COMMISSIONERS OF CLINTON COUNTY

Patrick Clark, Sr. .....Presiding Commissioner
Tyler Walock .....1st District Commissioner
Richard Riddell .....2nd District Commissioner

CLINTON COUNTY PLANNING AND ZONING COMMISSION

Michael Adair .....Platte Township
Kent Rider.....Concord Township
Wayne Porter.....Atchison Township
Nathan York .....Lathrop Township
James (Todd) Pyles.....Hardin Township
Terry Beers .....Shoal Township
Beth Franklin .....Clinton Township
Darrell Moritz.....Jackson Township
James (Jim) Phillabaum…….Lafayette Township

Roger Riddle……..Director of Operations Clinton Co. Road & Bridge

CLINTON COUNTY ZONING BOARD OF ADJUSTMENT

Jess McPhee
John Killgore
Vanessa Foote
Bryce Mitchell
Justin Hartzell

CLINTON COUNTY ZONING OFFICE

Tricia "P.J." Knight	**Zoning Administrator**
Sara Martin	**Deputy Administrator**
Tracy Dieball	**Deputy 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.

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 Conflicting Provisions

A. Conflict with State or Federal Regulations

If the provisions of this Order are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

B. Conflict with Other County Regulations

If the provisions of this Order are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the county, the more restrictive provision will control.

C. Conflict with Private Agreements and Covenants

This Order is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship. The county is responsible for enforcing this Order; it does not enforce private agreements.

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.

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.

1.9 REVIEW AND DECISION-MAKING BODIES

1.9-1 County Commission

The County Commission shall have all the powers and duties specifically assigned in this Order, including the following:

A. Order Text Amendments

The County Commission shall be responsible for reviewing Order Text amendment applications and for taking final action to approve or deny such applications. (See Sec. 1.11)

B. Zoning Map Amendments

The County Commission shall be responsible for reviewing Zoning Map Amendment applications and for taking final action to approve or deny such applications. (See Sec. 1.12)

C. Subdivisions

The County Commission shall be responsible for reviewing subdivision plat applications and for taking final action to approve or deny such applications. (See Sec. 22).

D. Special Purpose Zoning Districts

1. Planned Unit Development (PUD)

The County Commission shall be responsible for reviewing all PUD Concept Plan/Plat applications and for taking final action to approve or deny such applications. (See Sec. 22.16)

E. Special Use Permits (SUPs)

The County Commission shall be responsible for reviewing SUP applications and for taking final action to approve or deny such applications. (See Sec. 13)

F. Vacations

The County Commission shall be responsible for reviewing Vacations (e.g. utility, public and ingress/egress easements, rights-of-way) applications and for taking final action to approve or deny such applications. (See Sec. 1.13)

G. Comprehensive Plan

The County Commission shall be responsible for reviewing amendments to the County Comprehensive Plan and recommending approval or denial to the Planning and Zoning Commission.

1.9-2 Planning and Zoning Commission

The Planning and Zoning Commission shall have all the powers and duties specifically assigned in this Order, including the following:

A. Order Text Amendments

The Planning and Zoning Commission shall be responsible for reviewing Order Text amendment applications and for making a recommendation on the applications to the County Commission. (See Sec. 1.11)

B. Zoning Map Amendments

The Planning and Zoning Commission shall be responsible for reviewing Zoning Map

Amendment applications and for making a recommendation on the applications to the County Commission. (See Sec. 1.12)

C. Subdivisions

The Planning and Zoning Commission shall be responsible for reviewing Subdivision plat applications and for making a recommendation on the application to the County Commission. (See Sec. 22).

D. Special Purpose Zoning Districts

1. Planned Unit Development (PUD)

The Planning and Zoning Commission shall be responsible for reviewing all PUD Plans/Plat applications and for making a recommendation on the application to the County Commission. (See Sec. 22.16)

E. Special Use Permits (SUPs)

The Planning and Zoning Commission shall be responsible for reviewing Special Use Permit applications and for making a recommendation on the application to the County Commission. (See Sec. 13)

F. Vacations

The Planning and Zoning Commission shall be responsible for reviewing Vacations (e.g. utility, public and ingress/egress easements, rights-of-way) applications and for making a recommendation to the County Commission to approve or deny such applications. (See Sec. 1.13)

G. Comprehensive Plan

The Planning and Zoning Commission shall be responsible for reviewing and taking final action on amendments to the County Comprehensive Plan.

H. Rules and Procedures

The Planning and Zoning Commission shall elect its own chairman and adopt rules of procedure consistent with the provisions of these regulations and the provisions of RSMo. 64.510 to 64.695. All meetings of the Planning and Zoning Commission shall be open to the public, and minutes shall be kept of all proceedings and official actions which minutes shall be a part of the public record, filed in the Planning and Zoning Department.

I. Hearings

Hearings of the Planning and Zoning Commission shall be held at the call of the chairman and at such times as the Planning and Zoning Commission may determine. All testimony, objections, rulings, and actions shall be electronically recorded and filed in the Planning and Zoning Department.

1.9-3 Board of Zoning Adjustment

A. Creation

A Board of Zoning Adjustment is hereby created pursuant to RSMo. 64.660.

B. Composition

The Board shall consist of 5 residents of the county, including no more than 2 residents of the incorporated area of the county and no more than 1 member of the Planning and Zoning Commission.

C. Terms

The term of each member of the Board of Zoning Adjustment shall be 4 years.

D. Removal and Vacancies

Members of the Board of Zoning Adjustment shall be removable for cause by the County Commission upon written charges and after public hearings. Vacancies shall

be filled by the County Commission.

E. Rules and Procedures

The Board of Zoning Adjustment shall elect its own chairman and adopt rules of procedure consistent with the provisions of these regulations and the provisions of RSMo. 64.510 through 64.695. The chairman, or in the chairman's absence the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be a part of the public record, filed in the Planning and Zoning Department.

F. Hearings

Hearings of the Board of Zoning Adjustment shall be held at the call of the chairman and at such times as the Board of Zoning Adjustment may determine. Within the budget established by the County Commission for such purpose, the Board of Zoning Adjustment will require all testimony, objections, rulings, and actions shall be electronically recorded and filed in the Planning and Zoning Department.

G. Powers and Duties

1. Variances

The Board of Zoning Adjustment shall be responsible for reviewing Variance applications and for taking final action to approve or deny such applications. (See Sec. 13.A)

2. Appeals of Administrative Decisions

The Board of Zoning Adjustment shall be responsible for hearing all appeals of administrative decisions and for taking final action on such appeal. (See Sec. 13.A-3)

H. Appeals of the Board of Zoning Adjustment Decisions

Appeals of the Board of Zoning Adjustment decisions shall be according to Sec. 13.A-1.D.4 and 13.A-3.I.

1.9-4 Planning and Zoning Officer and Other Administrative Staff

A. Power and Duties

The Planning and Zoning Officer and other administrative staff shall have all the powers and duties specifically assigned in this Order or otherwise assigned by the County Commission.

1.10 ZONING REVIEW PROCEDURES

1.10-1 General

A. Authority to File Applications

Applications for zoning approval under this Order may be filed by: the property owner of record, a purchaser under a contract for sale from the record owner, or the duly authorized agent of the record property owner. County officials shall be authorized to require proof of legal authority to take the action sought. The County Commission may initiate any action under this Order with or without an application from the record property owner.

B. Form of Application

Applications required under this Section must be submitted on forms and in such numbers as required by the official responsible for accepting the application.

C. Fees

1. Application Filing Fees

Applications must be accompanied by the nonrefundable fee established by the County Commission. Fees shall not be required with applications initiated by Review and or Decision-Making Bodies.

2. Special Hearing Deposit

a. Generally

Where the total time of a hearing is expected to exceed 2 hours, as determined by the Planning and Zoning Officer, a special hearing expense deposit shall be paid by the applicant in addition to the application filing fee. Special hearing deposits are to cover actual expenses. The required deposit amounts have been established by the County Commission. At any point prior to the conclusion of all hearings on a matter, the County Commission may, for good cause and based on anticipated actual costs, require a deposit to exceed the amount required for applications falling in the “Other” category of “Special Hearing Deposit,” as shown in the Fee Schedule.

b. Application Review

At the time of application filing, the applicant shall state the number of witnesses and the amount of time the applicant anticipates for the presentation of all evidence to applicable review and decision-making bodies. The application must be accompanied by a list of

witnesses and exhibits. The Planning and Zoning Officer will review all applications and make a determination of whether the hearing is likely to exceed 2 hours in length. Such determination shall be based upon: (1) the information supplied in the application, (2) the expected amount of public input, and (3) the Planning and Zoning Officer's experience with local practices. If it is determined by the Planning and Zoning Officer that the public hearing will exceed 2 hours in length, the applicant shall be subject to the special hearing deposit provisions of this subsection.

c. Deposit Required

If at any time either before the filing of the application, or prior to a final decision of the applicable decision-making body, the Planning and Zoning Officer determines that the hearings are likely to exceed 2 hours in length, the Planning and Zoning Officer shall notify the applicant in writing of this determination and order the applicant to post a special hearing expense deposit, which shall be held in an account by the County Treasurer in a depository established for that purpose by the County Commission. Upon the issuance of such order by the Planning and Zoning Officer, all proceedings upon the application shall be stayed until the deposit is received by the county. After such a stay is in effect for a period of 14 calendar days and the deposit is not made with the county, the application shall be dismissed, without prejudice against re-filing of the application.

d. Escrow Account Established

There shall be an escrow account established under the supervision of the County Treasurer's Office for each case for which the applicant pays an expense deposit. The County Treasurer shall disburse payment from the escrow account upon billings supplied by the Planning and Zoning Officer and approved by the County Commissioners. These billings shall reflect the actual charges incurred which will be charged against the amount on deposit in escrow. When each billing is made, the Planning and Zoning Officer shall simultaneously mail a copy of the billing to the applicant at the address listed in the application.

e. Additional Deposits

At any time that the escrow account falls below a balance of 20 percent of the initial total expense deposit, the County Treasurer shall immediately inform the Planning and Zoning Officer, whereupon the

Planning and Zoning Officer shall write to the applicant at the address shown on the application and direct the applicant to make deposit equal to the amount of the initial expense deposit. After the Planning and Zoning Officer makes such order, all proceedings on the application shall be stayed until the county receives the additional deposit. If the additional deposit is not received within 14 calendar days of said order, or if the applicant indicates a refusal to make such additional deposit, the application shall be dismissed without prejudice against re-filing.

f. Refunds

Upon final disposition of the application or dismissal of the application, the balance of the deposit in escrow with the County Treasurer, after all expense payments are made, shall be returned to the applicant upon the applicant's written request.

D. Complete Application

Applications that do not include required information or that are not accompanied by required fees will be returned to the applicant as incomplete, and no further processing of the application will occur until the deficiencies are corrected. Applications will be reviewed for completeness within 10 days of filing. If the official responsible for accepting the application determines that the application is complete, the application will be processed. If the official responsible for accepting the application determines that the application is incomplete, the application will be returned to the applicant along with a written explanation of the application's deficiencies.

E. Preapplication Conferences

All applicants are encouraged to schedule and attend a preapplication conference meeting with Planning and Zoning Department staff prior to submitting an application for review under this chapter. The purpose of a preapplication conference is to inform the applicant of applicable procedures, submittal requirements, development standards, and other pertinent matters before the applicant finalizes the development proposal. Staff opinions presented during a preapplication meeting are informational only and do not represent a commitment on behalf of the county regarding the acceptability of the development proposal.

F. Establishment of Processing Cycles

Officials responsible for accepting applications, after consulting with review and decision-making bodies, may promulgate processing cycles for applications.

Processing cycles may establish:

1. Deadlines for receipt of complete applications;

2. Dates of regular meetings;

3. The scheduling of staff reviews and staff reports on complete applications;

4. All required steps in the application process (including public hearings, and reviews by other agencies); and
5. Required time frames for action by review and decision-making bodies.

G. Planning and Zoning Officer and Agency Review

In conducting required reviews, the Planning and Zoning Officer shall be authorized to distribute the application and other submittals to other departments and agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements.

H. Notices

All notices required under this Order must: (1) indicate the time and place of all scheduled public hearings; (2) describe the property involved in the application by street address, legal description or map; (3) describe the nature, scope and purpose of the proposal; and (4) indicate the location and source of additional information about the proposal.

1. Written Notice

   a. Unless otherwise expressly stated, when the provisions of this Order require that written notice be provided, the official responsible for accepting the application shall provide written notice by certified mail to all owners of the subject property and all property owners within 1,000 feet of the subject property. Written notice shall also be sent by regular mail to the City Clerk of any municipality within 1½ miles of the subject property

   b. Written notices shall be deposited in the U.S. mail at least 15 days before the first scheduled public hearing.

   c. The applicant shall be responsible for providing the Planning and Zoning Department with a list of the names and addresses of the owners of record of all property within 1,000 feet of the subject property. The ownership information shall be obtained from a licensed abstractor, title company, registered surveyor or similarly qualified person whose services have been secured by the applicant.

This information should be provided in electronic and printed form. Failure to notify all adjoiners may invalidate the public notice requirements and cause the application to be tabled until proper notification is completed.

2. Published and Posted Notice

When the provisions of this Order require that notice be published in the newspaper, the official responsible for accepting the application shall ensure that notice is published in a newspaper of general circulation within Clinton County at least 15 days before the first scheduled public hearing. In addition to published notice, for Special Use Permit applications only, the Applicant is responsible for obtaining and posting a sign giving notice of the SUP application provided by the Clinton County Road Department at least 15 days prior to the public hearing on the property proposed for the special use at a location approved by the Zoning Department. The sign must be returned within 15 days after the Hearing or the applicant may be billed $100.

3. Constructive Notice

Minor technical deviations from specified notice requirements shall not be deemed to impair notice where there is actual notice. Written notice shall be conclusively presumed to be properly given if placed, postage prepaid, with the United States Postal Service addressed in accordance with the list provided by the applicant. When required written notices have been properly given, failure of a party to receive such notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the general location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the body hearing the matter shall determine whether there was compliance with the notice requirements of this section.

4. Delay in County Commission Hearing

If there is a delay in forwarding a recommendation to the County Commission based on technical reasons, and no specific date is announced at the Planning and Zoning Commission public hearing, written notice shall be sent by regular mail to all adjoiners within 1000’ at least 15 days prior to the County Commission hearing at which the application will be heard.

I. Action by Review and Decision Making Bodies

1. Review and decision-making bodies may take any action on an application

that is consistent with the notice given, including approving the application, approving the application in modified form or denying the application. Decision-making bodies shall also be authorized to remand an application back to a review body for further consideration and recommendation.

2. Review bodies may recommend, and decision-making bodies may modify or allow amendments to the application if the effect of the modifications or amendments is to allow a less intensive use or zoning district than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application.

3. Decision-making bodies may not approve an application for a greater density of development, a more intensive use, a more intensive zoning district, reduced setbacks, more dwelling units, greater height, more access points or fewer improvements than indicated in the notice.

J. Inaction by Review and Decision-Making Bodies

1. Review Bodies

When a review body fails to take action on an application, upon request of the applicant within three months from the first public hearing the application shall be forwarded to the decision-making body with no recommendation.

2. Decision-Making Bodies

Unless otherwise expressly stated, when a decision-making body fails to take action on an application within a required time frame or 90 days, whichever is greater, that inaction will be deemed a denial of the application, unless an extension is granted.

K. Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements, provided that the continuance is set for a date and time certain and announced at the time of the public hearing.

L. Compliance with Missouri Revised Statutes

The development review procedures of this Section are intended to implement the procedural requirements of the Missouri Revised Statutes. In the event of conflict between the procedures of this chapter and those of the Missouri Revised Statutes (RSMo. 64.510-695) the state statutes shall control.

M. Burden of Proof Persuasion

The burden of demonstrating that an application complies with applicable review

and approval criteria is on the applicant. The burden is not on the county or other parties to show that the criteria have or have not been met.

1.11-1 ZONING ORDER TEXT AMENDMENTS

A. Planning and Zoning Department's Review and Report

The Planning and Zoning Department shall review each proposed Order text amendment and provide a report to the Planning and Zoning Commission.

B. Public Hearing Notice

Published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 1.10-1.H.2.

C. Planning and Zoning Commission's Review and Recommendation

The Planning and Zoning Commission shall hold a public hearing on the proposed text amendment and make a recommendation to the County Commission based on the Approval Criteria of Sec. 1.11-1.E.

D. County Commission Review and Decision

After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the application based on the Approval Criteria of Sec. 1.11-1.E.

E. Approval Criteria

In taking action on Order text amendments, review and decision-making bodies shall consider whether the proposed amendment advances the stated purpose and intent of Sec.1.1.

1.12 ZONING MAP AMENDMENTS

A. Application Filing

Zoning Map Amendment ("Rezoning") applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department.

1. Adjacent Property Owners

The applicant for a proposed rezoning shall provide the Planning and Zoning Department with a list of names and addresses of the owners of record of all property within 1,000 feet of the property in question, as specified by RSMo. 64.645. A property abstractor, title company, registered surveyor, or similarly qualified person whose services have been secured by the applicant shall have

originated such list. Such list shall be provided with the application in electronic and paper forms. Failure to properly notify all adjacent property owners may invalidate the public notice requirements and cause the application to be tabled until proper notification is completed.

2. Water Supply Approval

Written approval from the respective public water supply district (PWSD) or a municipal water supplier for the proposed project shall be submitted with the application. If water service from the PWSD is not available, this should be noted in writing from the district. If the project is not within the boundaries of any PWSD or not capable of being served by any other water supplier, arrangements shall be made in accordance with this section.

3. Sanitary Sewer Approval

Written approval of the project from the Clinton County Health Department shall be submitted with the application.

4. Clinton County Road Department Approval

A plan review fee shall be paid to the Clinton County Road Department and submitted with the application. Written approval from the Clinton County Road Department of all roadways and accesses shall be required for subdivision approval.

5. Missouri Department of Transportation (MoDOT) Approval

If the project abuts a State maintained highway, written approval from MoDOT shall be required for subdivision approval.

6. Preliminary Plat/Site Plan

Rezoning applications must be accompanied by either a Preliminary Plat application if a subdivision is required in accordance with Section 22 or a Site Plan if a subdivision is not required.

A Site Plan may include any existing and proposed conditions that will assist the decision - making bodies in determining compliance with zoning map amendment approval criteria as described in Section 1.12.F.

B. Public Hearing Notice

Written and published notice of the Planning and Zoning Commission's public hearing

shall be provided in accordance with Sec. 1.10-1.H.1 and Sec. 1.10-1.H.2.

C. Planning and Zoning Department's Review and Report

The Planning and Zoning Department shall review each proposed Zoning Map Amendment and provide a report to the Planning and Zoning Commission.

D. Planning and Zoning Commission's Review and Recommendation

The Planning and Zoning Commission shall hold a public hearing on the proposed Zoning Map Amendment and make a recommendation to the County Commission based on the Approval Criteria of Sec. 1.12.F. The Planning and Zoning Commission's hearing shall be set for a date not later than 60 days after receipt of a complete application. Transmittal of the recommendation shall be made to the County Commission within 90 days of the Planning and Zoning Commission's hearing, unless the applicant requests a delay or withdrawal in writing.

E. County Commission Review and Decision

After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the application based on the Approval Criteria of Sec. 1.12.F.

F. Approval Criteria

In acting on proposed Zoning Map Amendments, review and decision-making bodies shall consider the following:

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;

2. Whether or not the proposed amendment is consistent with the Comprehensive Plan and the stated purpose and intent of Sec. 1.1;

3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;

4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and

5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, stormwater management, and natural resources.

G. Protest Petitions

1. Super-Majority Vote Required

If a valid protest petition is submitted to the County Clerk within 4 days of the date of the conclusion of the Planning and Zoning Commission's last hearing on the proposed zoning map amendment, approval of the zoning map amendment by the County Commission shall require a favorable vote of at least ⅔ of all the members of the County Commission. If the County Commission returns the application to the Planning and Zoning Commission for reconsideration, previously filed petitions shall be invalidated and a new protest petition must be filed.

2. Definition of "Valid" Protest Petition

a. In order to be deemed "valid," a protest petition must be:

i. Signed and acknowledged by the owners of 30 percent of the frontage within 1,000 feet to the right or left of the frontage proposed to be changed;
ii. Signed and acknowledged by the owners of 30 percent of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered; or
iii. Made by resolution of the city council or board of trustees of a zoned municipality located within 1½ miles of the subject tract.

b. The term "owner" for purposes of protest petitions shall include all those individuals that have ownership in the subject real property or property within 1,000 feet as provided in this section. If the property is owned by joint tenancy, all such owners must sign the petition by their own hand to be valid, unless the petition itself clearly indicates that one tenant has the legal authority to sign for and on behalf of the other. If a corporation, partnership or entity other than an individual meets the requirements to protest an action and desires to sign a petition; the following must appear on the petition in order for such organization to be counted with the petition:

i. The proper name in which title to its property is held;

ii. The address of its property;

iii. The name of the individual signing on behalf of the corporation, partnership or entity;

iv. The title or authorization of the individual to sign on behalf of the corporation, partnership, or entity; and

v. The signature of each owner signing the petition must be properly notarized.

H. Successive Applications

1. If the County Commission denies an application for a Zoning Map Amendment, an application for the same or more intensive zoning on the subject parcel, whether the parcel is in its original configuration or expanded or reduced in area, shall not be accepted for 6 months from the date that the County Commission acted to deny the amendment.

2. If the County Commission denies an application for a Zoning Map Amendment, for I-1or I-2 zoning, an application for the same or more intensive zoning district shall not be accepted for 1 year from the date that the County Commission acted to deny the amendment.

a. The Planning and Zoning Officer may permit a re-filing of an I-1 or I2 district zoning amendment application after 6 months if the Planning and Zoning Officer determines, based on clear and convincing evidence provided by the applicant, that a substantial change in circumstances has occurred since the County Commission denied the rezoning which is the result of new facts that were not discoverable by the applicant during the previous proceedings with the use of reasonable diligence or as a result of material facts which have arisen since the previous decision. Such showings must be made prior to acceptance of the application.

b. The decision of the Planning and Zoning Officer on a request to re-file an I-1 or I-2 zoning map amendment must be provided in writing and forwarded to the applicant with a copy of the decision to the Planning and Zoning Commission within 30 days of the submission of an application. Any person aggrieved by a decision of the Planning and Zoning Officer under this section may appeal the decision of the Planning and Zoning Officer to the Board of Zoning Adjustment within 30 days of decision of the Planning and Zoning Officer.

I. Appeals

Any person aggrieved by a decision of the County Commission on a Zoning Map Amendment may present to the Circuit Court of Clinton County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission’s decision on the matter.

1.13 VACATIONS

This section sets out the required review and approval procedures for vacations of any street, avenue, road, alley, public easement, ingress/egress, utility easement, public square or common area included as part of a recorded plat, in accordance with RSMo. 71.270.

A. Application Filing

Vacation applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department. The application shall include evidence of the vacation application to all utility providers in the general area of the application. The application shall be made by all owners of lands adjoining on both sides of the street, avenue, road, alley, public easement, public square or common area sought to be vacated. If the application is not submitted by all such owners, that fact shall be noted on the application along with the names and addresses of all adjoining owners who are not party to the application.

B. Planning and Zoning Department's Review and Report

The Planning and Zoning Department shall review each proposed Vacation application and provide a report to the Planning and Zoning Commission.

C. Public Hearing Notice

Written and Published notice of the County Commission's public hearing on the Vacation request shall be provided in accordance with Sec.1.10-1.H.1 and Sec.1.10-1.H.2.

D. Planning and Zoning Commission’s Review and Recommendation

Within 30 days of receipt of a complete Vacation application, the Planning and Zoning Commission shall review the application and make a recommendation to the County Commission, based on the Approval Criteria of Sec.1.13.F.

E. County Commission Review and Decision

After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the application based on the Approval Criteria of Sec.1.13.F.

F. Approval Criteria

A Vacation application shall be approved by the County Commission if they determine that all of following approval criteria have been met:

1. Due and legal notice has been provided as required by this section;
2. No private rights will be injured or endangered by the Vacation;
3. The public will suffer no loss or inconvenience from the Vacation; and
4. In justice to the applicant, the Vacation should be approved.

G. Easements

The County may retain or require easements in the vacated property if deemed necessary to protect the public welfare.

H. Recordation

Upon approval of a Vacation request, a certified copy of the approval shall be recorded in the office of the County Recorder of Deeds. The applicant shall pay any costs.

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 of 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.

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.

24 **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.

25 **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.

26 **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.

A. **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.

B. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES** - These zones are set forth in Section VI of this Order.

C. **BOARD OF ADJUSTMENT** - The Appeals Board appointed by Clinton County Commissioners.

D. **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.

E. **HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

F. **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.

G. **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.

H. **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.

I. **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 non precision instrument approach procedure has been approved or planned.

J. **OBSTRUCTION** - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section VI of this Order.

K. **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.

L. **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.

M. **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.

N. **RUNWAY** - A defined area on an airport prepared for landing and take-off of aircraft along its length.

O. **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.

P. **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.

Q. **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: "**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 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 **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 Thirty (30) kW 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.

2.19 **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.

2.20 **BASEMENT:** A story below the first story as defined under "story" counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

2.21 **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.

2.22 **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.

223 **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.

224 **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.

225 **BUILDING, DETACHED:** A building surrounded by open space on the same lot.

226 **BUILDING, EXISTING:** A building erected prior to the effective date of this Order, or one for which a legal building permit has been issued.

227 **BUILDING, NONCONFORMING:** Any building which does not conform to the requirements of this Order.

228 **BUILDING SETBACK LINE:** A line establishing the minimum allowable distance between nearest wall of building and lot line.

229 **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.

230 **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.

231 **CABIN:** A building used primarily as a weekend 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.

232 **CHURCH:** A permanent building primarily and regularly used as a place of religious worship.

233 **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.

234 **CO-LOCATION:** Locating wireless communications equipment from more than one

provider on a single mount, tower, or support structure.

235 **COMMERCIAL TOWER AND SUPPORT:** A structure or facility operated for financial gain by a person, corporation, or business.

236 **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.

237 **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.

238 **COMPREHENSIVE FACILITY:** means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility. or a comprehensive marijuana-infused products manufacturing facility.

239 **COMPREHENSIVE MARIJUANA CULTIVATION FACILITY:** means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical facility, comprehensive facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls. but shall not include the manufacture of marijuana-infused products.

240 **COMPREHENSIVE MARIJUANA DISPENSARY FACILITY:** means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, And deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in this document, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of the Missouri Constitution on marijuana and as otherwise allowed by law to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana but shall collect all appropriate tangible personal property sales tax for each sale as set forth in this Article and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

2.41 **COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY:** means a facility licensed by the department to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

2.42 **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

2.43 **CONSUMER:** "Consumer" means a person who is at least twenty-one years of age.

2.44 **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.

2.45 **CULTIVATION**: The planting, growing, harvesting, drying, processing or storage of one or more add plants or any part thereof.

2.46 **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.

2.47 **DAYCARE:** A child-care facility, as defined by section 2.10.201, RSMo., or successor provisions, that is licensed by the state of Missouri.

2.48 **DEPARTMENT:** Missouri Department of Health.

2.49 **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.

250 **DISTRICT:** A section or part of the incorporated portion of Clinton County for which the use regulations are uniform, as set forth herein.

251 **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.

252 **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.

253 **DWELLING, TWO FAMILY:** A building arranged or designed to be occupied by two families, the building having only two dwelling units.

254 **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.

255 **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.

256 **FAA:** Shall mean the Federal Aviation Administration or successor federal agency.

257 **FCC:** Shall mean the Federal Communications Commission or successor federal agency.

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

259 **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.

2.60 **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.

2.61 **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.

2.62 **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.

2.63 **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.

2.64 **GARAGE, PRIVATE:** An accessory building for storage only of motor vehicles.

2.65 **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.

2.66 **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.

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

2.68 **GOVERNING AUTHORITY:** Shall mean the governing authority of Clinton County, Missouri.

2.69 **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.

2.70 **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. A guest house must have a minimum of 950 sq. ft. of floor space and be connected to an approved wastewater system. All setbacks are the same as a principal residence. Are only permitted on parcels of 10 acres or more.

2.71 **GUYED TOWER:** A communication tower that is supported, in whole or in part, by guy wires and ground anchors.

2.72 **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.

2.73 **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.

2.74 **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.

2.75 **HOME OCCUPATION:** Any lawful occupation performed by a resident within a residential home or accessory building, which is clearly incidental and secondary to use of the premises for residential purposes and which does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

2.76 **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.

2.77 **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.

2.78 **INDOOR CULTIVATION**: means a 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.

2.79 **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.

2.80 **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.

2.81 **KENNEL:** Any place where four or more dogs over six months of age are boarded bred and/or offered for sale commercially.

2.82 **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 Thirty (30) kW but not more than One Hundred (100) kW 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.

2.83 **LATTICE TOWER:** A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

2.84 **LIVING FLOOR AREA:** The area of the floor space of a dwelling excepting the area devoted to garage, porches, and unfinished basement.

2.85 **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.

2.86 **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.

2.87 **LOT FRONTAGE:** That boundary of a lot along a public street.

2.88 **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 sideline in common with another lot.

2.89 **LOT, THROUGH:** An interior lot having frontage on two streets.

2.90 **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 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.

2.91 **LOT LINES:** The lines bounding a lot as herein defined.

2.92 **LOT LINE, FRONT:** The boundary between a lot and the street on which it fronts.

2.93 **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.

2.94 **LOT DEPTH:** The mean horizontal distance from the front line to the rear line.

2.95 **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.

2.96 **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.

A. For purposes of this order a "manufactured home" must

B. have a width greater than 20 feet, and

C. have a gable type roof with a minimum slope of 2 ft. rise per 12 ft. of run, and

D. have siding compatible with that used on site-built homes in the area as determined by the zoning administrator, and

E. be placed upon a full basement or permanent and continuous concrete foundation with frost footer.

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.

297 **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 ONLY by variance because of hardship in the agricultural district (Section 8).

298 **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.

299 **MANUFACTURED OR MOBILE HOME PARK** refer to Section 5: District MHC - Mobile Home Communities.

2.100 **MARIJUANA**: Shall have the same meaning as that set forth in Missouri law. Any other definitions regarding medical marijuana or non-medical marijuana not included herein are incorporated by reference from the Missouri law provisions on medical marijuana or non-medical marijuana.

2.101 **MARIJUANA FACILITY:** means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility or any other type of marijuana-related facility or business licensed or certified by the department pursuant to this section but shall not include a medical facility licensed under section 1 of this Article.

2.102 **MARIJUANA-INFUSED PRODUCTS:** means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories and infused prerolls.

2.103 **MARIJUANA MICROBUSINESS FACILITY:** means a facility licensed by the department as a microbusiness dispensary facility or microbusiness wholesale facility, as defined in this section.

2.104 **MARIJUANA TESTING FACILITY:** means a facility certified by the department to acquire, test, certify, and transport marijuana, including those originally certified as a medical marijuana testing facility.

2.105 **MEDICAL MARIJUANA**: means marijuana grown for qualified patients, persons with a valid doctor's or nurse practitioner's recommendation, and the designated primary caregivers of qualified patients for medical purposes, as provided in Article XVI of the Missouri Constitution.

2.106 **MEDICAL MARIJUANA CULTIVATION FACILITY**: means a facility licensed by the Department, to acquire, cultivation, process, store on site or off site, transport to and from, and sell marijuana, marijuana seeds, and marijuana vegetative cuttings (also known as clones) to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, Medical Marijuana Cultivation Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility. A medical marijuana cultivation facility's authority to process marijuana shall include the production and sale of prerolls as defined in the Missouri Constitution but shall not include the manufacture of marijuana-infused products.

2.107 **MICROBUSINESS DISPENSARY FACILITY:** means a facility licensed by the department to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-

infused products and drug paraphernalia used to administer marijuana as provided for in this section to a consumer, qualifying patient, as that term is defined in section I of this Article, or primary caregiver, as that term is defined in section l of this Article, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of this Article and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

2.108 **MICROBUSINESS WHOLESALE FACILITY:** means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) and marijuana infused products to a microbusiness dispensary facility, other microbusiness wholesale facility or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

2.109 **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 20 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.

2.110 **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.

2.111 **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.

2.112 **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.

2.113 **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 with frost footer.

2.114 **MODULAR HOME:** A manufactured home.

2.115 **MONOPOLE TOWER:** A communication tower consisting of a single pole, constructed without guy wires and ground anchors.

2.116 **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.)

2.117 **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.

2.118 **NON-PARTICIPATING PROPERTY:** Any ACERAGE that does not qualify as a PARTICIPATING PROPERTY

2.119 **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.

2.120 **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.

2.121 **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.

2.122 **NURSE PRACTIONER**: means an individual who is licensed and in good standing as an advanced practice registered nurse, or successor designation, under Missouri law.

2.123 **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.

2.124 **OUTDOOR CULTIVATION:** means a Medical or Comprehensive 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.

2.125 **PARKING LOT:** A parking lot for automobiles which is not an accessory use to a building or structure on a lot.

2.126 **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

2.127 **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).

2.128 **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.

2.129 **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.

A. **PREMISIS**: Includes the actual building, as well as accessory structures, parking areas and other on-site improvements.

2.130 **PREROLL:** means a consumable or smokable marijuana product, generally consisting of: (I) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

2.131 **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.

2.132 **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.

2.133 **QUALIFYING PATIENT**: means a Missouri resident diagnosed with at least on qualifying medical condition as defined in Article XIV of the Missouri Constitution.

2.134 **REGULATORY FLOOD ELEVATION:** The water surface elevation of the 100 year flood.

2.135 **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.

2.136 **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.

2.137 **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.

2.138 **SELF-SUPPORT TOWER:** A communication tower that is constructed without guy wires and ground anchors. Examples include lattice and monopole towers.

2.139 **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.

2.140 **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.

2.141 **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.

2.142 **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.

2.143 **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.

2.144 **SOLAR ARRAY:** A grouping of multiple solar modules with purpose of harvesting solar energy.

2.145 **SOLAR CELL:** The smallest basic solar electric device which generates electricity when exposed to light.

2.146 **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.

2.147 **SOLAR ENERGY:** Radiant energy (direct, diffuse and/or reflective) received from the sun.

2.148 **SOLAR MODULE:** A grouping of solar cells with the purpose of harvesting solar energy.

2.149 **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.

2.150 **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.

2.151 **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.

2.152 **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.

2.153 **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.

2.154 **STABLE, PUBLIC:** A stable other than a private or riding stable as defined herein.

2.155 **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.

2.156 **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.

2.157 **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.

2.158 **STREET LINE:** The dividing line between the street and the abutting property.

2.159 **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.

2.160 **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.

2.161 **SUBDIVISION:** for the purpose of these regulations, the division of a tract of land into two

A. (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.

2.162 **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.

2.163 **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.

2.164 **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.

2.165 **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.

2.166 **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.

2.167 **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.

2.168 **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.)

2.169 **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.

Cannot be used or occupied for more than 29 consecutive days on the same or another parcel of land located within 1000 feet for the initial parcel without a break in use or occupancy for a 29 day period, unless a Temporary Living Permit being applied for and obtained.

Cannot be connected to a permanent onsite waste water system without a Temporary Living Permit being applied for and obtained.

2.170 **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.

2.171 **VOTE:** Any decision by the Planning and Zoning Commission requires a majority vote which is a majority of the members present at the meeting.

2.172 **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.

2.173 **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.

2.174 **YARD, REAR:** A yard between the rear lot line and the rear line of the main building and the side lot lines.

2.175 **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.

2.176 **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.

2.177 **100 - YEAR FLOOD:** The condition of flooding having a one percent (1%) chance of annual occurrence.

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.

District Symbol	Title	Section
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
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.

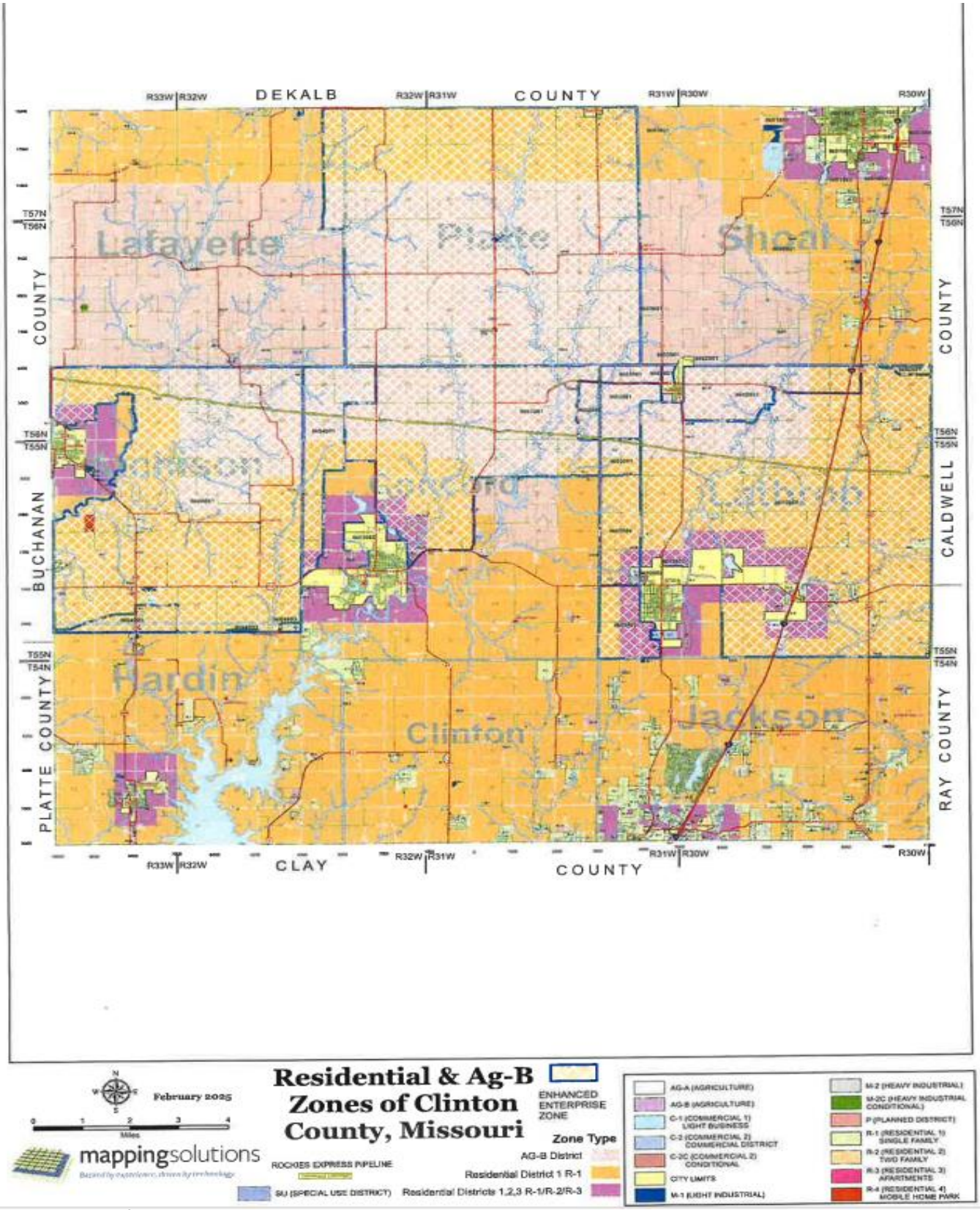
3.1-1 Zoning Map - The areas and boundaries of such districts are hereby established:

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.

C. Also refer to map entitled "Residential & Ag-B Zones of Clinton County, Missouri Map" adopted on February 13, 2025. Shown on next page.


DEKALB COUNTY
CLAY COUNTY
BUCHANAN COUNTY
PLATTE COUNTY
CALDWELL COUNTY
RAY COUNTY
Lafayette
Platte
Shoal
Jackson
Clinton
Hardin
R33W R32W
R32W R31W
R31W R30W
R30W
T57N T56N
T56N T55N
T55N T54N
Residential & Ag-B Zones of Clinton County, Missouri
February 2025
mappingsolutions
ENHANCED ENTERPRISE ZONE
Zone Type
AG-B District
Residential District 1 R-1
Residential Districts 1,2,3 R-1/R-2/R-3
ROCKIES EXPRESS PIPELINE
SU (SPECIAL USE DISTRICT)
AG-A (AGRICULTURE)
AG-B (AGRICULTURE)
C-1 (COMMERCIAL 1) LIGHT BUSINESS
C-2 (COMMERCIAL 2) COMMERCIAL DISTRICT
C-2C (COMMERCIAL 2) CONDITIONAL
CITY LIMITS
M-1 (LIGHT INDUSTRIAL)
M-2 (HEAVY INDUSTRIAL)
M-2C (HEAVY INDUSTRIAL CONDITIONAL)
P (PLANNED DISTRICT)
R-1 (RESIDENTIAL 1) SINGLE FAMILY
R-2 (RESIDENTIAL 2) TWO FAMILY
R-3 (RESIDENTIAL 3) APARTMENTS
R-4 (RESIDENTIAL 4) MOBILE HOME PARK

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. Prior to applying for any Rezone to R-1, please refer to "Residential & Ag-B Zones of Clinton County, Missouri Map" (3.1-1) to confirm the property is in an R-1 Zone.

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. Temporary real estate sales office, located on property being sold, and limited to period of sale.

L. Home occupation.

1. Home Occupation means any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

2. Authorization. Any home-based business owned or operated by the owner or tenant of the residential dwelling unit that is "no impact" pursuant to state law (Section 64.008 RSMo.) including being incidental and secondary to the principal use of the residential dwelling unit, shall be permitted in any such residential dwelling subject to the provisions set forth herein.

   Any person who resides in a residential dwelling may use the residential dwelling for a homebased business unless such use is restricted by:

   a. Any deed restriction, covenant, or agreement restricting the use of land; or

   b. Any master deed, bylaw, or other document applicable to a common-interest ownership community.

3. Use Limitations. All home-based businesses shall comply with the following provisions to preserve residential appearance, prevent adverse impacts on the character of the surrounding neighborhood, and protect public health and safety:

Note: A "home occupation" or an "office at home" or "home based business" is permitted provided the 10 conditions listed are met. Any person who begins a home based operation must understand that if the business grows and expands so that it can no longer meet the conditions, it must move into an area that is zoned commercial.	**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 tie limits prescribed herein. Such an enlarged operation will not be "grandfathered in" because these conditions existed at the time the business started.

a. The use of the residential dwelling unit for the home-based business shall be clearly incidental and secondary to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.

b. Home-based businesses shall be subject to all applicable laws and its activities shall be limited to the sale of lawful goods and services.

c. The total number of employees and clients on-site at one time shall not exceed the occupancy limit for the residential dwelling unit.

d. The activities of the business shall only occur inside the residential dwelling unit or in the yard and shall not be visible from the street.

e. No alteration to the exterior experience of the residential building or premises shall be made which detracts from its residential character.

f. No mechanical equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, electrical interference, or fluctuations in line voltage outside the residential dwelling unit.

g. No advertising, identification or business exterior displays or signs are permitted on any residential premises.

h. Traffic generated by such home-based business shall not exceed volumes than would normally be expected in the residential area and

any need for parking generated by the conduct of such home-based business shall be met by lawful off-street parking.

i. There shall be no exterior storage of equipment, commodities, inventory, or material used in connection with the home- based business.

j. Due to safety concerns as to chemicals use for bluing in a residence, Type 07 FFL businesses which use such chemicals are not permitted as a home-based occupation.

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.
    1. 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 concrete foundation with frost footer or a full basement. 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.

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 provided that the

animals are properly fenced/caged and cared for so as not to create a nuisance or hazard to nearby landowners. The Zoning Administrator shall review any animal types that are not listed by Missouri Department of Natural Resources and shall make the determination as to the equivalent animal type for the purpose of applying these restrictions.

a. Animal units as defined by Missouri Department of Natural Resources - except for no swine shall be permitted in a Residential Zoned District - as shown in Table 4.1-2 C 2a. Animal types may be mixed and matched so long as the total number of animals does not exceed the total allowable animal units. Beehives shall be located a minimum of 25 feet from any property line.

Table 4.1-2 C 2a

CONTIGUOS ACRES	ANIMAL UNITS	BEEHIVES ALLOWED
3.0 TO 5.0 ACRES	1 or 1 HORSE	2
5.01 TO 8.0 ACRES	2	3
8.01 TO 13.0 ACRES	3	4
13.01 TO 19.99 ACRES	4	5

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 – All lots shall be a minimum of 5 acres in size except in approved subdivisions with approved community sewer systems.

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. Prior to applying for any Rezone to R-2, please refer to "Residential & Ag-B Zones of Clinton County, Missouri Map" (3.1-1) to confirm the property is in an R-2 Zone. 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.

C. Home based occupation

1. Home Occupation means any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

2. Authorization. Any home-based business owned or operated by the owner or tenant of the residential dwelling unit that is "no impact" pursuant to state law (Section 64.008 RSMo.) including being incidental and secondary to the principal use of the residential dwelling unit, shall be permitted in any such residential dwelling subject to the provisions set forth herein.

   Any person who resides in a residential dwelling may use the residential dwelling for a homebased business unless such use is restricted by:

   a. Any deed restriction, covenant, or agreement restricting the use of land; or

   b. Any master deed, bylaw, or other document applicable to a common-interest ownership community.

3. Use Limitations. All home-based businesses shall comply with the following provisions to preserve residential appearance, prevent adverse impacts on the character of the surrounding neighborhood, and protect public health and safety:

   a. The use of the residential dwelling unit for the home-based business shall be clearly incidental and secondary to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.

   b. Home-based businesses shall be subject to all applicable laws and its activities shall be limited to the sale of lawful goods and services.

   c. The total number of employees and clients on-site at one time shall not exceed the occupancy limit for the residential dwelling unit.

   d. The activities of the business shall only occur inside the residential dwelling unit or in the yard and shall not be visible from the street.

e. No alteration to the exterior experience of the residential building or premises shall be made which detracts from its residential character.

f. No mechanical equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, electrical interference, or fluctuations in line voltage outside the residential dwelling unit.

g. No advertising, identification or business exterior displays or signs are permitted on any residential premises.

h. Traffic generated by such home-based business shall not exceed volumes than would normally be expected in the residential area and any need for parking generated by the conduct of such home-based business shall be met by lawful off-street parking.

i. There shall be no exterior storage of equipment, commodities, inventory, or material used in connection with the home- based business.

j. Due to safety concerns as to chemicals use for bluing in a residence, Type 07 FFL businesses which use such chemicals are not permitted as a home-based occupation.

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 - 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 if such dwelling is connected to a community sewer system, 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 and Senior Services.
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. Prior to applying for any Rezone to R-3, please refer to "Residential & Ag-B Zones of Clinton County, Missouri Map" (3.1-1) to confirm the property is in an R-3 Zone 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 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.

P. Home based occupations

1. Home Occupation means any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

2. Authorization. Any home-based business owned or operated by the owner or tenant of the residential dwelling unit that is "no impact" pursuant to state law (Section 64.008 RSMo.) including being incidental and secondary to the principal use of the residential dwelling unit, shall be permitted in any such residential dwelling subject to the provisions set forth herein.

   Any person who resides in a residential dwelling may use the residential dwelling for a homebased business unless such use is restricted by:

   1. Any deed restriction, covenant, or agreement restricting the use of land; or

   2. Any master deed, bylaw, or other document applicable to a common-interest ownership community.

3. Use Limitations. All home-based businesses shall comply with the following provisions to preserve residential appearance, prevent adverse impacts on the character of the surrounding neighborhood, and protect public health and safety:

a. The use of the residential dwelling unit for the home-based business shall be clearly incidental and secondary to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.

b. Home-based businesses shall be subject to all applicable laws and its activities shall be limited to the sale of lawful goods and services.

c. The total number of employees and clients on-site at one time shall not exceed the occupancy limit for the residential dwelling unit.

d. The activities of the business shall only occur inside the residential dwelling unit or in the yard and shall not be visible from the street.

e. No alteration to the exterior experience of the residential building or premises shall be made which detracts from its residential character.

f. No mechanical equipment or process shall be used that creates excessive noise, vibration, glare, fumes, odors, electrical interference, or fluctuations in line voltage outside the residential dwelling unit.

g. No advertising, identification or business exterior displays or signs are permitted on any residential premises.

h. Traffic generated by such home-based business shall not exceed volumes than would normally be expected in the residential area and any need for parking generated by the conduct of such home-based business shall be met by lawful off-street parking.

i. There shall be no exterior storage of equipment, commodities, inventory, or material used in connection with the home- based business.

j. Due to safety concerns as to chemicals use for bluing in a residence, Type 07 FFL businesses which use such chemicals are not permitted as a home-based occupation.

4.3-2 Use Restrictions - All R-2 Residential District restrictions shall be applied to R-3 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 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. All lots shall be a minimum of 5 acres in size except in approved subdivisions with approved community sewer systems. If approved community sewer systems are unavailable, multifamily 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

Section 5 is deleted.

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.

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. Wedding Venue and/or Event Center
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.
54. Library.

55. Licensed Marijuana Dispensary.
56. Luggage Shop.
57. Marijuana Microbusiness Facility.
58. Mortuaries.
59. Music Store.
60. Newspaper and Magazine Store (Not Second Hand).
61. Nursery Sales Office, Building, Greenhouses or Area (Wholesale or Retail); provided that Greenhouses are not larger than 50,000 sq. ft per building. Multi building Greenhouse operations totaling more than 50,000 sq. ft. Medical Marijuana Cultivation Facilities are not permitted in Commercial Districts C1 or C2.
62. Notions Shop.
63. Novelty Store.
64. Office Building.
65. Package Liquor Sales.
66. Pastry Shop.
67. Pet Shop.
68. Photographic Studio.
69. Portrait Studio.
70. Pottery Shop and Ceramics (No Baking or Kiln Operations Permitted).
71. Private Club.
72. Radio and Television Store and Service.
73. Real Estate Office.
74. Reducing Salon.
75. Restaurant (No Drive in or Curb Service).
76. Schools and Colleges.
77. Shoe Repair Shops.
78. Shoe Shine Service.
79. Shoe Store
80. Signs as Provided in Section 20.
81. Sporting Goods Store.
82. Stationery Store.
83. Storage Garages for Automobiles.
84. Tailor Shop.
85. Tea Room.
86. Telegraph Offices.
87. Toy Shop.
88. Accessory Uses and/or Same or Similar 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 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).

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 approved public or community sewers there will be no lot size minimum. However, if individual treatment systems are used, the treatment system must be approved by Clinton County Zoning Commission and the Missouri Department of Natural Resources.

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.

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. Duplicate Removed
13. Gymnasiums.
14. Hospitals
15. Duplicate Removed
16. Duplicate Removed
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.
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-1to 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 21, 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.
    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 21, 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 and/or Same or Similar 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).

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

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 loping 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 deem- 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 dying 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.
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).

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, 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).

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 ten (10) 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.

8.1 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.)

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.

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.

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 3 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 3 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. Those confined feeding operations permitted under a special use permit shall follow the written "operations plan" required in Subsection 2 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. All private landing strips are to be for private use only.

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 maximum 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 no more than one dwelling is permitted per farm, and provided the dwelling is located on a parcel not less than 20 acres.

No single family dwelling may be constructed within 1,320 feet of a confinement feeding operation not owned by the owner of the single family dwelling.

F. Fireworks stand, temporary.

G. Guest House - A guest house is permitted provided that the occupant is related to one of the owners within the 4th degree. **A**

Note: A "guest house" may only be occupied by a guest. See the definition at §2.5guest

Guest is to be used by nonpaying occupants and cannot be rented.

H. Fish hatcheries, apiaries, aviaries.

I. Forests and wildlife reservations, or similar conservation facility.

J. Fur farming for the raising of fur-bearing animals.

K. 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. Marijuana facilities shall comply with Section 8.1-1 U through Y.

L. 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.

M. 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.

N. Railroad right-of-ways not including railroad yards: pipeline, underground telephone and electric transmission cable right-of-ways.

O. Reservoirs, wells, elevated storage tanks, water supply plants and pumps for the purpose of furnishing water to the public.

P. Generally, mobile homes of 20 feet width or less are not permitted within the Agriculture District of Clinton County except in a mobile home community.

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 allow 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) 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 permit but in no case shall exceed twelve (12) months. There shall be no extensions or re-issue of the temporary living

permit. A Temporary Living permit is to allow only ONE vacation vehicle.

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.

Q. 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.

R. Proprietary signs as provided in Section 14.

S. 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.

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

1. Buffer Requirement. No Medical Marijuana or Comprehensive Marijuana Cultivation Facility shall be located within one-thousand (1000) feet of an existing elementary or secondary school, child day care center, or church. The distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or

church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

2. Outdoor Storage Prohibited. All storage of harvested marijuana, seed, plants, or materials, products, or equipment used for the production of medical marijuana or non-medical marijuana, shall be within a fully enclosed building. No outdoor storage shall be permitted. A marijuana facility may not allow cultivation, manufacturing, sale, or display of medical marijuana or non-medical marijuana, marijuana-infused products, or marijuana accessories to be visible from a public place outside of the marijuana facility without the use of binoculars, aircraft or other optical aids.

3. Onsite usage Restricted. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical or Comprehensive Marijuana Cultivation Facility.

4. Hours of Operation. All Medical or Comprehensive Marijuana Cultivation Facilities shall be closed to the public, and no persons not employed by the Medical or Comprehensive 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 or Comprehensive 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 Medical or Comprehensive Marijuana Cultivation Facility for marijuana seed, plants, products, materials, or other item used in connection with the 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 marijuana license for the Medical or Comprehensive 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 or Comprehensive Marijuana Cultivation Facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the Medical or Comprehensive Marijuana Cultivation Facility. No odors shall bed detectable by a person with a normal sense of smell outside the boundary of the parcel on which the Medical or Comprehensive 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 or Comprehensive Marijuana Cultivation Facility.

8. Other Requirements. All person engaging in the operation of a Medical or Comprehensive 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 of 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 marijuana-infused product manufacturing facility license.

   f. Pursuant to Missouri law, the use of hazardous material shall be prohibited in the cultivation of non-medical marijuana or medical 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 fee 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 or Comprehensive 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 marijuana or the use or storage of fertilizers, pesticides or wastes in connection with such cultivation.

10. A marijuana facility may not cultivate, manufacture, test, sell, or

store marijuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marijuana facility to access the area. A marijuana facility shall secure every entrance to the facility so that access to areas containing marijuana is restricted to employees and other persons pem1itted by the marijuana facility to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marijuana, marijuana-infused products, and marijuana accessories.

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

1. Plant Limits. Each outdoor Medical or Comprehensive 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 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 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 or Comprehensive 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 marijuana at the site. A copy of the written approval shall be maintained by the tenant of 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 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 or Comprehensive Marijuana Cultivation Facility.

8. Lights. Any artificial lights used by an outdoor Medical or Comprehensive 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.

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

1. Size Restrictions. Each Medical or Comprehensive 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 or Comprehensive Marijuana Cultivation facility, other that 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 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 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 marijuana cultivation permit shall be displayed on each exterior side of the building use for cultivation area used by an indoor Medical or Comprehensive 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 or Comprehensive Marijuana Cultivation Facility.

8. Set Back Requirements. An indoor Medical or Comprehensive 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.

W. **Marijuana Cultivation – Qualifying Patients and Primary Caregivers**

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

1. No outdoor cultivation of medical or non-medical marijuana by a Qualifying Patient or Primary Caregiver is permitted.

2. Medical or non-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 of by such patient's Primary Caregiver.

   a. Except for good cause, a qualifying patient or his or her primary caregiver may obtain an identification card from the applicable Missouri Department to cultivate up to six flowering marijuana plants. Six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) for the exclusive use of that qualifying patient. No primary caregiver cultivating marijuana for more than one qualifying patient may exceed a total of twenty-four flowering plants. No individual shall serve as the primary caregiver for more than six 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. Primary caregivers cultivating marijuana for more than one qualifying patient may cultivate each respective qualifying patient's flowering plants in a single, enclosed locked facility.

4. A copy of the Qualifying Patient or Primary Caregiver's license to use 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 six flowering marijuana plants. Six nonflowering marijuana plants (over fourteen inches tall), and six clones (plants under fourteen inches tall) for the exclusive use of a qualifying patient may be cultivated in a single, enclosed, locked facility.

6. Primary caregivers cultivating marijuana for more than one qualifying patient may cultivate each respective qualifying patient's flowering plants in a single, enclosed locked facility.

X. Marijuana; Nuisance Declared, Violation – Enforcement Authority

1. Marijuana; 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 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. The following punishments apply to violations of these marijuana provisions:
    a. A person who, pursuant to this section, cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.
    b. A person who, pursuant to this section, cultivates marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.
    c. A person who smokes marijuana in a public place, other than in an area licensed for such activity by the authorities having jurisdiction over the licensing and/or permitting of said activity, is subject to a civil penalty not exceeding one hundred dollars.

d. A person who is under twenty-one years of age who possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration three ounces or less of marijuana, or possesses, delivers without consideration, or distributes without consideration marijuana accessories is subject to a civil penalty not to exceed one hundred dollars and forfeiture of the marijuana. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine.

e. Subject to the limitations of this section, a person who possesses not more than twice the amount of marijuana allowed pursuant to this subsection, produces not more than twice the amount of marijuana allowed pursuant to this subsection, delivers without receiving any consideration or remuneration to a person who is at least twenty-one years of age not more than twice the amount of marijuana allowed by this subsection, or possesses with intent to deliver not more than twice the amount of marijuana allowed by this subsection:

    1. For a first violation, is subject to a civil infraction punishable by a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana:
    2. For a second violation, is subject to a civil infraction punishable by a civil penalty not exceeding five hundred dollars and forfeiture of the marijuana:
    3. For a third or subsequent violation, is subject to a misdemeanor punishable by a fine not exceeding one-thousand dollars and forfeiture of the marijuana:
    4. A person under twenty-one years of age is subject to a civil penalty not to exceed two hundred and fifty dollars. Any such person shall be provided the option of attending up to eight hours of drug education or counseling in lieu of the fine: and
    5. In lieu of payment, penalties under this subsection may be satisfied by the performance of community service. The rate of pay-down associated with said service option will be the greater of $15 or the minimum wage in effect at the time of judgment.

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 ten (10) 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 concrete foundation with frost footer or a full basement and otherwise complies with the requirements of Section A above.

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

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 permit but in no case shall exceed twelve (12) months. There shall be no extensions or re-issue of the temporary living permit. A Temporary Living permit is to allow only ONE vacation vehicle.

a.

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.

C. 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.

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.

D. Proprietary signs as provided in Section 14.

E. 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 and cared for so as not to create a nuisance or hazard to nearby landowners. The Zoning Administrator shall review any animal types that are not listed by Missouri Department of Natural Resources and shall make the determination as to the equivalent animal type for the purpose of applying these restrictions

   a.) Animal units as defined by Missouri Department of Natural Resources as shown in Table 8.2-1 F 3 a. Animal types may be mixed and matched so long as the total number of animals does not exceed the total allowable animal units. Beehives shall be located a minimum of 25 feet from any property line.

Table 8.2-1 F 3 a

CONTIGUOS ACRES	ANIMAL UNITS	BEEHIVES ALLOWED
5.0 TO 8.0 ACRES	2	5
8.01 TO 13.0 ACRES	4	10
13.01 TO 19.99 ACRES	6	15

G. Guest House is permitted if the parcel size is not less than 10 acres. A Guest House is permitted provided that the occupant is related to one of the owners within the 4th degree. A guest house is to be used by nonpaying occupants and cannot be rented.

H. Private Cemeteries are permitted. Private cemeteries are to be a maximum of one acre in size.

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).

A. Height – Height regulations shall not apply to harm 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 fifteen (15) feet.

D. Rear Yard - There shall be a rear yard, the minimum depth of which shall be 50 feet.

E. Lot Area - Every dwelling hereafter erected, constructed, reconstructed, moved, or altered shall have a lot area of not less than ten (10) acres but not more than nineteen and 99/100th acres.

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 fifteen (15) 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 - Every dwelling hereafter erected, moved or altered shall have a lot area of not less than: (1) fifteen thousand (15,000) sq. ft., if such dwelling shall be connected to a community sewer, and (2) not less than five (5) acres where the dwelling cannot be connected to an available community sewer service.

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 landfills.

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).

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 contract 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 travel- ing 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 emer- gency 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 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 (H_2S) and ammonia (NH_3). Conversely, aerobic composting produces water (H_2O) and carbon dioxide (CO_2). 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:

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, Thanksgiv- ing, 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 tees. 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.

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 Men- tal 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:

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 ofthe 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;

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.

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 purposed 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 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 form 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.

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 floodplaining 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.

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 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), 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. Purpose.

The purpose of a Special Use Permit ("SUP") is to allow for acceptable uses in the Order; however, additional review and conditions are necessary for permitting the use. The use is restricted to the individual applicant and is not transferable to another. The County Commission may make specific requirements that are not explicitly detailed in the Order, as deemed necessary for the activity to be conducted on a given parcel of land.

Special Use Permits are not transferable to another person or parcel of land, with the exceptions of Amateur or Non-Commercial Towers and Commercial Communication Towers, which may be transferable to new owners and/or assignees of a lease. However, such parties must file new contact information with the Clinton County Planning & Zoning Department within sixty (60) days of transfer of ownership and/or lease, or be subject to a new SUP.

A. Application Filing

Special Use Permit applications shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department. Application fees are not refundable.

1. Adjacent Property Owners

The applicant for a proposed Special Use Permit shall provide the Planning and Zoning Department with a list, in both electronic and paper formats, of names and addresses of the owners of record of all property within 1,000 feet of the property in question, as specified by RSMo. 64.645. A property abstractor, title company, registered surveyor, or similarly qualified person whose services have been secured by the applicant shall have originated such list.

2. Water Supply Approval

Written approval from the respective public water supply district (PWSD) or a municipal water supplier for the proposed project shall be submitted with the application. If water service from the PWSD is not available, this should be noted in writing from the district. If the project is not within the boundaries of any PWSD and not capable to be served by any other water supplier, arrangements shall be made in accordance with this chapter.

3. Sanitary Sewer Approval

Written approval of the project from the Clinton County Health Department shall be submitted with the application. In some instances, written approval must be submitted at the time of application from the Missouri Department of Natural Resources (DNR) in addition to the approval of the County Health Department. If sanitary sewer service is to be provided from a

sewer district or private sewer company, written approval of such service shall be provided from the service provider.

4. Clinton County Road Department Approval

Written approval from the Clinton County Road Department of all roadways and accesses shall be submitted with the application.

5. Missouri Department of Transportation (MoDOT) approval

If the project abuts a State maintained highway, written approval from the MoDOT shall be submitted with the application.

6. Legal Description

Written and published notice of the Planning and Zoning Commission's public hearing shall be provided in accordance with Sec. 1.10-1.H.1 and Sec. 1.10-1.H.2.

7. Site Plan

20 copies of a site plan for the property on which the use is to be located shall accompany Special Use Permit applications. The site plan shall be drawn to scale, on an 11" x 17" sheet of paper. Information to be shown on the site plan is indicated in Figure 13.7.1.

Figure 13.7.1: Information Required on All Special Use Permit Site Plans

1. Project address, boundaries, date, north arrow and scale of the plan.

2. Name and address of the owner of record, developer, and name, address and phone number of plan preparer, if different.

3. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.

4. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. Show typical elevations and building materials.

5. The location of all present and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.

6. Location of required parking areas including parking stalls, setbacks and loading and service areas.

7. The location, height, size, materials, and design of all proposed signage.

8. The location of all present and proposed utility systems including:

sewer or septic system; water supply system; telephone, cable and electrical systems; and basins, storm drainage system including existing and proposed drain lines, culverts, catch head walls, end walls, hydrants, manholes, and drainage swells.

9. When the combined aggregate size of new non-permeable and/or semi-permeable surface area included in the Special Use Permit Request exceeds 20,000 square feet, the Applicant shall provide the following:

A. A Water Runoff/Storm Detention Study performed by an Engineer licensed by the State of Missouri to perform such studies.

B. A Water Runoff/Storm Detention Mitigation Plan if recommended by the Study required in paragraph A.

10. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.

11. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.

8. Business Plan

A business plan for the proposed conditional use shall be submitted concurrently with the SUP application. This plan shall include pertinent business information such as the hours of operation, shipments, receiving and similar items that may have some affect on the adjacent property owners.

9. Public Hearing Notice

Written and Published notice of the Planning and Zoning Commission’s public hearing shall be provided in accordance with Sec. 1.10-1.H.1 and Sec. 1.10-1.H.2.

10. Planning and Zoning Department’s Review and Report

The Planning and Zoning Department shall review each proposed Special Use Permit and provide a report to the Planning and Zoning Commission.

11. Planning and Zoning Commission's Review and Recommendation

The Planning and Zoning Commission shall hold a public hearing on the proposed Special Use Permit and make a recommendation to the County Commission based on the Approval Criteria of Sec. 13.1.A.13. The Planning and Zoning Commission's hearing shall be set for a date not later than 120 days after receipt of a complete application.

12. County Commission Review and Decision

After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the Special Use Permit application based on the Approval Criteria of Sec. 13.1.A.13.

13. Approval Criteria

A Special Use Permit shall not be approved unless the County Commission determines, based directly upon the particular evidence presented, that all of the following conditions exist:

a. the proposed use complies with the intent of the Comprehensive Plan and general provisions of this Order, modified for the specific use request;

b. the proposed use in its proposed location will not have a substantial adverse impact on the public health, safety or general welfare;

c. the proposed use will not cause substantial injury to the value of other property in the vicinity;

d. adequate access routes will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets;

e. adequate public safety, transportation and utility facilities/services will be available to serve the subject property while maintaining adequate levels of service for existing development; and

f. the proposed use is compatible with adjacent uses in terms of scale, site design,

and operating characteristics (i.e., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).

14. Conditions of Approval

In acting to approve a Special Use Permit, the Planning and Zoning Commission may recommend and the County Commission may approve conditions deemed necessary to eliminate or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of this Order, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. Such conditions may include site design requirements and time limitations on the Special Use Permit.

The SUP Lapse of Approval provisions do not apply to uses that do not require a building permit.

15. Lapse of Approval

If a building permit for an approved Special Use has not been issued within 12 months of the date that the Special Use Permit was approved by the County Commission, the Special Use Permit shall lapse and be of no further effect. The time frames of this subsection may be extended for up to 1 year by the County Commission if an extension request is filed with the Planning and Zoning Department prior to expiration of the Special Use Permit. (See also, Special Use Permit Revocation, Section 20)

16. Successive Applications

a. If the County Commission denies an application for a Special Use Permit, an application for the same or more intensive use shall not be accepted for 6 months from the date that the County Commission acted to deny the amendment.

b. If the County Commission denies a Special Use Permit for a use first allowed in the I-1 or I-2 zoning districts, an application for the same or more intensive use on the subject parcel, whether the parcel is in its original configuration or expanded or reduced in area, shall not be accepted for 5 years from the date of the County Commission's action to deny the Special Use Permit.

i. The Planning and Zoning Officer may permit a re-filing of a Special Use Permit for a use first allowed in I-1 or I-2 zoning after 6 months if the Planning and Zoning Officer determines, based on clear and convincing evidence provided by the applicant, that a substantial change in circumstances has

occurred since the County Commission denied the rezoning which is the result of new facts that were not discoverable by the applicant during the previous proceedings with the use of reasonable diligence or as a result of material facts which have arisen since the previous decision. Such showings must be made prior to acceptance of the application.

ii. The decision of the Planning and Zoning Officer on a request

to re-file a Special Use Permit for a use first allowed in I-1 or I-2 zoning must be provided in writing and forwarded to the applicant with a copy of the decision to the Planning and Zoning Commission within 30 days of the submission of an application. Any person aggrieved by a decision of the Planning and Zoning Officer under this section may appeal the decision of the Planning and Zoning Officer to the Board of Zoning Adjustment within 30 days of decision of the Planning and Zoning Officer.

c. Appeals

Any person aggrieved by a decision of the County Commission on a Special Use Permit may present to the Circuit Court of Clinton County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the County Commission's decision on the matter.

THE FOLLOWING ARE USES THAT REQUIRE SUPS AND HAVE ADDITIONAL CRITERIA FOR ISSUANCE OF A SUP

13.2 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 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 Zoning Officer. 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 an engineer's estimate for the demolition of the proposed tower structure, if Clinton County deems the tower abandoned by the owner. Such engineer's estimate 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 not require a SUP. 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 the subject tower. Facilities should be architecturally compatible with surrounding buildings 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 and consistent with State Laws.

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 Zoning Officer, 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 the Zoning Office. 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 Zoning Officer may order such tower removed 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.

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 be considered in considering the SUP application. The Applicant shall present evidence as to whether there are other suitable sites within a one mile radius of the proposed tower site. The Zoning Office 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 ft	5000 ft	1500 ft
Guyed	5000 ft	5000 ft	1500 ft
Monopole	1500 ft	1500 ft	1500 ft

The Board of Adjustment may grant a variance from the setback and separation standards. In support of a variance request from the separation requirements, the applicant shall submit a technical study acceptable to the Board of Adjustment which 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 Clinton County Commissioners 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

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

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.

R. Towers Constructed in reliance upon Section 322 of the Federal Telecommunications Act – Telecommunications Facilities and Support Structures, as defined herein, may be approved through applying for a Special Use Permit (SUP). This paragraph superceded previous paragraphs in Section 13.3 with regards to towers constructed in reliance upon Sect. 322 of Federal Telecommunications Act.

13.3.R.1 Purpose and Legislative Intent.

The purpose of this Wireless Telecommunications Zoning Order is to ensure that residents, public safety operations and businesses in Clinton County have reliable access to wireless telecommunications networks and state of the art communications services while also ensuring that this objective is achieved in a fashion that preserves the intrinsic aesthetic character of the community and is accomplished according to Clinton County's zoning, planning, and design standards. The Telecommunications Act of 1996 preserved, with certain limitations, local government land use and zoning authority concerning the placement, construction, and modification of wireless Telecommunications Facilities.

To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless Telecommunications Facilities complies with all applicable Federal laws and is consistent with Clinton County's land use policies, Clinton County adopts this comprehensive, wireless telecommunications zoning order. No provisions of this Zoning Order shall apply to the siting of Distributed Antenna Systems (DAS) or wireless facilities located within and intended to provide wireless coverage within a structure.

This Zoning Order establishes parameters for the siting of Wireless Telecommunications

Facilities. By enacting this Zoning Order, it is Clinton County's intent to:

(1) Ensure Clinton County has sufficient wireless infrastructure to support its public safety communications throughout Clinton County;
(2) Ensure access to reliable wireless communications services throughout all areas of Clinton County;
(3) Encourage the use of Existing Structures for the collocation of Telecommunications Facilities;
(4) Encourage the location of Support Structures, to the extent possible, in areas where any potential adverse impacts on the community will be minimized;
(5) Facilitate the responsible deployment of Telecommunications Facilities in residential areas to ensure comprehensive wireless services across Clinton County;
(6) Minimize the potential adverse effects associated with the construction of Monopoles and Towers through the implementation of reasonable design, landscaping, and construction practices; and
(7) Ensure public health, safety, welfare, and convenience.

13.3.R.2 Definitions

For the purposes of this Zoning Order, the following definitions apply:

Abandon – Occurs when an owner of a Support Structure intends to permanently and completely cease all business activity associated therewith.

Accessory Equipment -- Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or other structures.

Administrative Approval -- Zoning approval that the Zoning Officer or designee is authorized to grant after Administrative Review.

Administrative Review -- Non-discretionary evaluation of an application by the Zoning Officer or designee. This process is not subject to a public hearing. The procedures for Administrative Review are established in Section 13.3.R.4 of this Zoning Order.

Antenna -- Any structure or device used to collect or radiate electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Carrier on Wheels or Cell on Wheels ("COW") -- A portable self-contained Telecommunications Facility that can be moved to a location and set up to provide wireless

services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the Antenna Support Structure.

Collocation -- The act of siting Telecommunications Facilities on an Existing Structure without the need to construct a new Support Structure and without a Substantial Increase in the size of an Existing Structure.

Concealed Telecommunications Facility -- Any Telecommunications Facility that is integrated as an architectural feature of an Existing Structure or any new Support Structure designed so that the purpose of the Facility or Support Structure for providing wireless services is not readily apparent to a casual observer.

Existing Structure – Previously erected Support Structure or any other structure, including but not limited to, buildings and water tanks, to which Telecommunications Facilities can be attached.

Major Modifications -- Improvements to existing Telecommunications Facilities or Support Structures that result in a Substantial Increase to the Existing Structure. Collocation of new Telecommunications Facilities to an existing Support Structure without Replacement of the structure shall not constitute a Major Modification.

Minor Modifications -- Improvements to Existing Structures that result in some material change to the Facility or Support Structure but of a level, quality or intensity that is less than a Substantial Increase. Minor Modifications include the Replacement of the structure.

Monopole -- A single, freestanding pole-type structure supporting one or more Antenna. For purposes of this Zoning Order, a Monopole is not a Tower.

Ordinary Maintenance -- Ensuring that Telecommunications Facilities and Support Structures are kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity, aesthetic, and structural integrity; for example, the strengthening of a Support Structure's foundation or of the Support Structure itself. Ordinary Maintenance includes replacing Antennas of a similar size, weight, shape and color and Accessory Equipment within an existing Telecommunications Facility and relocating the Antennas of approved Telecommunications Facilities to different height levels on an existing Monopole or Tower upon which they are currently located. Ordinary Maintenance does not include Minor and Major Modifications

Replacement -- Constructing a new Support Structure of proportions and of equal height or such other height that would not constitute a Substantial Increase to a pre-existing Support Structure in order to support a Telecommunications Facility or to accommodate Collocation and removing the pre-existing Support Structure.

Substantial Increase: Occurs when:

(1) The mounting of the proposed antenna on an Existing Structure would increase the existing height of the Existing Structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(2) The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(3) The mounting of the proposed antenna would involve adding an appurtenance to the body of the Existing Structure that would protrude from the edge of the Existing Structure more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(4) The mounting of the proposed antenna would involve excavation outside the current Existing Structure site, defined as the current boundaries of the leased or owned property surrounding the Existing Structure and any access or utility easements currently related to the site.

Support Structure(s) -- A structure designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

Telecommunications Facility(ies) -- Any unmanned facility established for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications service (PCS), and paging service. A Telecommunications Facility can consist of one or more Antennas and Accessory Equipment or one base station.

Tower -- A lattice-type structure, guyed or freestanding, that supports one or more Antennas.

13.3.R.3. Approvals Required for Telecommunications Facilities and Support Structures.

(A) Administrative Review

(i) Collocations and Minor Modifications shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Zoning Order.

(ii) New Support Structures that are less than forty (40) feet in height shall be permitted in any zoning district except residential after Administrative Review and Administrative Approval in accordance with the standards set

forth in this Zoning Order.

(iii) Concealed Telecommunications Facilities that are less than forty (40) feet in height shall be permitted in any residential district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Zoning Order.

(iv) Concealed Telecommunications Facilities up to 150 feet shall be permitted in any zoning district other than residential after Administrative Review and Administrative Approval in accordance with the standards set forth in this Zoning Order except as noted above.

(v) New Support Structures up to one hundred ninety-nine (199) feet in height shall be permitted in any Industrial District after Administrative Review and Administrative Approval in accordance with the standards set forth in this Zoning Order.

(vi) Monopoles or Replacement poles located in utility easements or rights-of-way shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Zoning Order.

(vii) The use of COWs shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Zoning Order if the use is not otherwise exempt. If the use of the COW is either not in response to a declaration or emergency or will last in excess of one hundred-twenty (120) days, Administrative Review and Administrative Approval shall also be required.

B. Special Use Permit (SUP).

Telecommunications Facilities and Support Structures not permitted by Administrative Approval shall be permitted in any district upon the granting of a Special Use Permit from the County Commission in accordance with the standards set forth in this Zoning Order.

C. Exempt.

Ordinary Maintenance of existing Telecommunications Facilities and Support Structures, as defined herein, shall be exempt from zoning and permitting requirements. In addition, the following facilities are not subject to the provisions of this Zoning Order: (1) antennas used by residential households solely for broadcast radio and television reception; (2) satellite antennas used solely for residential or household purposes; (3) COWs placed for a period of not more than one hundred twenty (120) days at any location within Clinton County after a declaration of an emergency or a disaster; and (4) television and AM/FM radio broadcast towers and associated facilities.

13.3.R.4. Telecommunications Facilities and Support Structures Permitted by

Administrative Approval.

(A) Telecommunications Facilities Located on Existing Structures

(1) Telecommunications Facilities are permitted in all zoning districts when located on any Existing Structure subject to Administrative Approval in accordance with the requirements of this Part.

(2) Antennas and Accessory Equipment may exceed the maximum building height limitations within a zoning district, provided they do not constitute a Substantial Increase.

(3) Minor Modifications are permitted in all zoning districts subject to Administrative Approval in accordance with the requirements of this Part.

(4) The information submitted for the Special Use 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 Telecommunications Facilities. Such report shall be obtained by and at the expense of the applicant.

(B) New Support Structures

(1) New Support Structure less than forty (40) feet in height shall be permitted in all zoning districts except residential districts in accordance with the requirements of this Part.

(2) Concealed Telecommunications Facilities that are less than forty (40) feet in height shall be permitted in any residential district after Administrative Review and Administrative Approval provided that it meets the applicable Concealed Telecommunications Facility standards in accordance with this Zoning Order.

(3) New Support Structures up to one hundred ninety-nine (199) feet in height shall be permitted in all Industrial Districts in accordance with the requirements of this Part. The height of any proposed Support Structure shall not exceed the minimum height necessary to meet the coverage or capacity objectives of the Facility. The setback of the structure shall be governed by the setback requirements of the underlying zoning district.

(4) A Monopole or Replacement pole that will support utility lines as well as a Telecommunications Facility shall be permitted within utility easements or rights-of-way, in accordance with requirements of this Part.

(a) The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.

(b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.

(c) The height of the Monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility Support Structures.

(d) Monopoles and the Accessory Equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.

(e) Single carrier Monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.

(f) Poles that use the structure of a utility tower for support are permitted under this Part. Such poles may extend up to twenty (20) feet above the height of the utility tower.

(5) Monopoles or Replacement poles located on public property or within public rights-of-way that will support public facilities or equipment in addition to Telecommunications Facilities shall be permitted in accordance with requirements of this Part. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, streetlights, and other types of utility poles in the public right-of- way.

(C) Concealed Telecommunications Facilities

(1) Concealed Telecommunications Facilities shall be permitted in all zoning districts after Administrative Review and Administrative Approval in accordance with the requirements below. Concealed facilities in residential areas must not exceed forty (40) feet and comply with the requirements below in order to qualify for Administrative Review.

(a) Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

(b) Existing Structures utilized to support the Antennas must be allowed within the underlying zone district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smokestacks, parapets, and steeples.

(c) Setbacks for Concealed Facilities that utilize a new structure shall be governed by the setback requirements of the underlying zoning district.

(D) COW Facilities and Minor Modifications

(1) The use of COWs shall be permitted in any zoning district after Administrative Review and Administrative Approval in accordance with the standards set forth in this Zoning Order if the use of the COW is either not in response to a declaration or emergency by the Governor or will last

in excess of one hundred-twenty (120) days.

(E) General Standards, Design Requirements, and Miscellaneous Provisions

(1) Unless otherwise specified herein, all Telecommunications Facilities and Support Structures permitted by Administrative Approval are subject to the applicable general standards and design requirements of Section 13.3.R.6 and the provisions of Section 13R.7.

(F) Administrative Review Process

(1) All Administrative Review applications must contain the following:

(a) Administrative Review application form signed by applicant.

(b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.

(c) Site plans detailing proposed improvements which complies with 13.3.R.7(k). Drawings must depict improvements related to the requirements listed in this Part, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.

(d) In the case of a new Support Structure:

(i) Statement documenting why collocation cannot meet the applicant's requirements. Such statement may include justifications, including why collocation is either not reasonably available or technologically feasible as necessary to document the reasons why collocation is not a viable option; and

(ii) The applicant shall provide a list of all the existing structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were either unavailable, or technologically or reasonably infeasible.

(iii) Applications for new Support Structures with proposed Telecommunications Facilities shall be considered together as one application requiring only a single application fee.

(e) Administrative Review application fee as listed in Clinton County's published fee schedule.

(2) Procedure

(a) Within thirty (30) days of the receipt of an application for

Administrative Review, the Zoning Officer shall either:

(i) Inform the Applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or

(ii) deem the application complete. If the Zoning Officer informs the Applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information.

(b) An applicant that receives notice of an incomplete application may submit additional documentation to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

(c) The Zoning Officer must issue a written decision granting or denying the request within one hundred-fifty (150) days of the submission of the initial application unless:

(i) Zoning Officer notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the Applicant provides the missing information; or

(ii) Extension of time is agreed to by the Applicant.

Failure to issue a written decision within one hundred-fifty (150) days shall constitute an approval of the application.

(d) For Collocation requests, the Zoning Officer must issue a written decision granting or denying the request within ninety (90) days of the submission of the initial application unless:

(i) Zoning Officer notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is suspended until the Applicant provides the missing information; or

(ii) Extension of time is agreed to by the Applicant.

Failure to issue a written decision within ninety (90) days shall constitute an approval of the Collocation application.

(e) Should the Zoning Officer deny the application, the Zoning Officer shall provide written justification for the denial. The denial must be based on substantial evidence of inconsistencies between the application and this

Zoning Order.

(f) Applicant may appeal any decision of the Zoning Officer approving, approving with conditions, or denying an application or deeming an application incomplete, within thirty (30) days to Board of Adjustment in accordance with this Zoning Order.

13.3.R.5. Telecommunications Facilities and Support Structures Permitted by Special Use Permit.

(A) Any Telecommunications Facility or Support Structures Not Meeting the Requirements of Section 13.3.R.4 Shall Be Permitted by Special Use Permit in all Zoning Districts Subject to:

(1) The submission requirements of Section 13.3.R.5 (B) below; and

(2) The applicable standards of Sections 13.3.R.6 and 13.3.R.7 below; and

(3) The requirements of the Special Use Permit general conditions at Code Section 13.1.

(B) Submission Requirements for Special Use Permit Applications

(1) All Special Use Permit applications for Telecommunications Facility and Support Structures must contain the following:

(a) Special Use Permit application form signed by applicant.

(b) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms.

(c) Written description and scaled drawings of the proposed Support Structure, including structure height, ground and structure design, and proposed materials.

(d) Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Support Structure.

(e) When locating within a residential area, a written technical and operational analysis of why a Monopole or similar structure at a height of less than forty (40) feet cannot be used.

(f) Line-of-sight diagram or photo simulation, showing the proposed Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas.

(g) A statement justifying why Collocation is not feasible. Such statement shall include:

(i) Such technical information and other justifications as are

necessary to document the reasons why collocation is not a viable option; and

(ii) A list of the existing structures considered as possible alternatives to the proposed location and a written explanation why the alternatives considered were either unavailable or technologically infeasible.

(h) A statement that the proposed Support Structure will be made available for Collocation to other service providers at commercially reasonable rates.

(i) Notification of surrounding property owners as required by this Zoning Order.

(j) Special Use Permit application fee as listed in Clinton County's published fee schedule.

(k) A site plan pursuant to Section 13.3.R.7(k).

(C) Procedure

(1) Within thirty (30) days of the receipt of an application for Administrative Review, the Zoning Officer shall either: (1) inform the Applicant in writing the specific reasons why the application is incomplete and does not meet the submittal requirements; or (2) deem the application complete and meet with the applicant. If the Zoning Officer informs the Applicant of an incomplete application within thirty (30) days, the overall timeframe for review is suspended until such time that the Applicant provides the requested information.

(2) If an application is deemed incomplete, an Applicant may submit additional materials to complete the application. An applicant's unreasonable failure to complete the application within sixty (60) business days after receipt of written notice shall constitute a withdrawal of the application without prejudice. An application withdrawn without prejudice may be resubmitted upon the filing of a new application fee.

(3) A complete application for a Special Use Permit shall be reviewed by the Zoning Officer and scheduled for a hearing with the Planning and Zoning Commission as required by Section 13.1. The Zoning Officer shall provide the Planning and Zoning Commission with a written report of its review of the application.

(4) Applications for new Support Structures with proposed Telecommunications Facilities shall be considered as one application requiring only a single application fee.

(5) The posting of the property and public notification of the application

shall be accomplished in the same manner required for any Special Use Permit application under this Zoning Order.

(6) The Planning and Zoning Commission shall hold a public hearing on the proposed Special Use Permit and make a recommendation to the County Commission based on the Approval Criteria of Section 13.1(A)(13). The Planning and Zoning Commission's hearing shall be set for a date not later than 120 days after receipt of a complete application.

(7) After receiving the recommendation of the Planning and Zoning Commission, the County Commission shall take action on the Special Use Permit application based on the Approval Criteria of Section 13.1(A)(13).

(8) The County Commission must issue a written decision granting or denying the request within one hundred-fifty (150) days of the submission of the initial application unless:

(i) The Zoning Officer notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the one hundred-fifty (150) day total review time is suspended until the Applicant provides the missing information; or

(ii) Extension of time is agreed to by the Applicant.

Failure to issue a written decision within one hundred-fifty (150) days shall constitute an approval of the application.

(9) For Collocation requests, the County Commission must issue a written decision granting or denying the request within ninety (90) days of the submission of the initial application unless:

(i) Zoning Officer notified applicant that its application was incomplete within thirty (30) days of filing. If so, the remaining time from the ninety (90) day total review time is suspended until the Applicant provides the missing information; or

(ii) Extension of time is agreed to by the Applicant.

Failure to issue a written decision within ninety (90) days shall constitute an approval of the Collocation application.

13.3.R.6 General Standards and Design Requirements.

(A) Design

(1) Support Structures shall be subject to the following:

(a) Shall be designed to accommodate a minimum number of

collocations based upon their height:

(i) Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;

(ii) Support structures from one hundred (100) to one hundred-fifty feet (150) shall support at least three (3) telecommunications providers;

(iii) Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.

(b) The compound area surrounding the Monopole must be of sufficient size to accommodate Accessory Equipment for the appropriate number of telecommunications providers in accordance with Section 13.3.R.6(A)(1)(a).

(2) Concealed Telecommunications Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible.

(3) Upon request of the Applicant, the Board of Adjustment may waive the requirement that new Support Structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter Support Structure with fewer Antennas will promote community compatibility.

(4) All plans and specifications shall be from a professional engineer, registered in the State of Missouri experienced in the design and/or analysis of Telecommunications Facilities and Support Structures.

(B) Setbacks

(1) Property Lines. Unless otherwise stated herein, Support Structures shall be set back from all property lines a distance equal to two hundred fifty percent (250%) of the total Support Structure height, for Support Structures equal to or greater than forty (40) feet in height.

(2) Residential Dwellings. Unless otherwise stated herein, Support Structures shall be set back from all onsite residential dwellings a distance equal to one hundred fifty percent (150%) of the total Support Structure height, for Support Structures equal to or greater than forty (40) feet in height.

(3) Private or Public Roads - The minimum standard setback from any public or private road shall be one hundred fifty percent (150%) of the total Support Structure height, for Support Structures equal to or

greater than forty (40) feet in height.

(3) Unless otherwise stated herein, all Accessory Equipment shall be set back from all property lines in accordance with the minimum setback requirements in the underlying zoning district. Accessory Equipment associated with an existing or Replacement utility pole shall not be subject to a setback requirement.

(4) The Board of Adjustment shall have the authority to vary any required setback upon the request of the applicant if:

(a) Applicant provides a letter stamped by a certified structural engineer documenting that the proposed structure's fall zone is less than the actual height of the structure.

(b) The Telecommunications Facility or Support Structure is consistent with the purposes and intent of this Zoning Order.

(C) Height

(1) In non-residential districts, Support Structures shall be designed to be the minimum height needed to meet the service objectives of the applicant. However, the maximum height shall not exceed three hundred (300) total feet from the base of the structure to the top of the highest point.

(2) In residential districts, Support Structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Any proposed Support Structure shall be designed to be the minimum height needed to meet the service objectives of the applicant.

(3) In all districts, the Board of Adjustment shall have the authority to vary the height restrictions listed in this section upon the request of the applicant and a satisfactory showing of need for a greater height. With its waiver request the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Board of Adjustment.

(D) Aesthetics

(1) Lighting and Marking. Telecommunications Facilities or Support Structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA). 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.

(2) Signage. Signs located at the Telecommunications Facility shall be

limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

(3) Landscaping. In all districts, the Zoning Officer shall have the authority to impose reasonable landscaping requirements surrounding the Accessory Equipment. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The Zoning Officer may choose to not require landscaping for sites that are not visible from the public right-of-way or adjacent property or in instances where in the judgment of the Zoning Officer, landscaping is not appropriate or necessary.

(4) Compatibility. Telecommunications Facilities and Support Structures should be architecturally compatible with surrounding buildings 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, including any buildings, cabinets, or shelters, shall be used only to house equipment and other supplies in support of the operation of the Telecommunications Facility or Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

The Accessory Equipment must conform to the setback standards of the applicable zone. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required by the Zoning Board.

(F) All Telecommunications Facilities and Support Structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency or department of the federal government and the State of Authority with the authority to regulate Telecommunications Facilities and Support Structures. If such standards and regulations are changed, and such change is to require existing Telecommunications Facilities and Support Structures be modified, such modification shall be made within the compliance schedule of the federal or state agency.

13.3.R.7 Miscellaneous Provisions.

(A) Fencing

(1) Ground mounted Accessory Equipment and Support Structures shall be secured and enclosed with a fence not less than six (6) feet in height, maintain a locked gate, and be equipped with an appropriate anti-climbing device as deemed appropriate by the Zoning Officer. Signs shall also be posted on each outward face of the fence

indicating “No Trespassing,” “High Voltage,” and any other pertinent information.

(2) The Zoning Officer may waive the requirement of Subsection (1) above if it is deemed that a fence is not appropriate or needed at the proposed location.

(B) Abandonment and Removal. If a Support Structure is Abandoned, and it remains Abandoned for a period in excess of twelve (12) consecutive months, Clinton County may require that such Support Structure be removed only after first providing written notice to the owner of the Support Structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the Support Structure within thirty (30) days of receipt of said written notice. In the event the owner of the Support Structure fails to reclaim the Support Structure within the thirty (30) day period, the owner of the Support Structure shall be required to remove the same within six (6) months thereafter. Clinton County shall ensure and enforce removal by means of its existing regulatory authority.

(C) Multiple Uses on a Single Parcel or Lot. Telecommunications Facilities and Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

(D) Vehicles or equipment not used in direct support of a tower shall not be stored or parked on the site of the tower, unless repairs or necessary maintenance are being made to the tower.

(E) At any time deemed reasonable and necessary by the Zoning Officer, the owner shall cause the tower to be inspected by a structural engineer registered in the State of Missouri, who is regularly involved in the maintenance, inspection and/or erection of telecommunications 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 the Zoning Office. If, upon inspection, it is concluded that a tower fails to comply with applicable 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 or additional time as the Zoning Officer deems reasonable to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within such permitted, the Zoning Officer may order such tower removed at the owner’s expense.

(F) Accessory/Principal Uses – Telecommunications Facilities and Support Structures 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 a Telecommunications Facility or Support Structure on such lot. For purposes of determining whether the installation of a Telecommunications Facility or Support Structure 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 Telecommunications Facility or Support Structure may be located on leased parcels within such lots. Support Structures that are constructed, and Telecommunications Facilities that are installed, in accordance with the provisions of this Zoning Order 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.

Non-Commercial and Utility Towers and Structures may only be considered 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 setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control.

Non-Commercial and Utility Towers and Structures that are installed, in accordance with the provisions of this code shall not be deemed to constitute the expansion of a non-conforming use or structure. Accessory equipment shall include only such buildings and facilities necessary for transmission functions and 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.

(G) Separation from Existing Towers - All new Towers and Support Structures, except monopoles less than forty (40) feet in height, shall be subject to the following separation distances:

New Towers	Existing Towers		
	Lattice	Guyed	Monopole
Lattice	5,000 feet	5,000 feet	1,500 feet

Guyed	5,000 feet	5,000 feet	1,500 feet
Monopole	1,500 feet	1,500 feet	1,500 feet

Subject to variance as set forth in Item (I).

(H) Telecommunications Facilities and Support Structures shall be allowed with a Special Use Permit in A Agricultural, C-1 Commercial, C-2 Commercial, M-1 Industrial, M-2 Industrial Districts. Subject to variance as set forth in Item (I).

Concealed Telecommunications Facilities that are less than the maximum structure height allowable for an underlying district or forty (40) feet in height, whichever is smaller, shall be allowed with a Special Use Permit in any district.

(I) Variances – Planning and Zoning board may grant a variance from the separation, setback, height, and zoning standards. In support of a variance request from the separation requirements, the applicant shall submit a technical study acceptable to the Planning and Zoning board which confirms that (1) there exists a significant gap in applicant's service coverage; and (2) there are no other suitable sites available within the separation and setback requirements.

(J) Other Conditions and Requirements - Additional conditions may be required as deemed necessary by the Clinton County Commissioners to protect the health, safety, and welfare of the public.

(K) A site plan for the purposes of this section 13.3.R includes, in addition to the requirements of Figure 13.1.7.1 of Section 13.1(A)(7), the following:

a. Showing any tower guy wire anchors and other apparatus,
b. Access road(s) location and surface material,
c. Exterior lighting specifications,
d. Proposed transmission buildings and/or other accessory uses with details including Elevations AND Proposed use,
e. Interior drives and any service areas,
f. Landscaped areas,
g. Location map showing any development and the zoning of adjacent property within 1000',
h. The full legal description of the boundaries of said area, and
i. A description of the general character of all buildings.

13.3.R.8. Telecommunications Facilities and Support Structures in Existence on the Date of Adoption of this Zoning Order.

(A) Telecommunications Facilities and Support Structures that were legally permitted on or before the date this Zoning Order was enacted shall be considered a permitted and lawful nonconforming use.

(B) The provisions of this Part are limited to those structures that do not meet the height or setback requirements set forth in these regulations.

(C) Non-conforming Support Structures

(1) Non-conforming Support Structure. Ordinary Maintenance may be performed on a Non-conforming Support Structure or Telecommunications Facility.

(2) Collocation and/or Minor Modifications of Telecommunications Facilities on an existing non-conforming Support Structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the Administrative Approval process defined in Section 13.3.R.4

(3) Major Modifications may be made to non-conforming Support Structures utilizing the regulatory approval process defined in Section 13.3.R.5.

13.3 Additional Conditions for Particular Special Uses:

In granting a special use permit, the County Commissioners 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:

a. Approximate Size and Location of All Buildings.

b. Access from Road or Roads.

c. Type of septic system that will be used for additional residence.

d. 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 (See Sec. 13.1.A.13).

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 Officer. 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.

C. Billboards

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.

13.4 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.

13.4-1 Set back requirements

A Set back requirement from any property line shall be 1.5 times the tower height.

13.5 ACCESSORY SOLAR ENERGY SYSTEMS (ASES)

13.5-1 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.

13.5-2 Where Permitted

A. ASES that have a maximum power rating of not more than thirty (30.0kW) shall be permitted as a use by right in all zoning districts.

B. ASES that have a maximum power rating of not more than thirty kilowatts (30.0kW) shall require a building permit only.

13.5-3 Compliance with Industry Standards

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.

13.5-4 Installation

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.

13.5-5 Maintain in Good Working Order

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 in accordance with applicable ordinances.

13.5-6 Underground Requirements

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

13.5-7 Utility Notification

A. The owner of an ASES shall provide the Zoning Department 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.

13.5-8 Signage

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

13.5-9 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.

13.5-10 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).

13.5-11 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 Zoning Officer, provide information concerning the amount of energy generated by the ASES in the last 12 months.

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 shall be as defined in SECTION 21 - SCHEDULE OF FEES by January 31, 2022.

13.5-12 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.

13.5-13 Building Permit Requirements for Systems That Require a Special Use Permit

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.

13.5-14 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, setbacks 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 preexisting, 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.

13.5-15 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 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.

13.5-16 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.

13.6 LARGE ACCESSORY SOLAR ENERGY SYSTEMS (LASES)

13.6-1 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 date of this Section that materially alters the LASES shall require approval under this Ordinance.

13.6-2 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.

13.6-3 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.

13.6-4 Installation

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

13.6-5 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.

13.6-6 Underground Requirements

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

13.6-7 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.

13.6-8 Signage

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.

13.6-9 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.

13.6-10 Noise Study

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

13.6-11 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.

13.6-12 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.

13.6-13 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).

13.6-14 Decommissioning

A. The LASES owner is required to notify Clinton County Zoning Office 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.

13.6-15 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.

13.6-16 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 LASES

on the property, including property lines and documenting all required clearances, set backs and system dimensions. Hand drawn sketches shall not 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, 2022. After January 31, 2022 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.

13.6-17 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

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 padmounted 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. 13.6-14.B).

13.6-18 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.

13.7 PRINCIPAL SOLAR ENERGY SYSTEMS (PSES)

13.7-1 Clinton County prohibits Principal Solar Energy Conversion Systems, as defined in Section 2, intended to generate power for off-site use.

13.7-2 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.

13.A Variances,

13.A-1 Variances

When an applicant has a condition of development that requires a variance from the requirements of this Order, an application may be submitted to request a Variance from the Board of Zoning Adjustment.

A. Application Filing

Variance applications shall be submitted to the Planning and Zoning Department on forms

available in the Planning and Zoning Department.

B. Public Hearing Notice

Written and Published notice of the Board of Zoning Adjustment's public hearing on the Variance request shall be provided in accordance with Sec. 1.10-1.H.1 and Sec. 1.101.H.2.

C. Board of Zoning Adjustment Action

The Board of Zoning Adjustment shall hold a public hearing on the proposed Variance and take final action based on the Approval Criteria of Sec. 13.A-1.D.

D. Approval Criteria 1. Use Variances

A Variance that would have the effect of allowing a use that the underlying zoning district prohibits may be granted by the Board of Zoning Adjustment if the Board of Zoning Adjustment determines that all of the following conditions have been met:

a. the requested Variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that

are not a result of the owner's intentional action;

b. the granting of the permit for the Variance will not be contrary to the public interest and will not adversely affect the rights of adjacent property owners or residents;

c. the strict application of the provisions of which the Variance is requested will constitute a practical difficulty because the property cannot be used for an otherwise permitted use without coming into conflict with applicable site development standards; and

d. the Variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the Comprehensive Plan.

2. Non-Use Variances

A Variance that does not have the effect of allowing a use that the underlying zoning district prohibits may be granted by the Board of Zoning Adjustment if the Board of Zoning Adjustment

determines that all of the following conditions have been met:

a. the requested Variance arises from conditions that are unique to the subject property, that are not ordinarily found in the same zoning district and that are not a result of the owner's intentional action;

b. the granting of the permit for the Variance will not be contrary to the public interest and will not adversely affect the rights of adjacent property owners or residents;

c. the strict application of the provisions of which a Variance is requested will constitute an unnecessary hardship upon the property owner represented in the application; and

d. the Variance desired will not adversely affect the public health, safety, or general welfare, nor destroy the intent of the Comprehensive Plan.

3. Conditions of Approval

In acting to approve a Variance, the Board of Zoning Adjustment may impose conditions deemed necessary to eliminate or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of this Order, so long as the condition relates to a situation created or aggravated by the proposed use and is roughly proportional to its impact. Such conditions may include site design requirements and time limitations on the Variance.

4. Appeals

Any person aggrieved by a decision of the Board of Zoning Adjustment on a Variance application may present to the Circuit Court of Clinton County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the Board of Zoning Adjustment’s decision on the matter.

13.A-2 Written Interpretations

A. Application Filing

Applications for Written Interpretations of the provisions of this Order shall be submitted to the Planning and Zoning Department on forms available from the Planning and Zoning Department.

B. Planning and Zoning Officer’s Review and Decision

Within 30 days of receipt of a complete application for a Written Interpretation, the Planning and Zoning Officer shall: (1) review and evaluate the application in light of the text of this Order, the Official Zoning Maps, the Comprehensive Plan and any other relevant documents; (2) consult with County Counselor and other staff as needed; and (3) render a written interpretation.

C. Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretation.

D. Official Record of Interpretations

An official record of interpretations shall be maintained and made available for public inspection in the Planning and Zoning Department office during normal business hours.

E. Appeals

Appeals of the Planning and Zoning Officer's written interpretation may be taken to the Board of Zoning Adjustment in accordance with the procedures of Sec. 13.A-3.

13.A-3 Appeals of Administrative Decisions

A. Authority

The Board of Zoning Adjustment shall be authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this Order.

B. Right to Appeal

Appeals of Administrative Decisions may be filed within 30 days by any person aggrieved by a decision of an administrative official in the administration or enforcement of this Order.

C. Application Filing

Applications for Appeals of Administrative Decisions shall be submitted to the Planning and Zoning Department on forms available in the Planning and Zoning Department. Appeals of Administrative Decisions shall be filed within 30 days of the date of the decision being appealed.

D. Effect of Filing

The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Zoning Adjustment, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order that may be granted by the Board of Zoning Adjustment, or by a court of record.

E. Record of Administrative Decision

The official whose decision is being appealed shall transmit to the Board of Zoning Adjustment all papers constituting the record upon which the action appealed is taken.

F. Notice

Published notice of the Board of Zoning Adjustment' public hearing shall be provided in accordance with the requirements of Sec. 1.10-1.H.2.

G. Board of Zoning Adjustment's Review and Action

1. The Board of Zoning Adjustment shall hold a public hearing on the Appeal.

2. In acting on the appeal, the Board of Zoning Adjustment shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant.

3. In exercising the appeal power, the Board of Zoning Adjustment shall have all the powers of the official from whom the appeal is taken, and the Board of Zoning Adjustment may reverse or affirm wholly or partly or may modify the decision being appealed.

4. If the Board of Zoning Adjustment determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence.

H. Approval Criteria

An appeal shall be sustained only if the Board of Zoning Adjustment determines that the administrative official erred.

I. Appeals

Any person aggrieved by a decision of the Board of Zoning Adjustment on an Appeal of Administrative Decision may present to the Circuit Court of Clinton County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days of the date of the Board of Zoning Adjustment's decision on the matter.

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. Only one primary residence shall be allowed per parcel of land.

G. Any environmental testing that would be required to be completed for a project will be at the expense of the applicant.

H. 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. Electric generating plants (non-wind energy conversion systems) located in an industrial zoned district shall not exceed a height of 200 feet for any building or structure.

3. 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.

4. 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.

5. 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.

6. 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.

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 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

A. All signs, except those exempt in Section 14.3-6 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 dwellings 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 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. The minimum square footage for a lateral field on a septic system will be nine hundred (900) square feet.

4. All lagoons shall be enclosed by a fence that conforms to the current Code of State Regulations of Missouri Department of Health and Senior Services.

14.5-4 Permits Required - Any building, structure, or use of land which will discharge sewage, waste or effluent of any kind off the premises shall require a permit from the Missouri 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.

14.6 Driveways

14.6-1 General Requirements. Private or commercial driveways on a Clinton County Road are only permitted after the person or entity requesting the driveway has made an application and received approval for such driveway. This applies to all initial construction, repairs, improvements, modifications, and reconstruction of driveway entrances. The purpose of the application requirements is to mitigate the negative impacts of improperly constructed driveway entrances.

The Application shall be made to the Planning and Zoning Department on application forms provided by such Department. The application will include the owner's name, location of the proposed driveway or similar access point, and a description of the proposed work.

The Permit will be available at the job site.

A final inspection by the County is required upon completion of the work. Any rejected work must be corrected by the Owner.

14.6-2. Standards.

a. The application will provide the County with the information to determine the following:

1. Whether proper sight distances exist.

2. Whether the proposed or existing driveway is offset the proper distance from the nearest adjacent points of access along the county road.

3. The size and length of a culvert pipe if needed.

4. The proposed work meets all County requirements.

b. The following are the maximum number of driveway entrances that shall be granted per parcel:

1. One (1) driveway entrance shall be allowed per single lot residential parcel.

2. Up to two (2) driveway entrances shall be allowed at a minimum of one hundred twenty-five (125) feet separation for commercial or industrial parcels; and

3. One (1) field entrance shall be allowed per five hundred (500) feet of separation for agricultural parcels.

c. Any damage to the County Road or County-owned right of way must be repaired or replaced in kind.

d. The County Road around the area of the driveway entrance must be kept clear of dirt, rock, debris, etc. always during construction.

g. All disturbed areas within the County Road right of way or ditch line must be graded, seeded and strawed to prevent accelerated erosion.

h. No parking areas shall be constructed immediately adjacent to a County Road or within County-maintained right of way.

i. At all times while work is under construction within the County right-of-way, permittee shall display applicable warning signs, barricades, lights, and/or channelizing devices as described in the Manual of Uniform Traffic Control Devices (MUTCD), most current addition, and shall provide a flagman and/or other warning devices satisfactory to the County Road and Bridge Department.

j. If the pipe becomes clogged or damaged or worn out, in the opinion of the County, the owner is responsible for cleaning or replacement of the pipe.

k. Applicant will comply with all other conditions on the permit.

14.6-3. Fees.

The fee for the Application is $50 unless the Application is filed with a building permit application in which case there is no charge for the Application.

SECTION 15 - PERMITS

Note: A building permit (or a variance issued by the board of adjustment) is valid for 12 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 12 months. Any variance granted by the Board of Adjustment shall be valid for 12 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 30 months.

SECTION 16 - ZONING BOARD OF ADJUSTMENT

Section 16 is deleted.

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

E. Section 18 is deleted.

SECTION 19 – VIOLATIONS

Section 19 - Violations, Penalties and Enforcement

19.1 Responsibility for Enforcement

The Planning and Zoning Officer shall enforce this Order.

19.2 Types of Violations

All of the following represent violations of this Order and will be subject to the remedies and penalties provided in the Order, other county Orders and state law.

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

It is a violation of the Order 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 by this Order.

B. Subdivision, Development or Use Inconsistent with Permit

It is a violation of the Order 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 Order 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 Order

It is a violation of the Order 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 Order, or any amendment thereof.

E. Making Lots or Setbacks Nonconforming

It is a violation of the Order to reduce or diminish any lot area so that the setbacks or open spaces are

smaller than prescribed by the Order.

F. Increasing Intensity of Use

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

G. Continuing Violations

It is a violation of the Order to continue any of the violations specified in this Chapter. Each day that a violation continues shall be considered a separate offense.

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

Section 20 Remedies and Enforcement Powers

The county shall have those remedies and enforcement powers authorized in RSMo. 64.690 for the violation of zoning, subdivision or development-related Order provisions.

1.12 Enforcement Procedures

A. Inspections

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

B. Procedures

In the case of violations of the Order, the Planning and Zoning Officer 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 such longer period as the Planning and Zoning Officer allows, to correct the violation. If the violation is not corrected within the required time frame, the Planning and Zoning Officer shall use all penalties, remedies and enforcement powers available under this Chapter. 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

Building Official.

D. Certificate of Occupancy

1. A certification of occupancy shall be obtained from the Building Official by any person or entity wishing to occupy land, building or use, except for accessory agricultural uses.

a. A Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the building and health laws and orders and with the provisions of these regulations. No building or land will be occupied until the County Health Department has made a final inspection of the wastewater disposal system after installation and has given approval to the County Building Official for issuance of the Certificate Of Occupancy (CO). A record of all certificates shall be kept on file in the office of the county Building Official.

2. Certificate of Occupancy for a Building

The certificate of occupancy for a new building or the alteration of an existing building shall be applied for in writing concurrently with the application for a building permit and shall be issued within 10 days after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these provisions.

3. Certificate of Occupancy for Land

The certificate of occupancy for the use of vacant land, except for agricultural uses, or for a change in the character of the use of land a provided within the Order shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within 10 days after the application has been made, provided such use is in conformity with the provisions of these regulations.

E. Violations

1. Any owner, lessee or tenant of land located within any unincorporated area of Clinton County, or by any regulations or orders relating to the subdivision of land or zoning or by any regulations relating to building or setback lines, or any regulations and restrictions made and

adopted under the provisions of RSMo. 64.510 to 64.690 and RSMo. 64.905 and 64.906 shall be guilty of a misdemeanor.

2. In the event any subdivision of land is begun or made in violation of RSMo. 64.510 to 64.690 and RSMo. 64.905 and 64.906, or of any official master plan, or any planning or 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. 64.650, or the owner of any private property or any public body the property of 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 retrain, 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. 64.650 shall have the power to cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist there or threat in violation of any of the regulations or orders adopted or made under the provisions of this document and RSMo. 64.510 to 64.690 and RSMo. 64.905 and 64.906.

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 building or premises in which such violation exists, shall be guilty of a misdemeanor.

5. Unless otherwise directed, violations of these regulations and restrictions set forth in this Order shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Clinton County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation, such as ordering the work to be done, billing the land owner and/or placing a lien upon the property.

F. Special Use Permit Revocation

1. A Special Use Permit may be revoked at any time by the County Commission upon recommendation of the Planning and Zoning Commission. Before revoking the 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 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 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 this Order have been violated;

   c. The conditions placed upon such use as part of the 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 *	$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 * (2-3 lots)	$500.00
Major Subdivision Application * (4 or more 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 *	$500.00

Plus, the cost of all certified letters mailed to property owners within 1000 feet of the proposed rezoning tract at the current rate

Certified Letter Fee	current rate
Legal Notification	$150.00
Temporary Special Use Permit during construction (Allowed for parcels zoned AG-A and AG-B only)	$150.00

Private Landing Strip	$100.00
Fireworks	$ 50.00
Carnival, Circus or Fair	$ 100.00

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	$ 175.00

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 commercial towers require a Public Hearing.	$4.00 per 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 (no limit as to number)	N/C
Political signs, maximum size thirty-two (32) sq. ft., Signs to be removed at the completion of the campaign.	N/C

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:

II. Hearing	Minimum per hour
Members - Highway Engineer	$ 425.00
Attorney	$ 500.00
Court Reporter	$ 50.00

III. Commission Hearing	
Commissioners	$ 100.00
Attorney	$ 500.00
Court Reporter	$ 50.00
Administrative fee	$ 35.00

IV. Research	
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

         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, ensuring 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.

22.2 Any proposed subdivision of land will be evaluated according to the "point system" as provided in Section 22.1-5 of these regulations. Lot Line Adjustments may be approved or denied by the Planning and Zoning Administrator.

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 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

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.

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 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 onsite sewage treatment lagoon or evaporation pond, the outside edge of the sewage treatment lagoon or evaporation pond 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.

F. All Subdivisions shall have either 100' of road frontage on a Public Road

for access and utility purposes, or a 100' wide easement connecting the Subdivision to a Public Road with said easement dedicated to the Public to provide street and utility access to the Subdivision.

G. All surveys/plats must be approved by Planning and Zoning prior to being recorded with the Recorder of Deeds.

22.1-4 Removed for Future Use

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). 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:	25 points

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

Within one-half mile	20 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	15 points
Within two miles	10 points
More than two miles but within three miles	5 points
Over three 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 that 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.

50 or more houses (i.e., about 3 + acres)	+ 10 points
35 to 49 houses	+ 8 points
11 to 34 houses	+ 5 points

10 houses or less **0 points**

2. Sewer **Possible 20 points.**

Subdivision to be connected to Municipal system 25 points

Subdivision to have central treatment system 20 points

Subdivision to have central holding tank, transport 3 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 15 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 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 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 II 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.

22.3 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.

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.

22.4 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.

22.5 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.

22.6 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, 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

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).

22.7 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.

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.

22.8 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.

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

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.

22.9 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 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.

22.10 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 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.

22.11 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.

22.12 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.

22.13 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.

22.14 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.

22.15 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 Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so verified or modified.

22.16 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)

22.17 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.

22.18 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.

22.19 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 are 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 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 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 has 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 December 18, 2020 Instrument #s 202002966 and 202003571

AMENDED February 24, 2021 Instrument # 202100636

AMENDED April 12, 2022 Instrument # 202201236

AMENDED May 10, 2022 Instrument # 202201560

AMENDED June 7, 2022 Instrument # 202201852

AMENDED July 13, 2022 Instrument# 202202298

AMENDED September 6, 2022 Instrument#202202876

AMENDED March 7, 2023 Instrument #202300472

AMENDED July 11, 2023 Instrument# 202301629

AMENDED December 14, 2023 Instrument# 202303047

AMENDED September 12, 2024 Instrument# 202402138

AMENDED December 13, 2024 Instrument# 202403026

AMENDED February 13, 2025 Instrument# 202500403

AMENDED August 14, 2025 Instrument# 202502167