be given to illumination so as to avoid glare upon adjoining residential properties.
- J. Signs on marquees for establishments other than theaters shall not exceed twenty square feet on any side or front section of the marquee.
- K. Theater marquees shall not exceed five feet in the vertical dimension.

14.3-4 District Standards

- A. Residential Districts -The following regulations shall apply in the R-1, R-2, and R-3 Districts:
 - 1. Residential use: No more than one sign per dwelling unit shall be allowed. The area of such sign shall not be greater than one square foot.

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2. One non-illuminated sign per building, not more than two (2) square feet in area, mounted flat against the wall, indicating a permitted home operation.
3. One (1) non-illuminated proprietary “for sale” or “for rent” sign per lot, not over nine (9) square feet in area.
4. One indirectly illuminated or non-illuminated proprietary sign per church, club or civic origination, not more than twenty-four (24) square feet in area, on such premises, indicating activities and services provided.
5. In R-3 Districts, one (1) non-illuminated proprietary sign not more than four (4) square feet in area, shall be permitted at each major entrance to an apartment or semi-public building, provided such sign be attached flat against the wall and projecting not over three (3) inches therefrom, and shall bear no advertising.

B. Commercial and Industrial Districts

1. The total area of all signs permitted for any establishment permitted in the C-1 District shall not be greater than thirty (30) square feet.
2. The total area of all freestanding and projecting signs permitted for any establishment permitted in the C-2, C-3, M-1 and M-2 Districts shall not be greater than fifty (50) square feet.

C. Agricultural Districts:

1. Any proprietary sign shall be permitted, with a maximum of thirty-two (32) square feet.

D. Additional Standards - In Districts A, C-2, M-1, and M-2, signs of all types shall be permitted where otherwise permitted by law, provided such signs shall comply with all the following regulations:

1. Signs shall conform to the height and yard requirements of the district in which located.
2. All signs other than proprietary signs as specified in paragraphs one to seven inclusive of this Section shall require payment of fee and permit issuance.
3. Signs shall be erected or located so that no obstruction of the line of sight from a public thoroughfare intersection shall occur within one thousand (1,000) feet of the same.
4. Signs shall in no way resemble or imitate traffic control or directional devices or signs, and shall not exhibit colored or white flashing signal devices, and if illuminated, such illumination shall be directly onto

the face of the sign only.

5. Signs shall be constructed of steel, wood treated with chemical preservative or materials of equal quality and strength.
6. Performance bond from an acceptable surety firm may be required from the sign erector in addition to the permit fee, such bond not to exceed One thousand (\$1,000.00) dollars, and such bond may be forfeited upon failure to comply with all the provisions of this Section.
7. Signs shall bear identifying permit number and permit expiration date in permanent three (3) inch lettering on the face thereof.
8. Political signs to be allowed in all districts with a maximum size of thirty-two (32) square feet. Signs to be removed at completion of campaign.

14.3-5 Prohibited Signs - The following signs are prohibited within Clinton County unless otherwise stated in this article:

- A. Any sign affixed to, hung, placed, or painted on any other sign, fence, cliff, tree, public utility pole, radio or television or similar tower; provided, that this prohibition shall not affect official traffic, parking or informational signs placed on utility poles by Clinton County government.
- B. Any sign or banner within or across a public right of way, unless specifically approved by the Zoning Administrator or its designee.
- C. Any flashing or moving sign, except those officially erected for safety purposes.
- D. Any sign which advertises any activity, business, product or service which is not conducted, produced or sold on the premises where the sign is located. Where the owner or lessor of the premises is seeking a new tenant, signs relating to the activities of the previous tenant, may remain in place for not more than thirty days from the date of vacancy.
- E. Any sign which the Zoning Administrator determines to imitate an official traffic sign or signal or conflict with traffic safety needs due to its location, coloring, movement, shape or illumination.

14.3-6 Signs Not Requiring Permit - No permit shall be required for the following signs, if they are installed in compliance with the provisions of this article. All of the following signs may be erected in any of Clinton County zoning districts:

- A. Real estate signs not exceeding six square feet in area which advertise for sale or rental the land or building upon which such signs are located. Such signs shall not be illuminated and shall not be more than four feet in height.
- B. Professional name plates not exceeding one square foot in area when placed

- upon the wall of a building.
- C. Signs not over twenty-five square feet in area identifying municipal or governmental buildings or buildings used for religious purposes, when erected upon the building or land upon which such building is located.
 - D. Monumental inscriptions, memorial signs or tablets containing names of persons or buildings or dates of erection, and similar information, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
 - E. Signs denoting the architect, engineer or contractor when placed at the construction site. Such signs shall not be illuminated and no such signs shall exceed an area of thirty-two square feet, nor shall they remain standing after construction has been completed.
 - F. Traffic, municipal, legal notice, directional, or informational signs; railroad crossing signs, danger, safety, temporary or emergency signs and holiday decorations across a public right of way when authorized by the Zoning Administrator or its designee.
 - G. Temporary directional or informational signs not over six square feet in area. Signs for temporary events, sales or special promotions may be erected not more than one month before the event or activity, and shall be removed within one week of its conclusion. There shall be no more than two such temporary signs per establishment at any time.
 - H. Signs designating entrances, exits or conditions of use for parking lots. Such signs shall not exceed six square feet in area.
 - I. Subdivision or housing development signs. Such signs shall not exceed six feet in height, twenty-five square feet in area and shall include only the name of the subdivision, housing development or townhouse development.
 - J. Signs showing the name and address of the resident, but not to include any commercial advertising and not more than one square foot in area.
 - K. Signs regulating on-premises traffic, parking or indicating other functional information such as lavatory facilities or telephone; and signs denoting functions of other sections of a building such as "fabrication," or "office," when less than six square feet in an area and bearing no commercial advertising.
 - L. Signs identifying the home occupation or office of the resident, of not more than one square foot in area, and attached to the wall of the building.
 - M. "No trespassing" signs of not more than one square foot in area.
 - N. Political Signs

14.3-7 Sign Application and Permit

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- A. All signs, except those exempt in Section 14.2-6 shall require a sign permit.
- B. It shall be unlawful for any person to erect, structurally alter, rehang or replace any sign or outdoor display structure within Clinton County without first submitting an application for a sign permit to the Zoning Administrator. Such application shall specify the type of sign to be constructed and the zoning district in which this sign is to be located and shall be accompanied with plans and specifications showing the location, dimensions, materials and details of construction. The application shall contain the written consent of the owner or lessee of the land or building upon which the sign is to be erected.
- C. A permit shall not be required for the mere changing or painting or the reporting of advertising copy or display matter on signs or theater marquees designed for the use of replaceable Copy, provided such change does not violate the provisions of this order.
- D. The Zoning Administrator shall not issue a permit for any sign unless it has been determined that the proposed sign is in conformity with the requirements of this article and, if applicable, any approved site plan affecting the property upon which the sign is to be placed.
- E. On any primary roadway, no sign permit will be issued until the applicant submits a copy of the Missouri Department of Transportation sign permit.

14.3-8 Maintenance and Removal of Signs - Any sign which is hereafter unlawfully installed, improperly maintained or any non-conforming sign other than billboards where the premises have been vacant for two years or more, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure or land upon which such sign may be found, within ten days after written notification to do so from the Zoning Administrator.

14.4 OFF-STREET PARKING AND LOADING

14.4-1 General Requirements - For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off-street parking in the form of private garages, carports or open areas made available exclusively for that purpose shall be provided. The parking area provided for each car space shall be at least 8.5 by 20.0 feet plus the maneuvering space necessary to utilize each space. No portion of a parking area except the necessary drives shall extend into a public street or alley. Entrances to and exits from parking areas from a street shall not be greater than thirty-five (35) feet in width. Any lights used to illuminate said parking areas shall be directed away from any adjacent residential district. A minimum of thirty (30) feet of open space shall be allowed between parking areas for angle or straight-in parking.

14.4-2 Parking for One and Two-Family Dwellings and Cabins - For all one and two-family

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dwelling there shall be provided one (1) off-street parking space for each family unit, such parking areas to be located on the same lot as the main building or buildings, or in a community garage in the same block.

- 14.4-3 Parking for Apartments, Apartment Hotels, Hotels, Clubs, Motels, and Tourist Courts - For all apartment houses and apartment hotels, there shall be provided one (1) off-street parking space for each family unit, plus one (1) for each four-family units. For all hotels, clubs, motels, and tourist courts, there shall be provided one (1) off-street parking space for each sleeping room. In addition, any restaurant which is an accessory use to any of the above uses shall provide one (1) off-street parking space for each four (4) patron seats in said restaurant. Such parking area shall be located on the same lot as the main building, or on a lot within three hundred (300) feet on land zoned for business or industry, but shall not be located in a required front yard.
- 14.4-4 Parking for Hospitals and Institutions - For all hospitals and institutions there shall be provided one (1) off-street parking space for each three beds plus one (1) space for each two (2) staff members and employees. Such parking area shall be located on the same lot as the main building, or on a lot within three hundred (300) feet on land zoned for business or industry.
- 14.4-5 Parking for Places of Assembly - For all theaters, churches, funeral chapels, stadiums and auditoriums there shall be provided one (1) off-street parking space for each four (4) patron seats. Such parking area shall be located on the same lot as the main building, or on a lot within three hundred (300) feet on land zoned for business or industry.
- 14.4-6 Parking for Business and Buildings - For all businesses or commercial buildings there shall be provided one (1) off-street parking space for each one hundred (100) square feet of service floor area in the building. Such parking area shall be located on the same lot as the main building, or on a lot within three hundred (300) feet on land zoned for business or industry.
- 14.4-7 Parking for Industrial Buildings - For all industrial buildings there shall be provided one (1) off-street parking space for each two (2) employees. Such parking area shall be located on the same lot as the main building or within five hundred (500) feet on land zoned for business or industry.
- 14.4-8 Variance for Off-Street Parking Requirements - The Clinton County Board of Adjustment may grant a variance reducing the number of spaces required above, provided that it is proven that such number of spaces required above is unnecessary for that specific use, or that to provide such number of spaces required above would work undue hardship on the applicant.
- 14.4-9 Parking Surface Requirements - All parking areas required in Sections 14.4-1 to 14.4-8 inclusive above, shall have all weather surface.

14.5 Sewage Disposal

14.5-1 General Requirements - All buildings, structures and uses of land in the unincorporated areas of Clinton County, except farm buildings other than dwellings in District A, shall hereafter be equipped with an adequate, safe and sanitary disposal system for all human domestic and industrial wastes. For the purpose of this Order, disposal of sewage or other liquid wastes may be had by one of the following methods:

- A. A sanitary sewer system and a mechanical treatment plant approved by the Missouri Department of Health and Senior Services, or other State agency having jurisdiction over sewage treatment facilities.
- B. A sanitary sewer system and an oxidation basin approved by the Department of Health and Senior Services, or other State agency having jurisdiction over sewage treatment facilities.
- C. Individual septic tank and lateral field, provided the design and installation is approved by the Zoning Administrator or a duly appointed representative.
- D. Aerobic treatment plants (Aerators) when installed with the approval of the Zoning Administrator or a duly appointed representative.

14.5-2 Minimum Construction Standards for On-Site Septic Systems

- A. Prior to the issuance of a permit to install or do major repair of an on-site septic system, a soil morphology will be required. The soil morphology must be performed by a soil scientist certified by the Missouri Department of Health. Soil morphology is the method used for testing absorption qualities of the soil. The results of the soil morphology will determine the type of septic system to be installed.
- B. All septic systems must have a minimum of a 1250 gallon septic tank with either a soil absorption field, infiltrator system, designed system or a holding pond.
- C. The soil morphology must be completed and one copy presented to the Zoning Office before a septic system permit can be issued.
- D. No septic system shall be covered until inspected and approved by the Clinton County Zoning Administrator or a duly appointed representative.
- E. A holding pond will be permitted ONLY if the results of the soil morphology dictate such.

14.5-3 Sewage Treatment System

- A. Developers of subdivisions containing twenty-five (25) dwelling units or more shall provide for the treatment of sewage by mechanical treatment plant or oxidation basin. Lateral and main sewer lines and the treatment facility shall be installed by the developer at his own cost and according to

requirements and specifications of the Department of Natural Resources or other State agency having jurisdiction over sewage treatment facilities. No permit for construction of a mechanical treatment plant or oxidation basin shall be issued by the Zoning Administrator until a copy of a permit issued by the Department of Natural Resources or other State agency having jurisdiction.

- B. The site of a mechanical treatment plant or oxidation basin shall be such that no portion of the equipment or basin shall be closer than three hundred (300) feet to an existing dwelling or closer than one hundred fifty (150) feet to a property line. Buildings and structures otherwise permitted may be constructed within two hundred (200) feet of a mechanical treatment plant or oxidation ditch or lagoon.
- C. The Board of Adjustment may, after public hearing, permit by variance oxidation basins having five (5) acres or less of water area or sewage disposal facilities to be located closer than one hundred fifty (150) feet to a property line. In addition, the Board may permit an oxidation basin of any size to be located adjacent to a property line in the case of adjoining property owners using a common basin. An oxidation basin may be located adjacent to a property line if the owners of all property within three hundred (300) feet of the basin relinquish, by easement of record, the right to use any and all of their land which is within two hundred (200) feet of said basin for residential purposes.
- D. The maximum number of dwelling units that the treatment facility can safely accommodate, as determined by the Department of Health and Senior Services, or other State agency having jurisdiction over sewage treatment facilities, shall be entered on the land use permit for the facility and the Zoning Administrator shall not issue permits for construction of dwelling units to be served by that facility in excess of that number. All subdivisions of more than six (6) lots must be approved by the Department of Natural Resources.
- E. The developer of the subdivision shall be responsible for the continued maintenance and operation of the treatment facility unless the proper public agency or homeowners' association or private operating company agrees in writing to assume said maintenance and operation. Clinton County Commission may require bond or other surety to insure the continued operation and maintenance of the treatment facility by the developer, homeowners' association or operating company.
- F. Individual lagoon systems will be permitted provided that each individual system shall first be approved and a permit issued by the Zoning Administrator. The lagoon shall have one hundred seventy-five (175) square

feet per person served and have a minimum of twelve hundred (1200) square feet.

1. No septic tank shall be installed unless a septic tank permit shall have been issued by the Zoning Administrator. The Zoning Administrator shall apply the minimum requirements provided in the tables set forth by the Missouri Department of Health and Senior Services, except where a lesser requirement is justified by a soil morphology performed by a soil scientist certified by the Missouri Department of Health and Senior Services. The Zoning Administrator shall apply the requirements of the Missouri Department of Health and Senior Services for individual water supply and sewage disposal systems from the results of the soil morphology, and to the proposed septic tank installation, in order that compliance with said requirements will be assured. If said requirements are complied with, the Zoning Administrator shall issue the septic permit. If the said requirements of the Missouri Department of Health and Senior Services cannot be complied with, the Zoning Administrator shall not issue a septic tank permit nor a building permit for construction of a dwelling on the premises unless a sewage disposal system for that specific lot is approved by the Missouri Department of Health and Senior Services. The septic permit shall contain minimum standards for installation of the system.
2. The Zoning Administrator shall be notified by the owner at the time that each septic tank is being installed, and shall make such inspection as is deemed necessary to assume that the system satisfies the requirements of the Zoning Order or of the Missouri Department of Health and Senior Services and any other laws appertaining. In case notification as heretofore required is not given, the Zoning Administrator may cause the system to be uncovered and exposed so that inspection can be made as required.
3. All lots upon which a septic tank system is to be installed shall contain a total area of not less than five (5) acres.
4. The minimum square footage for a lateral field on a septic system will be nine hundred (900) square feet.
5. All lagoons shall be enclosed by a 48 inch high fence with a lockable gate. This gate shall be animal- and child-proof with a maximum of 4 inch openings.

14.5-4 Permits Required - Any building, structure, or use of land which will discharge

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sewage, waste or effluent of any kind off the premises shall require a permit from the Missouri Department of Health and Senior Services or other agency having jurisdiction over sewage treatment facilities and the Zoning Administrator shall not issue a permit for such use until a permit from the Missouri Department of Health and Senior Services or other agency having jurisdiction over sewage treatment facilities has been submitted to said Administrator.

SECTION 15 - PERMITS

Note: A building permit (or a variance issued by the board of adjustment) is valid for 18 months. See §15.4. You must begin construction under your permit within that time, or risk losing it. The zoning administrator can extend the permit for an additional 18 months if you ask and have a good reason for the delay.

- 15.1 Buildings, Other Structures - No building, sign or other structure of any kind shall be erected, constructed, reconstructed, moved or altered unless a permit shall have been first issued by the Zoning Administrator or his duly appointed representative in accordance with the terms of this Order.
- 15.2 Land Use - No open, vacant or unimproved land shall be used for any purpose other than agriculture unless a permit shall have been first issued by the Zoning Administrator or his duly appointed representative in accordance with the terms of this Order.
- 15.3 Permit Fees and Terms
- 15.3-1 The Zoning Administrator shall be **EMPOWERED to ACT** within the provisions of this order upon all applications for permits, and the same shall be acted upon not later than the fifth (5th) business day succeeding the day of filing.
- 15.3-2 There shall be a **SEPARATE PERMIT** for each building or structure to be constructed, erected or altered, except accessory buildings and appurtenances which may be included in the permit for the main building.
- 15.3-3 Each **PERMIT** shall be **DISPLAYED** on the premises for which it was issued. It shall be so displayed that it can be seen from the street, or if there be no street nearby, it shall be displayed on the building for which it was issued.
- 15.3-4 **FEES** for permits shall be charged in conformance with the Schedule of Fees, Section 21, attached hereto.
- 15.3-5 **LATE FEE** If a person applies for a permit after starting construction, the fees shall be doubled as an administrative permit fee.
- 15.3-6 **ENTRANCES** to lots, or Agriculture zoned property, that adjoins county roads shall

have a drainage tube installed as per the specifications of Clinton County Highway Engineer before construction is started. The specifications are included on the building permit.

15.3-7 All **APPLICATIONS** for building permits shall be accompanied by plans and specifications including plot plans drawn to scale, location and size of all proposed new construction, probable location of any lagoon, all existing site structures, materials to be used, and distances from the plot lines. Additional information may be requested by the Zoning Administrator. Applications for commercial or multi-family structures (four or more dwelling units) must submit a site plan containing the seal of a registered architect or engineer.

15.4 Duration of building permits and requested variances. Any building permit granted by the zoning administrator shall be valid for 18 months. Any variance granted by the Board of Adjustment shall be valid for 18 months. If new construction is not started within that time, the permit shall lapse.

15.4-1 The zoning administrator may **EXTEND** any building permit for an additional 18 months, for a total 36 months.

15.5 Special Circumstances

The Clinton County Zoning Office shall issue permits to property owners of a Planned District independent of that district. It shall then fall to the Planned District to enforce the rules and regulations of that Planned District. (See Section 11.3)

SECTION 16 - ZONING BOARD OF ADJUSTMENT

- 16.1 ESTABLISHMENT OF BOARD - The Zoning Board of Adjustment is hereby established and is also herein referred to as the Board in accordance with the Revised Statutes of Missouri 1969 - 64.660 and all amendments thereto.
- 16.2 APPOINTMENT AND COMPOSITION OF THE BOARD - The Board shall consist of five (5) freeholders and not more than two (2) of whom shall be residents of the incorporated area of Clinton County, and not more than one (1) of whom may be a member of the Clinton County Planning and Zoning Commission. The membership of the first Board shall serve respectively; one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years and two (2) for four (4) years each. Officers to be elected at the January meeting.
- 16.3 OFFICERS OF THE BOARD - The Board shall elect its own chairman and vice-chairman who shall serve for one (1) year and shall adopt rules of procedure consistent with the provisions of this Order. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses.
- 16.4 MEETINGS OF THE BOARD - All meetings of the Board shall be open to the public and shall be held at the call of the chairman and at such other times as the Board may determine.
- 16.5 RULES OF PROCEDURE OF THE BOARD - The Board shall adopt, from time-to-time, such rules and regulations as it may deem necessary to carry into effect the provisions of this Section. It shall include, among other things, regulations relating to any notices for public hearing in addition to such public notice as required by law, forms to be used in the submission of the applications, times when hearings shall be held, procedures for the conduct of public hearings and the forms of written reports and findings of the Board. Any member missing three or more meetings during a calendar year shall be replaced or shall be allowed to resign.
- 16.6 MINUTES AND FINDINGS OF THE BOARD - The Board shall keep minutes of its proceedings and official actions or, if absent or failing to vote, indicating such fact. It shall also keep records of its examination and other official action all of which shall be filed promptly in the office of the Zoning Administrator and shall be open to public examination at reasonable times during the workday of the Zoning Office. All findings and actions of the Board shall be in writing and shall set forth the reasons for the action taken no matter what action was taken. Findings shall be complete, detailed and specific. In every instance, a statement of facts upon which such action is based shall appear in the minutes.
- 16.7 VOTE REQUIRED BY THE BOARD - The concurring vote of three (3) members of the

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Board shall be necessary to revise any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under the terms of this Order or to effect any variation or modification of the regulations of this Order.

16.8 **GENERAL POWERS OF THE BOARD** - The Board shall have the following general powers:

16.8-1 **HEARINGS** - The Board shall hear and decide all matters referred to it or upon which it is required to pass under this Section.

16.8-2 **APPEALS** - The Board shall hear and decide appeals made by any person or persons severally or jointly aggrieved by an Order, requirement, decision or determination made by the Zoning Administrator or other official in the enforcement of this Order. The Board may reverse, affirm, wholly or partly, or may modify the Order, requirement or decision appealed from and shall make such Order, requirement or decision as, in its opinion, ought to be made.

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

<p>Note: A variance issued by the board of adjustment is valid for 18 months. See §15.4. You must begin construction under your variance within that time, or risk losing it. The zoning administrator can extend the permit for an additional 18 months if you ask and have a good reason for the delay.</p>

16.9-1 **RELIEF** - That such relief, or modification can be granted without substantial impairment of the intent, purpose and integrity of this Order and of the Comprehensive Master Plan of development for Clinton County, Missouri, and

16.9-2 **AUTHORIZATION** - That this shall not permit a use of land not authorized by the provision of this Order for a specific zoning district or an increase in the height or volume of a building or structure, or an increase in the density of development

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beyond that permitted by this Order for any particular zoning district.

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

- 16.10-1 **COMPLIANCE** - That if the owner complied with the provisions of this Order, he would not be able to make reasonable use of his property.
- 16.10-2 **QUESTIONS** - That the difficulties or hardship are peculiar to the property in question in contrast with those of other property in the same district.
- 16.10-3 That the **HARDSHIP** was not the result of the **APPLICANT’S** own action.
- 16.10-4 That the **HARDSHIP** is not merely **FINANCIAL** or pecuniary.

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

- 16.11-1 **APPLICATION** - In considering any application for an exception hereunder, the Zoning Board of Adjustment may give consideration to the Comprehensive Master Plan of Clinton County, the health, safety, morals, comfort and general welfare of the inhabitants of Clinton County and shall include but not limit their consideration to the following factors:
 - A. The stability and integrity of the various zoning districts.
 - B. Conservation of property values.
 - C. Protection against fire and casualties.
 - D. Observation of general police regulations.
 - E. Prevention of traffic congestion.
 - F. Promotion of traffic safety and the orderly parking of motor vehicles.
 - G. Promotion of the safety of individuals and property.
 - H. Provision for adequate light and air.
 - I. Provision for public utilities and schools.
 - J. Prevention of over-crowding and excessive intensity of land use.
 - K. Invasion by inappropriate uses.
 - L. Value, type and character of existing or authorized improvements and land uses.
 - M. Encouragement of improvements and land uses in keeping with overall

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planning.

- N. Provision of orderly and proper urban renewal, development and growth.
- 16.11-2 **EXCEPTIONS** - which may be authorized by the Board of Adjustment are as follows:

- A. In all districts exceptions may be granted for:
 1. Airports and Heliports.
 2. Cemetery or Crematory.
 3. Fire stations, telephone exchanges, electric substations and regulator stations or other public utilities and other public buildings.

- 16.11-3 **REVIEW** - Prior to review of the request for an excepted use by the Board of Adjustments, the applicant shall:

- A. File an application on forms provided by the Zoning Office.
- B. File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has a lawful right to receive a conveyance thereof, if the application is granted.
- C. File a form of a declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. Said restrictions must provide that if such use is abandoned or is proposed to be changed that the subsequent use shall be in conformity with the zoning restrictions then in effect as to the land unless a new application for an excepted use is made and granted.
- D. A plot plan shall be filed with the application showing:
 1. Location of all proposed improvements, including curb-cut access, off-street parking and other such facilities as the applicant proposes to install.
 2. Building setback from all property lines.
 3. Such perspective drawings, of the proposed improvements, in such detail as the Board may require as will clearly show the finished appearance of the improvements proposed.
 4. Location and type of planting, screening or walls.
 5. Such other items as the Board shall deem reasonably necessary to properly process the application.

- 16.12 **TIME FOR WHICH DECISION OF BOARD IS VALID** - No decision of the Board permitting the erection, alteration, or use of a building or use of land shall be valid for a period longer than one (1) year unless a zoning permit for such erection or alteration is obtained within such period and such erection or alteration is promptly started and proceeds to completion in accordance with the terms of the decision of the Board. However, such Order shall continue in force and effect if a zoning permit for such erection or alteration is obtained within said period and the erection or alteration is promptly started and proceeds to completion in accordance with the terms of the decision of the Board.

16.13 AUTHORITY OF BOARD TO INTERPRET ZONING DISTRICT MAPS AND BOUNDARIES - Where there is dispute as to location of any zoning district or zoning district boundary line which has been determined or interpreted by the Zoning Administrator, an appeal from such interpretation or determination may be made to the Board and a determination shall be made by said Board.

16.14 APPEALS TO BOARD AND STAY OF PROCEEDINGS

16.14-1 Any person aggrieved by a ruling of the Zoning Administrator respecting the interpretation of this Order or any officer, department, board or bureau of Clinton County affected by the ruling of the Zoning Administrator concerning the interpretation of this Order may take an appeal to the Zoning Board of Adjustment. Such appeal shall be taken within a reasonable time as shall be prescribed by the Board from the date of any written order, requirement or decision complained of. Such appeals shall be taken by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds. The Zoning Administrator shall immediately transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

16.14-2 An appeal shall stay all proceedings in furtherance of the action from which appeal is made, unless the Zoning Administrator certifies to the Zoning Board of Adjustment, after notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which, after notice to the Zoning Administrator and due cause shown, may be granted by the Zoning Board of Adjustment or by a court of competent jurisdiction.

16.14-3 FEES - There shall be a fee of one hundred dollars (\$100.00) to defray the costs of publication and notice to abutting property owners for an appeal.

16.15 PROCEDURE OF HEARINGS BEFORE THE BOARD

16.15-1 The Zoning Administrator shall fix a reasonable time for the **HEARING** of appeals giving public notice thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. In the hearing of appeals before the Board, all testimony, objections thereto and ruling thereof shall be taken down by a secretary and recorded. Upon the hearing before the Board, any party may appear in person or by agent or by attorney.

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16.15-2 The action of the Board shall be final unless an appeal is taken to the Circuit Court of Clinton County within thirty (30) days of the date upon which the applicant was officially notified of the Board’s final action. No case shall be reopened nor shall any application be accepted constituting the same appeal involving the same property upon which the Board has taken final action for at least one (1) year from the date of the final action by the Board.

16.15-3 The Board may grant a rehearing upon any appeal if any application for such rehearing, which includes new evidence to be presented which was not considered by the Board at the hearing, is made to the Board within thirty (30) days of the Board’s original action. Only one (1) application for a rehearing may be made in any case.

16.16 APPEALS

16.16-1 Any person aggrieved or affected by any decision of the County, made in the administration of the Ordinance, may appeal to the Zoning Board of Adjustment.

16.16-2 All appeals hereunder must be taken within three months by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

16.16-3 An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Adjustment, after the notice of appeal has been filed with it that by reason of the facts stated in the certificate a stay would in the opinion of the Zoning Administrator cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Zoning Board of Adjustment or notice of the Zoning Administrator and on due cause shown.

16.16-4 The Zoning Board of Adjustment shall fix a reasonable time for hearing appeals give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

16.16-5 The Zoning Board of Adjustment may in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such

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order, requirement, decision, or determination as may be appropriate under the circumstances.

16.17 GENERAL

- 16.17-1 The Zoning Board of Adjustment is a quasi-judicial administrative body whose decisions affect private property rights to the same extent as court decisions. For this reason its procedures must be regular and properly judicial, and its decisions should accord with the recognized body of law in its field.
- 16.17-2 The Zoning Board of Adjustment is not a legislative body. It must enforce the meaning and the spirit of the Zoning Order which was enacted by Clinton County Commission. Where particular provisions of the Order seem to lead to consistent injustice, the Zoning Board of Adjustment should recommend to Clinton County Commission that they be amended. It should not attempt a “back-door” amendment by a series of its own decisions. Zoning Board of Adjustment must always keep in mind that it does not have the authority to amend the Zoning Order. If requests come to it of this nature, it should refuse to hear them and advise those making the request as to the proper procedures through which to seek amendments to the Zoning Order.
- 16.17-3 The decisions of the Zoning Board of Adjustment are subject to review in the Circuit Courts, but not by Clinton County Courts. Clinton County Court itself does not have the authority to revoke or modify a decision of the Zoning Board of Adjustment, nor can it direct the Zoning Board of Adjustment to render a particular decision in a specific case. If Clinton County Court feels the Zoning Board of Adjustment is in error in a certain case, it may seek remedy through the judicial system.
- 16.17-4 Powers and Duties. The Zoning Board of Adjustment has three (3) main powers and duties. 1) The power to hear appeals from the Zoning Administrator’s decisions as to matter of interpretation of the Zoning Order; 2) the power to grant exceptions in cases specifically provided for in the Order; and 3) the power to grant “variances” in cases where “practical difficulties or unnecessary hardship” would result from literal enforcement of the Order.
- 16.17 -5 Appeal to the Zoning Board of Adjustment An appeal to the Zoning Board of Adjustment involves a situation in which an interested party appeals the Zoning Administrator’s decision as applied in a specific case. This usually arises when the officer refuses to issue a zoning permit. The function of the

Zoning Board of Adjustment in an appeal is to make a judgment as to the proper interpretation of the Zoning Order in the context of the specific facts of the case. The Zoning Board of Adjustment, in an appeal, has to authorize the issuance of a permit that violates the strict terms of the Zoning Order. The Zoning Board of Adjustment’s power of interpretation consists merely of a) determining the true facts in a case, and b) applying to those facts what it conceives to be the true meaning of the Order. The point to remember is that the Zoning Board of Adjustment must apply, not vary, the terms of the Order. Any variation must come as a variance and must meet the requirements for a variance.

16.17-6 Exception In certain situations, the Order authorizes the Zoning Board of Adjustment to permit a given type of property use when it finds that particular conditions are met. When the Zoning Board of Adjustment does this, it is granting an “exception” (Special Use Permit). The Zoning Board of Adjustment must follow the language of the Order exactly and be sure that all the conditions specified have been met. In other words, for an “exception” to be made by the Zoning Board of Adjustment, there must be explicit mention of the authority to grant such an “exception” and the circumstances under which it can be granted must apply to the particular situation.

16.17-7 Variance The most familiar kind of action requested of the Zoning Board of Adjustment is to grant a “variance”. This is to allow some variation in the stated dimensional requirements of the Zoning Order in cases where their strict application would involve undue hardship. The first rule for the Zoning Board of Adjustment to remember in exercising this function is that it must not be too liberal with its grants, for otherwise the whole Zoning Order may be subverted.

16.17-8 Rules of Procedure One of the first steps which the Zoning Board of Adjustment should take after its creation is to adopt rules of procedure for itself. At least the following provisions should be considered:

- A. The Zoning Board of Adjustment should fix the time within which notice of appeal from the Zoning Administrator’s decision must be filed by the property owner.
- B. The Zoning Board of Adjustment should make provisions for the giving of notice prior to hearing the appeal.
- C. The appeal should be heard within a reasonable time.
- D. The quorum for the purpose of hearing cases should be not less than three (3) members.

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- E. The concurring vote of three (3) members should be required in order to 1) reverse and “Order”, requirement, decision, or determination of the Zoning Administrator; 2) grant an exception authorized by the Order, or 3) grant a variance from the literal terms of the Zoning Order.
- F. The decision should be given within a reasonable time.
- G. Any application for a rehearing should be denied if there is not substantial change in facts, evidence or conditions.
- H. A complete set of minutes should be kept. These should show, as to all cases heard by the Zoning Board of Adjustment 1) the evidence presented, 2) the Zoning Board of Adjustment’s findings of fact, and 3) the Zoning Board of Adjustment’s decision.

16.17-9

Zoning Board of Adjustment Actions. In granting exception or variance, the Zoning Board of Adjustment is entitled to impose conditions upon the permit which will make the proposed property use less objectional to its neighbors, and to the community as a whole. The conditions must be “reasonable”. In order to grant a variance, the Zoning Board of Adjustment should make certain findings (which must, of course, be supported by the facts). A summary of the findings that ought to be required before a grant of a “variance” is as follows”

- A. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Order. In order to support this finding, the property owner must prove:
 - 1. that if he complies with the Order, he can secure no reasonable return from, or make no reasonable use of, his property (This is a very strict requirement. It is not enough to show that he could secure greater profits from his property if the variance were granted, for this could be shown by almost any applicant - - at the expense of his neighbors. Ordinarily some physical problem preventing development of the property in an authorized manner should be shown);
 - 2. that the hardship results from the application of this Order. (The fact that a deed restriction or some similar factor limits the use of the property should not be considered by the Zoning Board of Adjustment; it may consider only hardship created by the operation of this Order);
 - 3. that the hardship is suffered by the property in question. (The fact that there is not a grocery store in the neighborhood may create hardship for the housewives, but it does not create a

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hardship bearing directly on the property of a man seeking to erect such a store. Where the conditions cited as hardship are neighborhood-wide, the proper remedy is not a variance, but rather an amendment to the Zoning Order);

4. that the hardship is not the result of the applicant's own actions. (Where the property owner has -- knowingly or unknowingly -- violated this Order by erecting a forbidden type of building, he cannot cite his expenses as hardship which he will suffer if he is not permitted to continue; otherwise no one would ever comply with this Order. Similarly, where a man buys property, knowing of zoning restrictions which prohibit the use he wants to make of it, he cannot be said to suffer hardship if the restrictions are enforced; such hardship would be self-imposed).

16.17-10 The variance is in harmony with the general purpose and intent of this Order and preserves its spirit. The Zoning Board of Adjustment should deny a variance as a violation of this finding where:

- A. the applicant attempts to expand a nonconforming use or to make it more permanent;
- B. the application is for a "use variation" (i.e., a variance authorizing the property to be used in a way prohibited by this Order, as distinguished from a variance in the lot area, yard size, building height, or other "dimensional requirement").

16.17-11 In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. In making this finding the Zoning Board of Adjustment must determine:

- A. that the interest of the community as a whole has been preserved, and
- B. that the variance will not result in greater hardship upon the neighbors than benefit to the applicant.

SECTION 17 - NONCONFORMING BUILDINGS AND USES

- 17.1 EXISTING NONCONFORMING BUILDINGS AND USES - The lawful use of a building existing at the time of the adoption of this order may be continued, although such use does not conform with the provisions hereof. Such use may be extended throughout the building; provided, that no structural alterations may result in a different use for the building or use, except those required by law or order.
- 17.2 RESTORATION OF A NONCONFORMING BUILDING OR NONCONFORMING USE - No building which is nonconforming or which has a nonconforming use shall be restored, except in conformity with the regulations of this order, after it has been damaged by fire, demolition, explosion, act of God or a public enemy or a combination of these, to the extent that the cost of restoration to the functional use existing prior to the damage exceeds fifty percent (50%) of its appraised value determined as if the building were restored.
- 17.3 DISCONTINUATION OF A NONCONFORMING USE - In the event that a nonconforming use of any building or premise is discontinued or its normal operation stopped for a period of one year or more, the use of the same shall thereafter conform to the regulations of the district in which it is located, and other applicable provisions of this order.
- 17.4 ENLARGEMENT OR RECONSTRUCTION OF A NONCONFORMING BUILDING - No nonconforming building, premises, or uses except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, which would result in a new use for the building, premises or uses, unless such use is changed to one permitted in the district in which such building or premises is located. Any expansion of the business or room addition to the existing building must be presented to the Clinton County Planning and Zoning Commission.

SECTION 18 - AMENDMENTS AND CHANGES.

- 18.1 AUTHORITY - Whenever the public necessity, convenience, general welfare or good zoning practice justifies such action, the Planning and Zoning Commission may, by order, recommend to the County Commission that regulations set forth in this order be changed. The Planning and Zoning Commission will make recommendations to the County Commission for changes in the zoning districts as established on the district map.
- 18.2 INITIATION OF AMENDMENT - A proposed change of district or text may be initiated by resolution of the Planning and Zoning Commission, or by petition of any property owner addressed to the Planning and Zoning Commission for recommendation to the County Commission.
- 18.3 APPLICATION
- 18.3-1 Form of Application - All applications shall be accompanied by a fee of three hundred dollars (\$300.00) plus the cost of all certified letters mailed to property owners within a thousand feet of the proposed rezoning tract plus the payment of any deposit required for S-1 zoning (Section 10). Such applications shall be made in writing except those recommended by the Planning and Zoning Commission or Zoning Administrator, and shall contain the proposed language of the zoning order to be inserted, a description and map of the property affected, if affecting a change in the zoning map, together with such other information as the zoning administrator shall require.
- 18.3-2 Authorized Applicant - Applications for amendment, revisions or change of the Zoning District Map of Clinton County may be made by any person, or his agent; who owns the land sought to be zoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner, such application shall be made upon forms prescribed by the Zoning Administrator and duly filed with the Zoning Office.
- 18.3-3 Other Applicants - Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of the Zoning Order of Clinton County, other than the Zoning District Map, may be made by any interested person, on forms prescribed by the Zoning Administrator and duly filed with the Zoning Office.
- 18.4 PROCEDURE - The Zoning Administrator, upon receiving an application for amendment shall transmit one (1) copy of such application, along with all pertinent data filed therewith, for their review and written recommendations, protests or comments to the Planning and

Zoning Commission.

- 18.5 NOTICE OF HEARING - The Planning and Zoning Commission shall hold at least one public hearing on such application, the Zoning Office shall at least fifteen (15) days before the hearing, send notice by certified mail to all owners of any real property located within one thousand feet of the parcel of land which the change is proposed. Notice shall also be published by the Zoning Administrator in at least one newspaper having general circulation within Clinton County. Notice of such hearings shall also be posted by the applicant at least fifteen (15) days in advance thereof on the property for which rezoning is sought according to table 18.5 using signs provided for that purpose by Clinton County Zoning Administrator. Applicant shall file an affidavit verifying the posting of signs with Clinton County Zoning Administrator prior to the date of such hearing. Such affidavit should indicate the contents and location of all notices posted by the applicant. The petitioner will be responsible for erecting the “Notice of Proposed Rezoning” signs on the property proposed for rezoning. The sign is to be erected the date of the application and removed from the property the date of the Public Hearing. These signs are the property of Clinton County and must be returned to the Clinton County Planning & Zoning Office before the Public Hearing will be heard. If any sign is damaged or destroyed, the petitioner will be responsible for replacement of said sign at \$100 per sign. The applicant desiring this change is required to furnish names and addresses of all property owners within one thousand feet of the proposed property to the Zoning Administrator on the date of their application. Certified letters will be sent to those property owners at the expense of the applicant.

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Table 18.5

Property Type	Posting Required
Single contiguous parcel.	Post one (1) sign along each roadway adjacent to the parcel not to exceed three (3) signs total.
Two or more contiguous parcels.	The group of contiguous parcels shall be treated as a single unit. Post one (1) sign along each roadway adjacent to the group not to exceed three (3) signs total.
Two or more non-contiguous parcels	Any group of contiguous parcels shall be treated as a single unit. For each isolated individual parcel and/or each group post one (1) sign along each roadway adjacent to the parcel not to exceed three (3) signs total. <i>(e.g. two isolated parcels and one group would require a minimum of three signs and a maximum of nine signs)</i>
Previously platted subdivision	Post one (1) sign at the primary community building (if one exists) and post one (1) sign at each public entrance to the platted subdivision located as close as practical to the legal boundary of the complete subdivision, a complete subdivision being defined as a combination of all parcels and all phases of any previously platted subdivision. <i>(e.g. if a subdivision was constructed in three phases postings are not required at the boundaries of each phase instead combine all phases into a single unit using overall boundaries of the complete subdivision to determine subdivision entrances that require posting)</i>

18.6 **HEARING ON APPLICATION** - The Planning and Zoning Commission shall have a public hearing on each application for an amendment at such time and place as shall be established by the Planning and Zoning Administrator. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Planning and Zoning Commission shall, by rule, prescribe from time to time. Such hearing may be adjourned from time to time.

18.7 MATTERS TO BE CONSIDERED AND RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION -The Planning and Zoning Commission shall submit recommendations to the County Commission within sixty (60) days after the close of the public hearing and any adjournment thereof. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Commission shall also document the matters to be considered based upon the evidence presented to it in each specific case with respect to the following matters and shall submit same to the County Commission simultaneously with its recommendations:

- A. Existing uses of property within the general area of the property in question.
- B. The zoning classification of property within the general area of the property in question.
- C. The suitability of the property in question to the uses permitted under the existing zoning classifications.
- D. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- E. If the Planning and Zoning Commission or any governmental agency or a property owner to whom the application has been submitted fails to submit recommendations to the County Commission within sixty (60) days after the close of the public hearing and any adjournment thereof, it shall be deemed to have been approved by those failing to so act.

18.8 ACTION BY COUNTY COMMISSION

18.8-1 The County Commission shall not act upon a proposed amendment to this Order until it shall have received a written report and recommendation from the Zoning Administrator and/or Planning and Zoning Commission on the proposed amendment except as hereinafter provided.

18.8-2 The County Commission may grant by order or may deny any application for an amendment, provided, however, that in the case of written protest against any proposed change or amendment, signed and acknowledged by the owners of thirty percent (30%) 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 thirty percent (30%) 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 1/2) miles of the corporate limits of a municipality having in effect an order zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with Clinton County Clerk, such amendment may not be passed except by the two-thirds vote of the members of Clinton County Commission.

18.8-3 If an application for a proposed amendment is not acted upon finally by the County Commission within ninety (90) days of the date upon which such application is recommended by the Planning and Zoning Commission, it shall be deemed to have been denied.

18.8.4 Spot zoning. Spot zoning is prohibited. Spot zoning is a rezoning request that is not logically related to the land adjoining it. In general, illegal spot zoning has these characteristics:

- A. It is a small “island” or “spot” designated for a particular use, in a large “sea” designated for a different use, so that it appears to be a SPOT on a map.
- B. It is not part of a gradual redefinition of an area caused by changing circumstances or changing consumer demand.
- C. The size of the parcel is irrelevant: A rezoning request for a large parcel can be a “spot zoning” request, the same as a request for rezoning a small parcel.
- D. Preference in rezoning requests should be given to those properties which adjoin land having the same classification as is requested by the applicant and/or those which conform to the Comprehensive Master Plan for the county

***Example:** A property owner may seek to have the county rezone a 20 acre tract to R-1, Single Family Residential. An objection is raised to the rezoning because it is said to be “spot zoning.” If this 20 acre tract is in the middle of farm country, and it is unlikely ever to be anything other than farm country, the proposal is probably illegal “spot zoning.” But if the 20 acres is located in the middle of farm country, which is gradually becoming full of hobby farms and becoming more suburban, with a reasonable expectation of further R-1 zoning in the future, it is not “spot zoning. The term “spot zoning” is a short-hand way of arguing that the rezoning request is (or is not) logical under all the circumstances.*

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18.9 APPEAL FEE - Any appeal must be accompanied by a fee of \$100.00 and must generally be filed within thirty (30) days of the zoning determination. The appeal is made to the Clinton County Clerk's Office in the Clinton County Courthouse.

SECTION 19 - VIOLATIONS

19.1 VIOLATIONS, CHARACTER OF - The following conduct is hereby declared to be unlawful:

19.1-1 Violation of any provision of this order or of any regulation adopted pursuant to authority conferred by it;

19.1-2 Failure to comply with the provisions, requirements, conditions or standards contained in any approved site plan, grading plan, excavation plan or clearing plan or in any special permit, building permit, occupancy permit, variance or certificate of appropriateness;

19.1-3 Procurement of any amendment or any required permit, certificate or approval through misrepresentation of any material fact.

19.2 Types of Violations

The following represents but does not encompass every type of violation that will be subject to the remedies and penalties provided in the Zoning Regulation, the County Code and State Law.

A. Subdivision, Development or Use Without Required Permits or Approvals

It is a violation of the Zoning Regulations to engage in any subdividing, development, use, construction, remodeling or other activity of any nature without obtaining all the permits, approvals, certificates, and other forms of authorization required in these Zoning Regulations

B. Subdivision, Development, or Use Inconsistent with Permit

It is a violation of the Zoning Regulations to engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.

C. Subdivision, Development or Use Inconsistent with Conditions

It is a violation of the Zoning Regulations to violate, by act or omission, any term, condition, or qualification imposed by a decision-making body upon a required permit, certificate, or other form of authorization.

D. Subdivision, Development or Use Inconsistent with Zoning Regulations

It is a violation of the Zoning Regulations to erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure or to use any land in violation or contravention of any zoning, subdivision, or other regulation of the Zoning Regulations, or any amendment thereof.

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E. Making lots or Setbacks Nonconforming

It is a violation of the Zoning Regulations to reduce or diminish any lot area so that the setbacks or open spaces are smaller than prescribed by the Zoning Regulations.

F. Increasing Intensity of Use

It is a violation of the Zoning Regulations to increase the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of the Zoning Regulations.

G. Continuing Violations

It is a violation of the Zoning Regulations to continue any of the violations specified in this Article. Every 30 days that a violation continues shall be considered a separate offense.

1. Any violation of the zoning order will be prosecuted as an offense in the Circuit Court of Clinton County. Each property owner, each occupant of the property and each agent or manager of the property managing same for the benefit of an owner or occupant shall be individually responsible for compliance with this order and each such person may be prosecuted in the Circuit Court of Clinton County for permitting the property to be used in violation of this order. The offense of violating the order shall not require *mens rea*, and this shall be an offense of absolute liability.
2. Clinton County, Missouri may go to the appropriate Circuit Court and obtain injunctive relief against the owner(s), occupant(s) or agent(s) of owner(s) and/or occupant(s) for violating this order. Such injunctive relief may include an order that the property be brought into conformance with the zoning order, requirement of the posting of a performance bond to ensure that the property becomes in compliance with the zoning order, and a requirement that the defendants pay the legal fees of Clinton County in enforcing its zoning order.

SECTION 20 –PENALTIES and ENFORCEMENT

Responsibility for Enforcement

The Planning and Zoning Administrator shall enforce these Zoning Regulations

Clinton County operates under statues pertaining to second and third class counties, pursuant to RSMo Chapter 64.800 to 64.840 and 64.845 to 64.895

20.1 PERMITS AND LICENSES

20.1-1 General - Every department and employee of Clinton County authorized to issue permits or licenses affecting the use or occupancy of land or of a building or structure shall comply with the provisions of this Order. Where any action on referral or an appeal is required by this Order, no such permit or license shall be issued unless and until such action has been taken and the time within which an Appeal could have been taken has expired. If the proposed use or occupancy of any building or structure for which a permit or license is sought conforms with this Order in all respects, the application therefore may be approved as to zoning. Any such permit or license hereafter issued contrary to the provisions of this Order shall be void.

20.2 ZONING CERTIFICATION

20.2-1 Requirement - Written certification that drawings comply with the requirements of this Order shall be made by the Planning and Zoning Commission prior to the issuance of a building permit for every building or structure erected or moved into any zoning district with the following exceptions:

- a. A building of a non-industrial character, owned and occupied by Clinton County or other governmental agency; but not including a storage garage, machine shop, corporation yard or incinerator;
- b. Publicly owned park, playground, golf course;
- c. Lawful minor accessory uses, not requiring any other permit or license;
- d. Lawful signs of a type for which no building permit or sign permit is required.

20.2-2 Certification - Such written certification shall be recorded on a suitable form or may be included on a Building Permit Application Form and shall include the zoning district, required setbacks and any provisions or conditions established by the Planning and Zoning Commission relating to the use of the property for which a Building

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Permit Application is made including but not limited to those set forth in any approval of a Special Use Permit or a Variance.

20.2-3 Records - Certification by the Planning and Zoning Commission together with all notations and required information shall be made a part of the permanent records of Clinton County.

20.3 REMEDIES AND ENFORCEMENT POWERS

a. Inspections

Upon reasonable cause to believe that any of the provisions of these Zoning Regulations have or will be violated, the Planning and Zoning Administrator shall have the power to cause any land, building structure, place or premises to be inspected and examined and to order in writing the remedy of any Zoning Regulations violation found to exist.

b. Procedures

In the case of violations of the Zoning Regulations, the Planning and Zoning Administrator shall give written notice of the nature of the violation to the property owner and to any other person who is party to the agreement and to any applicant for any relevant permit, after which the persons receiving notice shall have 30 days or longer, as the Planning and Zoning Administrator allows, to correct the violation. If the violation is not corrected **completely** within the required time frame, the Planning and Zoning Administrator shall use all penalties, remedies and enforcement powers available under this Article. Notices of violation must state the nature of the violation, the time period allowed for coming into compliance, and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

c. Building Permit Required

Any person or entity wishing to build or alter any structure shall obtain a building permit from the Zoning Administrator.

d. Violations

1. Any owner, lessee or tenant of land located within any unincorporated area of Clinton County, who violates any regulations or orders relating to the subdivision of land or zoning of land, or any regulations relating to building or setback lines, or any regulations and restrictions made and adopted under the provisions of RSMo 64.800 to 64.840 and RSMo 64.845 to 64.880 shall be guilty of a misdemeanor.

2. In the event any subdivision of land is begun or made in violation of RSMo 64.800 to 64.840 and RSMo 64.845 to 64.880, or any official master plan, or any planning or

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zoning order, regulation or restriction made and adopted under these provisions, the County Commission, the County Planning and Zoning Commission, the Prosecuting Attorney, or any officer or official appointed or designated under the provisions of RSMo 64.895, or the owner of any private property or any public body the property or whom is affected by such a violation may institute in the Circuit Court of the County, any appropriate action of proceedings to prevent such unlawful subdivision development or erection, construction, reconstruction, alteration, relocation or maintenance or use, or to restrain, abate or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land, and to prevent any illegal act, conduct, business or use in or about the premises.

3. The official appointed or designated under the provisions of RSMo 64.895 shall have the power to cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedy of any condition found to exist there or threat in violation of any of the regulations or orders adopted or made under the provision of this document and RSMo 64.800 to 64.840 and RSMo 64.845 to 64.880.

4. The owner or general agent of any such land, building, structure, or premises where a violation of any such orders, regulations, or restrictions has been committed or shall exist, and any other person who knowingly permits, takes part or assists in such violation, or maintains any buildings or premises in which such violations exists, shall be guilty of a misdemeanor

5. Unless otherwise directed, violations of these regulations and restrictions set forth in these Zoning Regulations shall constitute a misdemeanor. Any person who violated this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 and in addition shall pay all costs and expenses involved in the case. Each 30 days such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Clinton County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

e. Variance and/or Special Use Permit Revocation

1. A Variance and /or Special Use Permit may be revoked at any time by the County Commission upon recommendation of the Planning and Zoning Commission. Before revoking the Variance and/or Special Use Permit, the Planning and Zoning Commission shall conduct a public hearing where the matter will be discussed with testimony and evidence taken on the subject. At the close of the public hearing, the Planning and Zoning Commission shall make a recommendation to the County

Commission for its consideration and final action.

2. Prior to the public hearing on the possible revocation of a Variance and/or Special Use Permit, a written notice (by certified mail) that a violation has occurred shall be mailed to the permit holder. The notice shall afford the permit holder a specific time period to abate the violation or otherwise correct the problem and shall further grant the permit holder a hearing before the Planning and Zoning Commission in accordance with the preceding paragraph 1.

3. A Variance and /or Special Use Permit may be revoked for any one of the following reasons:

- a. The permit holder made material misrepresentations or false statements of fact in the application or during the hearing on the application;
- b. The provisions or conditions of these Zoning Regulations have been violated;
- c. The conditions placed upon such use as part of the Variance and/or Special Use Permit approval are not being met, or the use is not complying with any other county regulations applicable to the operation of such uses.

SECTION 21 - SCHEDULE OF FEES

The following fees shall be collected before the issuance of any permit, or the processing of any application for amendment of this order.

LATE FEE: Applications submitted after the start of construction shall be assessed double the scheduled fee.

Rezoning Application	
Agriculture A or B**	\$375.00
Residential 1, 2, 3, 4 **	\$375.00
Commercial 1, 2 **	\$550.00
M 1, 2, or Industrial 1, 2 **	\$600.00
Special Use District **	\$750.00

***Plus the payment of any deposit required for S-1 zoning (Section 10)**

Minor Subdivision Application ** (2 lots)	\$500.00
Major Subdivision Application ** (3+lots)	\$600.00

Major Subdivision Final Plat Examination Fee: \$ 50.00 per lot

Replat ** \$200.00 per lot

Zoning Variance Application ** \$250.00

Special Use Permit ** \$375.00

***Plus the cost of all certified letters mailed to property owners within a 1000ft of the proposed rezoning tract at the current rate**

Certified Letter Fee current rate

Legal Notification \$100.00

Temporary Special Use Permit during construction \$150.00

Private Landing Strip \$100.00

Fireworks \$ 50.00

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Carnival, Circus or Fair	\$ 100.00
Mobile home space/trailer space	\$ 00.27 /sq ft

Construction:

Dwelling , each sq. ft. of living floor space Minimum - 950 sq. ft.	\$ 00.30 /sq.ft.
Room Addition:	\$ 00.30 /sq.ft.
Business, Industrial, Commercial, each sq. ft. of floor space	\$ 00.30 /sq.ft.
Septic System	\$ 60.00
Septic Inspection Fee	\$ 115.00

Accessory Building 120 square feet or larger \$50.00 or \$0.05 a sq. ft. whichever is larger

Cell/Radio/Wind Tower or other structure not providing floor space for application of building fees
(All new towers of any kind require a Public Hearing) \$2.00 per height foot.
per scope of work

Water Storage Tank \$ 10.00

SIGNBOARDS:

All signs \$1.00 per sq. ft
(for double faced sign add 50%)

Political Signs N/C
(no limit as to number)

Political signs, maximum size thirty-two (32) sq. ft.,
Signs to be removed at the completion of the campaign. N/C

MANUFACTURED HOMES:

1. The schedule of fees for the placement of a manufactured home in Clinton County, Missouri is as follows:
 - a. Manufactured home permit 0.30 a sq. ft.
 - b. Septic permit \$ 60.00
 - c. Septic inspection \$115.00

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Fee Schedule - For any S-1 application:

The above applications for rezoning to any of these land use classifications shall require a \$750.00 rezoning petition fee and an escrow deposit of \$10,000.00. The money will be used for attorney fees, experts and consultants, administrative fees, engineer's, surveyors and any other necessary expenses incurred for this rezoning petition. These experts will be employed by the Clinton County Planning and Zoning Commission to offer opinions as to the feasibility and likely consequences of the applicant's proposal. If the balance falls below \$2,000.00 an additional deposit to the escrow account of \$5,000.00 will be required. Clinton County Treasurer will disburse payments based on billings supplied by the Zoning Administrator and approved by the Planning and Zoning Commission or Clinton County Commission. These billings will reflect the actual charges incurred. A final accounting of the charges levied against the deposit and the balance of the deposit, if any, shall be returned in a timely manner to the applicant. The application for rezoning for any of the above land classifications (except the sanitary landfill and confinement feeding operations which are required to have \$100,000 in escrow and required fencing all around the property) shall not be accepted as filed and no further processing will occur until after the \$10,000.00 deposit is made.

The rezoning petition fee as listed on the Fee Schedule of \$750.00** represents the fee for a petition to rezone property for a sanitary landfill and includes up to a maximum of two (2) hours hearing time, both proponent and opponent, before the Clinton County Planning and Zoning Commission and up to two (2) hours hearing time before the Clinton County Commission. Each applicant for S-1 zoning shall be required to state as part of the application procedure whether additional time will be necessary. With the application the applicant will give a detailed written statement of the witnesses anticipated to testify at the hearing and the approximate time required for the hearing.

The Zoning Administrator will review each application along with the applicant and estimate how long the hearing might take. The applicant will also be charged for equal hearing time for presentation by opponents of the application. This shall not be construed to limit the time the opponents will be allowed at the hearing. If the estimated time of the hearing will be over two (2) hours, the Zoning Administrator will order the applicant to deposit additional funds with Clinton County Treasurer. The application shall not be accepted as filed and no further processing will occur until after this deposit is made. Charges for this additional hearing time shall be based on the following schedule:

- I. Application for:
 - Rezoning petition fee** \$ 750.00 plus cost of certified letters mailed to adjoining property owners and legal notification

*Should a hearing be in excess of two (2) hours, the following fees will also apply, unless higher fees are billed to Clinton County, in which case the higher fees shall apply:

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II. <u>Hearing</u>	<u>Minimum per hour</u>
Members - Highway Engineer	\$ 425.00
Attorney	\$ 500.00
Court Reporter	\$ 50.00

III. <u>Commission Hearing</u>	
Commissioners	\$ 100.00
Attorney	\$ 500.00
Court Reporter	\$ 50.00
Administrative fee	\$ 35.00

IV. <u>Research</u>	
Attorney	\$ 500.00
Administrative fee	\$ 35.00
Experts and consultants	\$ 500.00
Court Reporter	\$ 50.00
Surveyor	\$ 475.00

V. Landfills and Solid Waste Disposal Facilities

The charges established in this section do not apply to:

1. solid waste that Clinton County is obligated to accept pursuant to a contract;
2. roadside litter, collected by the State from roads and highways within Clinton County, up to 60 tons per month; or
3. solid waste that may be recycled.
 - a. for residential solid waste delivered, per load. No charge
 - b. for solid waste delivered by a commercial business, or in a dump truck, flatbed truck, box truck, rental truck/trailer, double axle trailer, or a boat, camper, or mobile home, per ton: \$60.00.
 - c. for on-the-road vehicle tires from vehicles other than vehicles owned by the person delivering the tires, 125% of the cost to Clinton County to dispose of the tires, and for each tire mixed with other solid waste, an additional charge of \$ 7.00.
 - d. for large, unusually difficult to handle items or bulky compact items, such as house trailers, boats in excess of 20 feet in length, stumps, concrete, per ton \$200.00
4.
 - a. All charges based on weight shall be computed proportionally, with a 60-pound minimum.
 - b. When a weighing scale is unavailable or inoperative.
 1. for solid waste delivered in an open vehicle, Department of Public Works personnel shall estimate the weight of the solid waste and the

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- charge is \$60.00 per ton in accordance with the estimate; and
2. for solid waste delivered in a closed vehicle, the charge is \$30.00 per cubic yard of rated capacity.
 5. All solid waste shall be contained or covered so as to avoid the loss of waste from the vehicle during transportation and the creation of litter.
 6. A person may not dispose of off-the-road equipment tires.
 7.
 - a. A person may not dispose of solid waste that originates or is generated outside Clinton County at a sanitary landfill owned or operated by Clinton County.
 - b. If personnel discover that a person has disposed of solid waste in violation of this section, the person improperly disposing of the solid waste shall pay a charge of \$240 per ton.
 8. A fee of \$50 and an additional fee based on the estimated necessary Clinton County costs of inspection, supervision, and escort actions required by approving agencies to guarantee the safe and expeditious movement of hazardous, toxic, and special waste over Clinton County roads shall be paid to Clinton County for a certificate of emergency transport.

FEES:

Miscellaneous

Room rent \$25.00

Public Address System \$25.00

SECTION 22 - LAND SUBDIVISION REGULATIONS

Note: The requirements of this section are in addition to the zoning regulations (Sections 1 through 21) that may apply to a particular tract of land.

22.1 **SUBDIVISION REGULATIONS** - This section governs the subdivision of land within Clinton County, Missouri. The purpose of these regulations is promoting coordinated physical development, conservation of natural resources, insuring efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants of Clinton County. Any division of land into two or more tracts is a “subdivision”, for the purposes of this section and require advance approval. However, a property owner may subdivide into twenty (20) acre lots without subdivision approval, but subdivision of smaller size shall require subdivision approval.

Any proposed subdivision of land will be evaluated according to the “point system” as provided in Section 22.19 of these regulations.

22.1-1 **GENERAL PROVISIONS** - These amendments are hereby adopted and enacted under authority of R.S.Mo. 64.510-64.690 and amendments thereto, comprising requirements, standards and specifications with respect to provision for the proper location and width of streets, building lines, open spaces, safety, recreation; and for the avoidance of congestion of population; and for the manner in which streets shall be graded and improved; and the extent to which water, sewer, and other utility services shall be provided; and to provide for the approval of Preliminary Plats and Final Plats and endorsement thereof by the Commission, and by Clinton County Commission; and for the protest of a municipality, if appropriate:

22.1-2 **INTENT AND PURPOSE** - It is the intent and purpose of the Clinton County Planning Commission, as part of the long-range goals and objectives of Clinton County Commission Comprehensive Master Plan, to encourage development, other than agricultural development, near existing urban areas or growth centers and/or in new communities. The Planning and Zoning Commission discourages isolated residential developments as not being compatible to the best long-range interests of the citizens of Clinton County, unless proper public utilities and school facilities are readily available to the proposed district. For every one-half (1/2) mile or fraction thereof a four thousand (\$4,000.00) dollar deposit must be made to an escrow account

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for any new subdivision plats for the purpose of bringing the road or roads up to County specifications before Clinton County accepts the completed subdivision road or roads from the developer. After the Clinton County Planning and Zoning Commission has approved the Final Plat of a subdivision, the developer will be responsible for construction of all roadways into the subdivision according to the requirements of the Clinton County Highway Department or the Special Road District involved.

The key objectives of the Clinton County Plan (**Ref. Chapter 3**) are three-fold:

- Encourage urban-density growth—in small lot subdivisions or on 1-acre lots—in and near area cities of Clinton County (through annexation or on standards that create incentives to develop near the cities and on major roads);
- Allow suburban growth—on lots of up to 5-acres—where it can be served most cost-effectively by the county: in the south county and near cities; and
- Encourage rural-density growth—on lots of 20-acres—in rural-agricultural areas in the north county and far from cities and major roads, allowing the urban-density growth in outlying areas only on strict standards.

Note: The following is an excerpt from the Comprehensive Plan 2002

22.1-3 GENERAL REQUIREMENTS

- A. ADDRESS:** The person or persons who are requesting a rezoning procedure for a subdivision in Clinton County must contact the Clinton County 911 Coordinator before beginning a Preliminary Plat of the proposed subdivision to be certain there are no roadway name duplications. After final plat approval the developer shall obtain “911 address signs” from the Clinton County Road and Bridge Department and place the signs on the property as directed by the appropriate Road and Bridge Department. The developer shall pay the cost of purchasing and installing these signs. After final plat approval, the appropriate Road and Bridge Department shall assume responsibility for maintenance and replacement of these signs.
- B. SALES OF LOTS:** No lots shall be sold in a proposed subdivision until the Clinton County Planning and Zoning Commission has approved the subdivision and the Final Plat has been duly recorded. The recorder of deeds shall refuse to accept any deed to property in a subdivision that does not have final plat approval.
- C. FIRE HYDRANT:** One fire hydrant must be installed at the entrance to each

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subdivision, at the discretion of the public water supply district involved. A letter from the water supply district regarding the reasons for their decision.

- D. NAME: No subdivision may use a name that has already been used for a subdivision in Clinton County, nor may a subdivision name be deceptively similar to an existing subdivision name.
- E. LOT SIZE: The minimum lot size in a subdivision shall depend upon the type of sewer treatment system to be built to treat the sewage generated by any structures located on the lot:
 - 1. A single-family residential lot, with on site sewage treatment lagoon must be at least 5 acres in size, and the outside edge of the sewage treatment lagoon must be located at least 75 feet from all lot lines.
 - 2. A single-family residential lot, planned for septic tank and laterals may be as small as 5 acres in size.
 - 3. A single-family residential lot connected to a publicly owned central sewer system may be a minimum of as small as 10,000 square feet.
 - 4. A residential lot (Single or Multi-Family) connected to a sewer system may be as small as 10,000 square feet if:
 - a. The development has obtained a construction and operation permit from the Missouri Department of Natural Resources.
 - b. The owner of the sewer system shall be either a public or private sewer utility that is regulated by the Missouri Public Service Commission or the Missouri Department of Natural Resources.
 - 5. A two-family residential lot (“duplex lot”) shall be 5 acres, unless connected to a public sewer system, or a private sewer system meeting the requirements of subsection 4 above, in which case it may be a minimum of 5,000 square feet per family (10,000 square feet total).
 - 6. Lots for multi-family or manufactured housing/mobile home residential use, commercial use, or industrial use shall have a sewer system approved by the Missouri Department of Natural Resources. The permit for such system must be obtained prior to the approval of the Final Plat for the subdivision, and the sewer system must be substantially complete prior to the issuance of a building permit for construction of the first structure intended for sale.

22.1-4 **SUBDIVISION PROHIBITIONS AND RESTRICTIONS** - The following activities are prohibited within Clinton County Subdivisions:

- A. Raising of poultry and swine (See Section 4.12C)
- B. Bed and Breakfast

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22.1-5 **GUIDELINES FOR ZONING QUESTIONS - POINT SYSTEM** - Note: this is a guide only for zoning questions (the Planning and Zoning Commission or County Commission retain discretion to approve/disapprove any rezoning application, even those that score 75 points and above). For subdivision proposals that meet the minimum design requirements of Clinton County subdivision regulations, there is an additional requirement to score at least 75 points on the following scale. The purpose of this point system is not to prevent a property owner from developing land, but is to prevent development from unduly burdening the existing county infrastructure.

1. Proximity: Maximum 20 points plus possible bonus.

Near Smithville Lake, Trimble, Lathrop, Gower, Holt, Plattsburg or Cameron

Adjacent: 20 points

NOTE: property adjacent to Corps of Engineers land is considered adjacent to Smithville Lake)

Within one-half mile 15 points

NOTE: property whose closest boundary is less than ½ mile, and whose farthest boundary is more than ½ mile is not “within” ½ mile)

Within one mile 10 points

Within two miles 5 points

More than two miles 0 points

BONUS: Housing density within one-half mile

NOTE: Housing density is measured by lines parallel to the section and township lines, and ½ mile from the property line (or in case of property lines not parallel to section and township lines, from the center of such lines [excluding any extrusion less than 20% of the total width or length]) and counting the number of residential buildings within the enclosed area. A multi-family dwelling counts as one building. The county assessor’s records shall be used to determine the number of houses, plus any agreed “new construction” since tax day. Planned construction (other than this subdivision) may be counted, if construction is anticipated within the next two months.

More than 100 houses (i.e., about 3 + acres) + 10 points

99 to 75 houses + 8 points

74 to 50 houses + 5 points

49 houses or less 0 points

2. Sewer Possible 20 points.

Subdivision to be connected to Municipal system 20 points

Subdivision to have central treatment system 18 points

Subdivision to have central holding tank, transport 10 points

NOTE: Must have a homeowner association or other entity to be responsible for emptying tank, with means to enforce payment of costs on homeowner, in order to qualify for these points.

Subdivision to have individual septic tanks 3 points

Subdivision to have other individual treatment 0 points

Substantial risk-subdivision sewage may contaminate nearby water wells -20 points

NOTE: DNR regulation concerning proximity of septic tanks to water wells shall be considered in

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determining “substantial risk” in the absence of contrary evidence

- 3. Roads** **Possible 20 points plus bonus**
- NOTE:** Interstate highway doesn’t count as an asphalt or concrete highway in these measurements, because there is no access to Interstate except by other roads.
- | | |
|--------------------------------------------------------------------------------------------|------------|
| Subdivision Adjacent to asphalt or concrete road at all exits | 20 points |
| Subdivision adjacent to asphalt or concrete road from at least one exit | 18 points |
| Less than one-half mile of gravel road to asphalt or concrete road from furthest exit | 15 points |
| Less than one mile of gravel road to asphalt or concrete road from furthest exit | 10 points |
| Less than two miles of gravel road to asphalt or concrete road from furthest exit | 5 points |
| More than two miles | 0 points |
| Bonus: | |
| Subdivision has internal roads with no more than two exits per 15 lots onto public roadway | +15 points |
-
- 4. Fire Protection** **Possible 10 points plus bonus**
- | | |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------|
| ISO rating of 5 or less | 10 points |
| ISO rating of 6 | 8 points |
| ISO rating of 7 | 6 points |
| ISO rating of 8 | 4 points |
| ISO rating of 9 | 2 points |
| ISO rating of 10 | 0 points |
| Bonus: Dry fire ` within 750 feet of each structure within subdivision | |
| | +3 points |
| Bonus: Wet fire hydrant within 750 feet of each structure within subdivision, with design capacity of 250 gal/minute without pumping | |
| | +7 points |
| Note: only one “fire” bonus per subdivision | |
-
- 5. Water System** **Possible 15 points plus bonuses**
- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------|
| Water company certifies development will not reduce pressure for neighbors, and 6" or greater main already at property | 15 points |
| Water company certifies development will not reduce pressure for neighbors, and 4" or | |

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greater main already at property	10 points
Four inch main to be installed without decreasing pressure for neighbors	8 points
Other	0 points
Bonus: No dead-end water mains in subdivision	+5 points
Bonus: For each residence outside subdivision that will be brought within 500 feet of water main after subdivision completed	+3 points per resident

Note: Both “water: bonuses may be awarded, to a maximum of additional 15 bonus points

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 6. School System | Possible negative points |
| School superintendent indicates adequate space for expected increased enrollment due to subdivision | 0 points |
| School superintendent expects overcrowding due to subdivision development | -15 points |
| 7. Flood Plain or Sensitive Area | Possible 5 points |
| Subdivision located within flood plain or identified Environmentally sensitive area (wetlands, etc.) with required mitigation | 0 points |
| Not located within such area | 5 points |
| 8. Soil Quality and Capabilities | Possible 10 points |
| Any Class I or I soil | -10 points |
| All soil Class III or below | -5 points |
| All soil Class IV or below | 0 points |
| All soil Class V or below | +5 points |
| All soil Class VI or below | +10 points |

Note: Soil classification is determined on most current Soil Survey Report on Clinton County as published by the United States Department of Agriculture and available through local ASCS offices.

22.2 DEFINITIONS

22.2-1 A SUBDIVISION shall, for the purpose of these regulations, be the division of a tract of land into two (2) or more lots , including the re-subdivision or re-platting of land, except the division of land into two (2) or more parcels at least twenty (20) acres each or greater shall be exempt form these regulations.

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- 22.2-2 A street shall be the land between property or lot lines which is dedicated, deeded, or reserved to the public for the use of vehicular traffic, and may include sidewalks and utilities, provided any dedicated or deeded public vehicular way along rear property or lot lines and less than twenty-five (25) feet wide shall be considered an alley and not a street.
- 22.2-3 A lot as defined herein may consist of one platted lot as per recorded plat.
- 22.3 **SCOPE** - In the subdivision or re-subdivision of land within Clinton County and not within incorporated areas, the owner or developer shall exercise due regard to the alignment, width, gradient and location of streets in relation to other existing or planned streets, to adequate drainage, to safe and expedient flow of traffic, and to provide for roadway surface, utilities, schools, and recreation areas, and other requirements as may be developed.
- 22.4 Prior to the filing of an application for approval of a preliminary plat, the subdivider shall submit to the Zoning Administrator, plans and data showing his ideas and intentions in the platting of the proposed subdivision.
- 22.4-1 **DISCUSSION** - The developer is encouraged to discuss the plans for a subdivision with the Zoning Administrator and the Planning and Zoning Commission. No particular formality is required. It is suggested the following information should be provided:
- A. The existing conditions of the site and a description of the proposed development,
 - B. A general location map showing the proposed subdivision and its relationship to existing community facilities. Such location map should show the location and name of the subdivision, existing main traffic arteries, public transportation lines, schools, parks, playgrounds, high pressure gas lines, power lines and any other significant physical features.
 - C. A sketch plan should be prepared and submitted showing the proposed layout of streets, lots, and other features in relation to existing utilities and other conditions. This plan may be submitted in the form of a freehand pencil sketch.
 - D. Suitability of land for subdivision development; Land suitable for subdivision development due to drainage, flood hazard area, or any other conditions constituting significant danger to health, life or property shall not be approved for subdivision development unless the owner presents evidence or data satisfactory to the commission establishing that the methods proposed to meet any conditions are adequate to avoid significant danger to health, life or property.

Note: The purpose of this pre-application procedure is to save the applicant needless expense and grief. Any applicant who desires may skip the pre-application procedure.

22.5 APPROVAL REQUIRED - All plans, plats or re-plats hereafter laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon, or adjacent thereto, and plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use or for the use of purchasers or owners of the lots fronting thereon, or adjacent thereto, and plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, shall be presented for approval as follows:

22.5-1 PRELIMINARY PLATS - Review of plats by other agencies: At the option of the Zoning Administrator and/or the Planning and Zoning Commission, proposed plats may be submitted to various agencies for review and comment. The applicant shall be informed whenever possible of the comments seven (7) days prior to the meeting at which approval is requested.

All plats shall be reviewed by the Zoning Administrator. If a county road is involved, the Clinton County Highway Director of Operations must review the plat. If a special Road District is involved they shall review the Plat as well. Preliminary approval of all subdivision preliminary plats shall be made by the Planning and Zoning Commission. Said review shall be reported on within thirty (30) days of submission of the plat. The time of submission of a plat shall be considered to be the date of the regular monthly meeting of the Commission at least ten (10) days prior to which the plat for approval, complete and accompanied by the required fee and all other data required by these regulations, has been filed with the Administrator. Failure within thirty (30) days as stated above, will result in a disapproval of plat by the Commission.

In case of disapproval, the Commission Zoning Administrator shall inform the applicant the reason or reasons for its actions. (The contents of the preliminary plat application are described in § 22,6 below).

22.5-2 FINAL PLATS - All Final Plats shall be subject to approval by the Planning and Zoning Commission and Clinton County Commission, providing the Final Plat is in conformance with the Preliminary Plat, approved by the Planning and Zoning Commission. Final Plat must be presented to the Planning and Zoning Commission for approval within ninety (90) days after approval of Preliminary Plat. Such approval by the Planning and Zoning Commission shall take place within (30) days

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of submission. If Final Plat is not presented, the Preliminary Plat approval becomes null and void, and a new preliminary plat approval will be required. (The contents of the final plat application are described in §22.7 below).

22.6 **PRELIMINARY PLAT** - Ten (10) prints of a Preliminary Plat of any proposed subdivision shall be submitted to the Zoning Administrator at least ten (10) days before the meeting at which approval is asked. The Preliminary Plat shall be drawn at a scale no smaller than two hundred (200) feet to the inch. The Preliminary Plat shall show or be accompanied by the following information:

22.6-1 The proposed name of the subdivision. In addition there shall be submitted with the preliminary plat a written statement from Clinton County Recorder of Deeds verifying that the proposed name of the subdivision has not been already used in this county, and listing all names of subdivisions within Clinton County similar to the proposed name.

22.6-2 The names of the owner and the engineer, surveyor, or landscape architect responsible for the survey and design.

22.6-3 The location of boundary lines and their relation to established section lines, fractional section lines, or survey lines.

22.6-4 The location and width of existing and proposed streets, roads, lots (approximate dimensions), alleys, building lines, easements, parks, school sites, and other features of the proposed subdivision. The plat shall show the outline of adjacent properties for a distance of at least two hundred (200) feet, or sufficient distance to determine the relationship of adjacent property and streets, and how the streets, alleys or highways in the proposed subdivision may connect with those adjacent which exist or are of record. In addition there shall be submitted with the preliminary plat a letter from Clinton County 911 coordinator approving the street/road names on the plat, and stating that the subdivider will purchased the required 911 signs.

22.6-5 Survey showing physical features of the property, including water courses, ravines, bridges, culverts, present structures, and other features of importance to lot and street layout. The approximate acreage of the property shall be indicated. Topography of the tract with contour intervals of not more than ten (10) feet shall be shown on the Preliminary Plat.

22.6-6 Approximate gradients of streets.

22.6-7 Designation of the proposed uses of land within the subdivision, whether for residential, commercial, industrial or public use, such as parks, schools, churches, etc.

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- 22.6-8 Centerline profiles of proposed streets may be required by Clinton County Road and Bridge Director of Operations.
- 22.6-9 North point, scale and date.
- 22.6-10 All existing restrictions on the use of land including easements or zoning lines.
- 22.6-11 All the utilities which are either proposed, mapped or built, this will include the location of all public sewers (if any).
- 22.6-12 Approval of the Preliminary Plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the Final Plat for record. No grading of streets, or construction shall be done on the subdivision before the Final Plat is approved by the Planning and Zoning Commission and by Clinton County Commission, except by special permission of the Planning and Zoning Commission.
- 22.6-13 Flood Area Designation shall be shown on the Preliminary Plat.
- 22.7 **FINAL PLAT** - After the Preliminary Plat has been approved by the Planning and Zoning Commission and the Zoning Administrator, a Final Plat for record shall be prepared and submitted to the Planning and Zoning Commission and the Zoning Administrator for approval by that body. 4 (4) prints of the plat shall be filed in the Office of the Zoning Administrator at least ten (10) days prior to the meeting at which approval is asked. The original plat shall be a scale on two hundred (200) feet to the inch, unless waived by the Planning and Zoning Commission or the Zoning Administrator, and shall show or be accompanied by the information required with the preliminary plat plus the following:
- 22.7-1 The name of the subdivision, the names of streets and the numbers of lots and blocks, in accordance with a systematic arrangement.
- 22.7-2 An accurate boundary survey of the property, with bearings and distances, referenced to section or fractional section corners, or survey corners, and showing (in dotted lines) the lines of immediately adjacent streets and alleys with their widths and names.
- 22.7-3 Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length and radii of all curves, and with all other information necessary to duplicate the plat on the ground.

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- 22.7-4 The location of building lines on front and side streets, and the location and dimensions of utility easements.
- 22.7-5 Dedication of all streets, public highways, alleys, and/or other land intended for public use, signed by the owner and owners, and by all other parties who have a mortgage or lien interest in the property, together with any restrictions which are to apply to lots.
- 22.7-6 A waiver of claim by the applicant for damages occasioned by the establishment of grades, or the alteration of the surface of any portion of the streets and alleys to conform to the grades as established, may be required by the Planning and Zoning Commission.
- 22.7-7 Certification of a registered land surveyor to the effect that the plat represents a survey made by him, and that all the necessary boundary survey monuments are correctly shown thereon.
- 22.7-8 North point, scale and date.
- 22.7-9 All Final Plats signed by Clinton County Commission shall be filed for record in Clinton County Recorder's Office within ninety (90) days. Failure to record an approved Final Plat within ninety (90) days shall render the plat null and void. No subdivision shall be approved unless property has been previously zoned to allow for the type of land use proposed in the subdivision.
- 22.7-10 Failure to complete necessary infrastructure of an approved subdivision within two (2) years of approval of the Final Plat by the Clinton County Commission requires the plat to be resubmitted to the Planning and Zoning Commission and re-approved before any construction may commence. Upon the sale of any portion of an approved subdivision within the aforementioned two-year period, the buyer **must** be notified by the seller in writing of the requirements of this section. Any plat resubmitted to the Planning and Zoning Commission shall have the status of a Preliminary Plat and must satisfy all the requirements of the Planning and Zoning Commission and meet all the subdivision regulations in force at the time of its re-submittal. Clinton County Commission may adopt a resolution or order stating that construction has not begun within the two year period and record the same in the land records of Clinton County. The recording of such a resolution shall invalidate the plat approval previously given.
- 22.7.11 No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval has been given by the Planning and Zoning Commission, unless such plat is resubmitted to the Planning and Zoning Commission and the Planning and Zoning Commission approves any such modifications. The Official

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Plat must be submitted to Clinton County Commission for signatures by the Administrator only.

- 22.7.12 All figures and letters shown must be in ink and shall be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record. Plats shall be submitted drawn on Mylar, its equal or better. Maximum overall size of any sheet shall be thirty-six (36) inches long by twenty-four (24) inches wide or in multiples thereof.
- 22.7.13 When more than one (1) sheet is used, a key map, showing the entire subdivision at smaller scale with block numbers and street names, shall be shown on one (1) of the sheets, or on a separate sheet of the same size.
- 22.7.14 The minimum mean width of a residential lot shall be one hundred (100) feet, except fifty (50) feet on a cul-de-sac, if eighty (80) feet at front building line, if such platted building line has a setback greater than that required in the Zoning Order.
- 22.7.15 Flood Area Designation shall be shown on the Final Plat.
- 22.8 **GENERAL REQUIREMENTS** - All street arrangements and alignment must be approved by the appropriate Road District and/or Clinton County Highway Department and Clinton County Commissioners. All streets or roads must be built to County specifications. Hard asphalt or concrete surfaces must be built according to Missouri Department of Transportation specifications. When it is necessary for a roadway or roadways to be constructed inside a subdivision, preliminary approval of that roadway from the road district involved must be completed and sent in a letter to the Clinton County Zoning Office before any building permits can be issued.
- 22.8-1 **PARKS, SCHOOL SITES AND PLAYGROUNDS** - Suitable sites for parks, schools, playgrounds or other public requirements shall be carefully considered and indicated on the Preliminary Plat, so that it can be determined which of such sites, if any, should be indicated on the Final Plat, and when, and in what manner such areas will be acquired by the public body.
- 22.8-2 Every building hereafter erected shall be located on one (1) platted lot, and in no case shall there be more than one (1) main building on less than one (1) platted lot.
- 22.9 **MONUMENTS REQUIRED** - Sufficient permanent and distinguishable monuments shall be in the form of iron pins not less than one-half (½) inch in diameter and two (2) feet long driven into the earth, or spikes not less than six (6) inches long driven into the pavement. Such monuments shall be installed by the subdivider as soon as reasonably possible. Such

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monuments shall define the boundaries of the subdivision, the corners of blocks and the beginning and end of curves on streets. The location of such monuments shall be on the center line of streets or on the property line, and shall be indicated on the Final Plat.

22.10 REQUIRED IMPROVEMENTS

22.10-1 All electric utility lines, telephone service lines, and cable television lines shall be underground, according to standards of the Missouri Public Service Commission for utilities covered by the Public Service Commission.

22.10-2 No septic or basement drain shall empty into the street.

22.10-3 Approval of any subdivision plat by the Planning and Zoning Commission or Clinton County Director of Operations shall not constitute acceptance of any street therein for public maintenance until completion of such street in conformance with the minimum standards herein prescribed.

22.10.4 Entrances to lots off of County roads in subdivisions shall have a tube installed as per the specifications of the Clinton County Director of Operations before construction is started.

22.11 WATER AND SEWAGE

- a. In subdivisions of twenty-five (25) lots or more, a public water supply system, designed by a professional engineer, in accordance with guidelines and standards established by the Missouri Department of Health and Senior Services, or other agencies with administrative authority shall be constructed. Such systems shall be approved by the State prior to installation.
- b. In subdivisions of less than twenty-five (25) lots, private water supplies such as individual wells or a concrete water storage tank will be permitted. The water storage tank must meet the specifications of and be inspected at installation by the Zoning Administrator. Subdivisions of twenty-five (25) lots or more shall have a public water supply system.
- c. A central sewage system shall be installed by the owner/developer, sub-divider or corporation whenever a subdivision or plat contains 25 or more lots. In determining the number of lots developed or platted, the developer must include all lots developed or platted within six hundred sixty (660) feet, which are part of any other development or subdivision or recorded plat.

22.11-1 WATER STORAGE TANKS:

1. Permit cost is \$10.00
2. The water storage tank must be twenty (20) feet or more from any building.
3. Run-off from any building into the water storage tank will not be allowed.
4. Water storage tank shall have a capacity of one thousand (1,000) gallons or more.
5. Water storage tank shall be fifty (50) feet or more from septic tank, and fifty (50) feet or more from laterals, or lagoon.

22.11-2 SEWAGE

- a. In subdivisions of twenty-five (25) or more lots, a public sewage system designed by a professional engineer in accordance with guidelines and standards of the Missouri Clean Water Commission and the Department of Natural Resources responsible for such administration, shall be constructed and installed. Such systems must be approved by the State of Missouri prior to installation.
- b. In subdivisions of less than twenty-five (25) lots private sewage systems shall be permitted. A soil morphology shall be required on the lot before issuing a septic and inspection permit. A holding pond will be allowed if the soil morphology dictates such. Regulations by D.O.H & S.S. and D.N.R. shall apply.

22.12 BUILDING LINES - Building lines shall be shown on all lots intended for residential use, and in some cases may be required on lots intended for business use, and shall provide at least the setback required by the Zoning Order.

22.13 APPROVAL OF COUNTY COMMISSION - DISAPPROVAL BY PLANNING COMMISSION - PROTEST BY MUNICIPALITIES - No plat or subdivision of land in the unincorporated areas of Clinton County shall be recorded in the Office of Clinton County Recorder unless and until approved by the Planning and Zoning Commission. If however, such plat be rejected by the Planning and Zoning Commission, or if the Council or Board of Trustees of any municipality files with the Planning and Zoning Commission a certified copy of a resolution of such Council or Board protesting against the action of the Planning and Zoning Commission approving any such plat of any land lying within one and one-half (1 1/2) miles of the limits of the unincorporated area of such municipality, or as otherwise prescribed by statute, such plat may then be approved only by a two-thirds vote of Clinton County Commission, and the reasons for the approval or

failure to approve such plat shall be spread upon the records of Clinton County Commission and certified to the Planning and Zoning Commission.

22.14 VARIANCES AND EXCEPTIONS

22.14-1 VARIANCES

- a. When the sub divider can show that a provision of these standards would cause unnecessary hardship if strictly adhered to, and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning and Zoning Commission, a departure may be made without destroying the intent of such provisions, the Planning and Zoning Commission may authorize a variance. Any variance thus authorized is to be stated in writing in the minutes of the Planning and Zoning Commission with the reasoning on which the departure was justified, set forth.
- b. These variances shall never be authorized as a blanket variance for an entire subdivision.

22.14-2 APPLICATION - Application for a variance shall be submitted in writing by the sub divider at the time the preliminary plat is filed for the consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

22.14-3 CONDITIONS - In granting variances and modifications, the Planning and Zoning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so verified or modified.

22.15 STAGE CONSTRUCTION

22.15-1 STAGE CONSTRUCTION - The developer may, after receiving approval of the Preliminary Plat, petition the Planning and Zoning Commission to proceed with the subdivision by stages. The area may be divided into sections, and after appropriate approval, of a final plat of such stage, the installation of improvements shall be made in approved sections, prior to receipt of building permits. It is the developer's responsibility when lots are sold to inform the new Landowner of Zoning regulations in Clinton County. (added 2, May 1996)

CLINTON COUNTY ZONING AND SUBDIVISION ORDER, 1998 – Amended 04-2014, 01-2015, 09-16-2016, 03-29-2018, 05-03-2018, 08-02-2018, 02-14-2019, 6-27-2019, 07-19-2019

- 22.16 PLATTED UNIT DEVELOPMENT - NEW TOWNS, ETC. - Where a developer is considering the development of a planned-unit type subdivision, or a new town or any new concept in subdivision design, development and improvements, upon request of the developer, the Planning and Zoning Commission and Clinton County Commission shall have the prerogative of receiving, securing, considering, and approving such development, not withstanding other sections of the regulations; provided that approximately equal land and open space will result in approved subdivision of this type, as would result from a conventional layout, and access, egress, and other required improvements must be acceptable to the Planning and Zoning Commission and County Commission.
- 22.17 REGULATIONS MAY BE AMENDED - The Planning and Zoning Commission may change and amend these regulations from time-to-time, after public hearing, as provided in RSMo 64.550.
- 22.18 PENALTIES - The Clinton County Road and Bridge Director of Operations or the Zoning Administrator, or a duly authorized representative of either, shall upon evidence of any violation of these rules serve an order to cease and desist or correct or remove such violations, such service to be made by registered mail or in person to the owner, general agent, lessee or contractor who, having been served with an order to cease and desist or correct or remove such violations, shall fail to comply with such order within ten (10) days after such service, or who shall continue to violate any of the regulations contained herein and orders made in connection herewith, shall be guilty of a misdemeanor as in provided by law.

SECTION 23 – JUNK, TRASH, AND DERELICT VEHICLES

23.1 PURPOSE - The regulations of this Section is intended to prohibit the accumulation of junk, debris, building materials, used furniture or other waste items or the repair, restoration, assembly, disassembly, storage or standing of any inoperable vehicle where it is visible and uncovered from surrounding property or roads. The regulations of this Section is NOT intended for “Farm Equipment” accumulated during the course of running a farm, equipment including, but not limited to, tractors, trailers, combines, tillage implements, bailers and other equipment including attachments and repair parts thereof used in the planting, cultivating, irrigation, harvesting and marketing of agricultural products, excluding self-propelled machines designed primarily for the transportation of persons or property on a street or highway.

23.2 DETERMINATION OF JUNK OR DEBRIS STATUS – Piles or accumulation of junk or debris shall be determined to be a nuisance when any one or more of the following conditions exist:

23.2-1 Accumulation of junk, debris, building materials, used furniture, household trash, tires, barrels, appliances and other waste items appearing on any property which has the potential to be a:

- a. Health Hazard
- b. Fire Hazard
- c. Nuisance to adjacent property owners
- d. Degrade water quality of active streams

23.2-2 The burial of trash or debris is considered to be operating a Landfill and is subject to all regulations regarding Landfill (Section 10.5).

23.3 DETERMINATION OF VEHICLE STATUS

23.3-1 Inoperable – A motor vehicle shall be determined to be inoperable when any one or more of the following conditions exist:

- a. It is disassembled in whole or in part;
- b. It is unable to move or it has not been moved under its own power within a continuous period of 30 days or more; or
- c. The license plates have been expired for 30 days or more.

23.3-2 Storage – Inoperable motor vehicles shall not be stored, nor shall they be allowed to stand in any zoning district in any manner except as follows:

- a. In a legally established and conforming wrecking or salvage yard;
- b. In a fully enclosed permanent structure attach to ground such as a garage or barn;
- c. Where it is covered and/or is not visible from adjacent roads or property. A suitable fence that screens inoperable motor vehicles from public view is permitted.

23.3-3 Any and All Junk Vehicles and/or Trash/Debris violations are effective as of August 1, 2007.

23.4 PROCEDURES FOR COMPLAINTS

Any complaint regarding the accumulation of junk, debris, trash, building materials, used furniture, inoperable motor vehicles, or other waste items located on property within unincorporated Clinton County shall be processed by the Zoning Administrator or designee by:

- A. Receiving a complaint from any citizen of the County;
- B. Completing a complaint form which will include the name, address and phone number of the person lodging the complaint;
- C. Inspecting the property for any violation(s).

23.4-1 Upon completion of the inspection, the Zoning Administrator or designee will:

- A. Make a determination that there was no violation of this regulation;
- B. Call the person reporting the problem and give them the results of the investigation;
- C. Make a determination that there is a violation of this regulation;
- D. Send a certified letter to the property owner on which the violation is occurring;
- E. Indicate the nature of the violation, number of days to correct the problem and the follow-up procedure;
- F. The informer will be called to advise them that a certified letter has been sent;
- G. At the end of the allotted time, the property will be inspected for compliance;
- H. If not in compliance, the complaint will be considered a ‘Violation’ and the penalties would apply as stated in Section 19 – VIOLATIONS AND PENALTIES;
- I. Each incident of a complaint shall be considered a separate citation.

SECTION 24 - EFFECTIVE DATE

- 24.1 Date - This order, including the zoning district map of Clinton County, designated “district map,” and dated February, 1998, together with all subsequent amendments, shall become effective as a new zoning order on the 1st day of April, 1998.
- 24.2 Conflicting Regulations - Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the Height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.
- 24.3 Severability - If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.
- 24.4 Effective Date - Whereas, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the County Commissioners and publication and posting as required by law.

ADOPTED THIS 1st DAY OF April, 1998.

AMENDED April, 2014

AMENDED January, 2015

AMENDED September, 2016

AMENDED March 29, 2018

AMENDED May 15, 2018

AMENDED August 16, 2018

AMENDED June 27, 2019

AMENDED July 19, 2019