

A COMPREHENSIVE COUNTY GUIDE
PLAN FOR
CALDWELL COUNTY
2010-2025

STATE OF MISSOURI

County of Caldwell

)
) ss.
)

RECORDER'S OFFICE

I, Julie Hill Recorder of Deeds of said County, do hereby certify that the within instrument of writing was on the 8th day of June 2010, at 1 o'clock and 38 minutes p.m. duly filed for record in this office and recorded in Book 194 at Page 2860. In Witness Whereof, I hereunto set my hand and affixed my official seal at Kingston, MO., this 8th day of June, 2010.

Julie Hill Recorder
-Deputy

CALDWELL COUNTY, MISSOURI ZONING ORDINANCE

ADOPTED May 10, 2010

CALDWELL PLANNING & ZONING Board

COURTHOUSE

KINGSTON, MISSOURI 64650

816-586-2571

STATE OF MISSOURI }
COUNTY OF CALDWELL } ss.
Instrument Recorded on 06/08/2010 at 1:38 PM
Doc #42825 Fees: \$0.00
Book 194 Page 2860
Julie Hill, Recorder of Deeds
Julie Hill
Kathy Kyster, Chief Deputy Recorder
Shelia Creighton/Elaine Gattis, Deputy Recorders

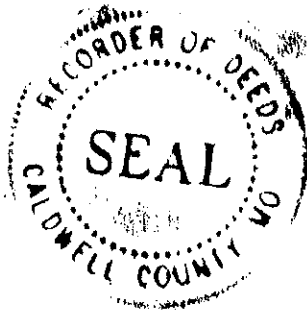


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Caldwell County Zoning Ordinance
Caldwell County, Missouri

BE IT ORDERED BY THE COUNTY COMMISSION OF THE COUNTY OF CALDWELL,
MISSOURI, AS FOLLOWS:

Section I
PURPOSE

1.1. Purpose: An ordinance establishing comprehensive zoning regulations for the unincorporated areas of Caldwell County, Missouri, in accordance with the provisions of Revised Statutes of Missouri Chapter 64, 2000, as amended, and any supplements or amendments thereto, and all acts amendatory thereof, to promote the health, safety, convenience, and general welfare of the inhabitants of Caldwell County, Missouri, by dividing the County into zones and regulating therein the uses of land and the placement of structures with a view towards encouraging the most appropriate uses of land, and to recognize and preserve the economic, social, and natural environmental attributes of all the lands in Caldwell County, Missouri.

1.2. Scope: It is not intended by this ordinance to repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of law or ordinance or with any rules, regulations, or permits previously adopted or issued or which shall be issued or adopted pursuant to law, relating to the use of buildings or premises or with any private restrictions placed upon property by covenant or deed; provided, however, that where this ordinance imposes a greater restriction upon the uses of land, buildings, or premises, or upon the height of building or structures, or lot coverage, or requires greater lot areas or larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this ordinance shall control.

Section II
TITLE

2.1. Title: This ordinance may be cited and referred to as the "Caldwell County Zoning Ordinance".

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF COUNTY COMMISSIONERS
OF CALDWELL COUNTY, MISSOURI, AS FOLLOWS:

Section III DEFINITIONS

- 3.1. General: As used in this Ordinance, the words, terms, and phrases defined in this Section shall have the meaning given herein, unless otherwise specifically defined.
- 3.2. Usage: Unless the context clearly requires otherwise words used in the present tense include the future tense, the singular number shall include the plural and the plural shall include the singular, the word "shall" is mandatory, and the word "may" is permissive, the word "used" or "occupied" includes the words "intended, designed, or arranged to be used or occupied", the word "lot" includes the words "plot" or "parcel", the feminine shall include the masculine and the masculine the feminine, and the word "structure" shall include the term "use" and vice versa. The phrase "this ordinance", "this Ordinance", or "this Order" shall mean and refer to the Caldwell County Zoning Ordinance. Any definition not set forth herein shall have the meaning as set forth in *Webster's Third International Dictionary* (1971).
- 3.3. Severability: The chapters, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of competent jurisdictions, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance since the same would have been enacted by the Board of County Commissioners without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.
- 3.4. Repeal of ordinances not to affect liabilities, etc. Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.
- 3.5. Effective Date: This Ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners, except as provided above.

3.6. Words and Terms Defined:

1. Accessory Structure: A structure subordinate to the principal use of the land or a building on the same lot and serving the purpose customarily incidental to the principal structure.
2. Animal: Domestic animals, fowls or other types of livestock except for aquatic animals.
3. Basement: That portion of any structure located partly below the average adjoining lot grade.
4. Building: Any structure for the shelter, support or enclosure of persons, animals, chattels, or property of any kind, and when separated by dividing walls without openings, each portion of such building height so separated shall be deemed a separate building.
5. Building Height: The vertical distance from the grade at a building line to the highest point of a coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of the pitch or hip roof.
6. Building Line: A line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this Ordinance.
7. Cabin - Seasonal or Recreational: A residence or dwelling structure, occupied only on a part time basis, and not requiring public services, such as school transportation or snow plowing of roads by governmental subdivision.
8. Campground: Campground means any of the following:
 1. Primitive Campgrounds: Primitive campgrounds within the meaning of these regulations are privately or governmentally owned sites designated, maintained, intended or used for the purpose of supplying a location for overnight camping where locations are accessible by canoe, boat, or by hiking, but not by motor vehicles. Such areas open to the public and designated as usable by the public as primitive campground areas may be set aside for free or pay camping purposes.
 2. Developed Campgrounds and Camping Resorts: A developed campground or camping resort means any public or privately owned parcel or tract of land accessible by automobile or other engine driven vehicle designed,

maintained, intended or used for the purposes of supplying accommodations for overnight use by recreational vehicle, open to the public and designated as a developed camping area and set aside for free or pay camping purposes.

3. Camping or Recreational Vehicle Campground: Any arrangement of plots or lots which allows for the temporary placement of recreational vehicles to be used for temporary or seasonal occupancy.
9. Cluster Subdivisions: An alternative to the conventional pattern of subdivision development which groups housing units together while providing a unified network of open space.
10. Commercial Electronic Tower: A structure with a primary purpose of providing location for reception from or to satellite antenna, microwave, or other electronic communication systems.
11. Comprehensive Plan: The policies, statements, goals and interrelated plans for public and private use of land and water, transportation, and community facilities including recommendations for plan execution and administration, document in text, ordinances, and maps which constitute the administration, documented in text, ordinances, and maps which constitute the guide for future development of Caldwell County in its unincorporated areas. Appendix A
12. Dependent Recreational Vehicles: A recreational vehicle which is dependent upon camp facilities for toilet and lavatory facilities.
13. Dry Hydrant: A dry hydrant is a non-pressurized pipe system permanently installed in an existing surface water source to provide a readily available supply of water to a pumper truck.
14. Dwelling: Any building or portion thereof designed or used exclusively as a residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or recreational vehicle.
15. Dwelling-Two Family: A residence designed for, or occupied by, two families with separate housekeeping and cooking facilities for each. Such dwellings may be located on a lot which is twice the minimum lot area, and at least one and one half times the minimum lot width required for a single dwelling within the zone district in which such dwellings are located, and may be served by one driveway.

16. Earth Sheltered or Underground Dwelling: Any dwelling constructed in such a fashion that one or more complete walls are facing an earthen berm or embankment, and at least 80% of the calculated area of such wall facing an earthen berm or embankment or is in contact with the ground, said unit being used for business or residential dwelling purposes and designed to promote energy conservation and/or ease in convenience of using an individual building site.
17. Essential Services: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principle structure. The services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewer, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, main drains, vaults, culverts, laterals, cisterns, sewers, pipes, catch basins, water storage tanks, conduit cables, traffic signals, pumps, lift stations, wells, and hydrants or dry hydrants, but not including buildings.
18. Family: Any person or group of persons, whether or not related by blood or marriage, occupying a single dwelling unit.
19. Farm: A tract of land used for the cultivation of the soil and the tilling and harvesting of the land for crops, orchards, or forestry; the raising of livestock or poultry; or the raising of hay to be consumed by livestock on the premises. A "farm" shall not include a processor of farm products or a distributor of farming supplies.
20. Farm Building: A building primarily devoted to or incidental to the use of land as a farm.
21. Farm Structure: A structure primarily devoted to or incidental to the use of land as a farm.
22. Flood plain: Lands which are subject to periodic flooding and have been defined by the U.S. Army Corps of Engineers, the Federal Emergency Management Agency, or their successor agencies, as flood prone.
23. Home Occupation: Home occupations or professional offices, provided that no such use occupies more than 25% of the total floor area of the dwelling or accessory building. Provided further that not more than 5 non-residents are employed on the premises. Said use does not include activity that would create a nuisance or otherwise be incompatible with surrounding land uses.
24. Junk or Salvage Yard: Any establishment, place of business, or place of deposit of junk, salvage, recoverable materials or scrap, or for storage of 20 or more vehicles

or once operating units or implements; which establishment or place of business is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined materials or dismantled motor vehicles, implements, or vehicle or implement parts, whether maintained in connection with another business or not, where the waste, body or discarded material stored is equal in bulk to 20 or more motor vehicles or farm implements, or which are to be resold for used parts, or old iron, metal, glass, or other discarded material.

25. Kennel: Any animal shelter, boarding kennel, commercial breeder, exempt breeder (as defined in § 273.342.1, RSMo), commercial kennel, contract kennel, dealer, hobby or show breeder (whether registered or licensed with the Division of Animal Health, Missouri Department of Agriculture), pet shop, pound, or dog pound, as defined in the Animal Care Facilities Act (RSMo § 273.325) and 2 CSR 30-9.010.
26. Livestock: Cattle, sheep, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.
27. Lot: Any parcel of land subject to the provisions of this Ordinance and capable of being described with such definiteness that its location and boundaries may be established.
28. Lot Frontage: The front of a lot shall be construed to be the portion of the lot nearest the street, road, or body of water if the land abuts the water. When the lot abuts a body of water, the shoreline shall be considered the front yard.
29. Lot Width: Shall be the distance between the side lot lines, measured at the building line.
30. Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Circuit Clerk and Ex-Officio Recorder for Caldwell County, or a lot described by metes and bounds, the description of which has been recorded in the office of the Circuit Clerk and Ex-Officio Recorder for Caldwell County, Missouri.
31. Mobile Home: A transportable single family dwelling unit suitable for year round occupancy and containing facilities for water supply, waste disposal, and electrical conveniences and as further defined by Revised Statutes of Missouri Chapter 700 (2000) and any acts amendatory thereto.
32. Mobile Home Park: Any site, lot, field or tract of land upon which two or more mobile homes are harbored, either free of charge or for revenue purposes, and

shall include related buildings, structures, tents, vehicles, or enclosures used for or intended for use as part of the equipment of such mobile home park,

33. Nonconformity: Any legal uses, structure or parcel of land already in existence, recorded, or authorized before the adoption of this Ordinance or amendments thereto, that would have not permitted to become established under the terms of the Ordinance as now written, or if the Ordinance had been in effect prior to the date it was established, recorded, or authorized.
34. Parking Space; Off Street: Any off street parking space shall comprise not less than 180 square feet of parking area, plus necessary maneuvering incidental to parking or unparking and shall not encroach upon any public right-of-way. Every off street parking space shall be accessible to a public roadway.
35. Person: A firm, association, organization, trust, partnership, company or corporation as well as an individual.
36. Planning Director: The county planning director of Caldwell County, Missouri, or his/her authorized representative. May also be the same person as "Zoning Administrator."
37. Recreational Camping Vehicle: The words "recreational camping vehicle" shall mean any of the following.
 1. Travel trailer which means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer.
 2. Pickup coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
 3. Motor home is a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
 4. Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
38. Storage Facility: A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out for storage.

39. Recreational Vehicle Parking Area: A parcel of land in which two or more spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes.
40. Sanitary Station: A facility used for removing and disposing of wastes from recreational vehicle holding tanks.
41. Self-contained Recreational Vehicle: A recreational vehicle which can operate independently of connections to sewer, water and electric systems. It contains a water-flush toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the recreational vehicle.
42. Service Building: A structure housing toilet, lavatory and other such facilities as may be required by this Ordinance.
43. Setback: The minimum horizontal distance between a structure and the normal high water mark, road center line, road right-of-way, front, side or rear lot lines.
44. Sign: A name, identification, description, display or illustration which is affixed to, or painted upon, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to any object, product, place, activity, institution, organization, idea or business.
45. Structure: Anything constructed or erected, or fabricated including a building, dam, bridge, lagoon or other alteration of the land.
46. Temporary: Any placement of a structure or use not exceeding 29 consecutive days.
47. Warehouse, Private: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field.
48. Warehouse, Public: A terminal facility available to the general public, at a fee, for the storage of farm products, furniture, and other household goods, or commercial or private goods of any nature.
49. Solar Energy Collector: Any apparatus, facility, or unit which is placed for permanent operation upon any lot, the principal use of which is to capture the sun's rays for power production purposes.
50. Unincorporated Area: That area lying outside the incorporated limits of any municipality.

51. Use: The specific purpose for which land or building is designed, arranged, intended or for which it is to be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.
52. Variance: Any modification or variation of the provisions of this Ordinance where it is determined pursuant to the provisions of this Ordinance that, by reason of exceptional circumstances, the strict enforcement of this Ordinance would cause unnecessary hardship.
53. Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the ground level of the graded lot upward, provided, however, that fences, utility poles, lawn lights, antennae, and related minor equipment may be permitted in any yard, provided that they do not create a traffic safety hazard.

Section IV GENERAL PROVISIONS

- 4.1. Compliance: Except as hereinafter provided, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it's located.
- 4.2. Building Requirements: No building or other structure shall hereafter be erected or altered
1. To exceed the allowable height for the district in which it is located,
 2. To accommodate or house a greater number of families allowed in the district, in which it is located,
 3. To occupy a greater percentage of lot area than is specified in the district in which it is located,
 4. To have narrower or smaller rear yard, front yards, side yards, or other open spaces than therein required, or in any other manner contrary to the provisions of this ordinance.
- 4.3. Area Requirements: No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

- 4.4. Minimum Requirements: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, prosperity, comfort, or general welfare. Wherever the regulations set forth in this ordinance are in variance with requirements of any other lawfully adopted rule, regulation, ordinance, order, deed restriction or covenant, the most restrictive or that imposing the highest standards shall govern.
- 4.5. Dwelling on Any Lot of Record: In any district where dwellings are permitted, a one family detached dwelling may be erected on any lot of official record at the effective date of this ordinance, irrespective of its area or width, provided that the applicable yard or open space requirements are satisfied or modified by the Zoning Board of Adjustment as set forth in Section XVIII.
- 4.6. More Than One Principal Building on a Lot: Not more than one principal building shall be located on a lot in a residential zone district, including the residential/mobile home district (RT-1 District). In any district where there is to be located a unit group of residential buildings, there shall be provided on the lot an unobstructed access way of not less than thirty (30) feet wide from the street on which the lot fronts to all principal buildings on the lot.
- 4.7. Yard Space, General: The required yard space for each building, structure, or use shall fall entirely upon land within the district or districts, in which the use is permitted.
- 4.8. Minimum Lot Size, Setback and Coverage Requirements: The following table shall govern:

Zoning Lot District	Minimum Per Unit Width	Maximum% of Building Side Yard Coverage	Minimum Rear Yard in Feet	Minimum in Feet	
R1	100 ft.	2.0 acres	15%	10 ft.	30 ft.
RT-1	100 ft.	2.5 acres	10%	20 ft.	45 ft.
A-1	200 ft.	5 acres	10%	50 ft.	75 ft.
L-1	200 ft.	5 acres	15%	50 ft.	100 ft.
C-1	200 ft.	1 acre	50%	10 ft.	35 ft.
I-1	200 ft.	2 acres	50%	12-22 ft.*	10-25 ft.*
PUD	200 ft.	5 acres	50%	25 ft.	25 ft.

*see page 38 for chart

- 4.9. Setback Requirements on Highways and Roads:

1. All State and U.S. numbered highways are hereby designated "Class A" highways. The setback line for Class A highways and for any other roads designated as major roads on official maps in effect in the county shall be one hundred (100) feet from the center line of the highway or thirty (30) feet from the right-of-way line, whichever is greater.
 2. All other county, township, and other public roads in the county shall have, as a minimum requirement, a setback for all building of fifty (50) feet from the center line of the roadway or twenty (20) feet from the edge of the easement right-of-way line, whichever is greater.
- 4.10. Visual Clearance at Intersections: In each quadrant of every road intersection within the county there shall be a designated visual clearance triangle bounded by the road center line and a line connecting them three hundred (300) feet from every Class A highway, and two hundred (200) feet from any other county, township, or other public road. If two highways of a different class intersect, the largest distance shall apply to both centerlines. Within this triangle, no object over two and one half (2 1/2) feet in height above these roads will be allowed if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt providing that vegetation on branches do not impair safety and field of vision from the driving public.
- 4.11. Access Driveways: Access driveways to highways from abutting properties shall be separated by at least one hundred fifty (150) feet from on another and must be at least one hundred fifty (150) feet from any intersection. All culverts, tubes or drainage pipe ways shall be properly sized, as determined by the county zoning administrator or county road and bridge department, to allow for the proper flow and passage of water during times of peak water flow.
- 4.12. Excessive Height Permitted: Heights of the following structures may exceed ordinance limits for the district in which it is located with the prior approval of the planning Board by issuance of a conditional use permit:
- | | |
|---|------------------------------|
| Cooling towers | Water towers |
| Stacks | Solar and wind collectors |
| Lookout towers | Spires |
| Silos | Radio and television aerials |
| Windmills | Masts |
| Antennae and other necessary mechanical appurtenances | |
- 4.13. Accessory Uses and Structures: Any permanent, roofed structure serving as an accessory use, if attached to the principal building, shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building, it

shall conform to the setback, and other dimensional requirements of the district within which it is located.

4.14. Drainage, Sanitation and Water Supply:

1. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reasons of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than four (4) feet above the highest groundwater level.
2. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe, adequate facilities for water supply and sewage disposal in accordance with the regulations of the appropriate state agency within the State of Missouri.
3. The county zoning administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the appropriate State health or environmental protection regulation.
4. Where connection is not to be made to a public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises.
5. Planned unit developments shall be served by sewage facilities which meet the appropriate requirement of the State of Missouri.

4.15. Off-Street Loading and Parking:

1. Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing or warehousing purposes. One (1) such place shall be provided for every 1000 sq. ft. of total square footage and shall be a minimum of ten (10) feet in width, thirty (30) feet in length, fourteen (14) feet in height, plus necessary maneuvering space.
2. Parking: Off-street automobile parking or storage space shall be provided on every lot in which any new structure or structures are hereafter established. Such space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged

portion. If a use is changed to a different use requiring more space, the additional amount of parking area shall be provided. There shall be at least one (1) parking space for each residential dwelling, or in multi-family residential structures, one parking space shall be provided for each family. There shall be at least one (1) parking space for every 100 sq. ft. of total retail business floor area, except that such square footage is to be based on all but retail storage areas. In industrial districts, there shall be at least one parking space for every three (3) employees based on peak employment. For every restaurant, supper club, tavern, or bar there shall be at least one (1) parking space for each 5 seats, bases on maximum seating capacity.

- 4.16. Exemption for Farm Buildings and Farm Structures: The provisions of this Order shall not apply to the raising of crops, livestock, orchards, or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this section, the term "rice farming or flood irrigation" means small berms of no more than eighteen inches high that are placed around a field to hold water for use for growing rice or for flood irrigation. This Order shall not apply to the erection, maintenance, repair, alteration or extension of farm building or farm structures used for such purposes in an area not within the area shown on the flood hazard area map. This Order shall not apply to underground mining where entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map.
- 4.17. Solar and Wind Collection Systems: The use of solar and wind energy systems including solar collectors, towers, storage facilities, panel systems, and distribution components for space heating and cooling, domestic water heating and electrical energy generation is a permitted use within all zoning districts.
- 4.18. Satellite Antenna and Electronic Dish Receiving Systems: The use of satellite antenna for television reception, individual microwave and other electronic communication systems is a permitted use within all zoning districts.
- 4.19. Site Plan Approval: The following applications shall be require a site plan for approval.
1. Requests for amendment to the Official Zoning Map, excluding requests for amendments submitted by the Planning Board or County Commission; and,
 2. Requests of conditional use approval,
 3. Requests for a variance.
 4. Approval Procedure:

1. Preliminary Site Plan. An application for approval of a preliminary site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall determine whether the application for preliminary site plan approval is complete, and shall submit a report as to compliance with this Order and the application for preliminary site plan approval to the Planning Board. If the preliminary site plan is incomplete, the Zoning Administrator may return it to the applicant with a statement of the reasons why the proposed preliminary site plan does not conform to the provisions of Subsection 4.19.6 hereafter.
 2. Final Site Plan. The applicant shall prepare a final site plan which conforms to the approved preliminary site plan, and shall submit the final site plan to the Zoning Administrator. The Zoning Administrator shall determine whether said final site plan is complete and shall submit the final site plan to the Planning Board or, for a proposed conditional use, the County Commission.
5. Effect of Site Plan Approval:
1. Preliminary Site Plan:
 1. A preliminary site plan shall not authorize the development of land. After a preliminary site plan has been approved by the County Commission, the applicant may file a final site plan.
 2. Effective Period of Preliminary Site Plan Approval. The approval of a preliminary site plan shall be effective for a period of one (1) year from the date of County Commission approval, at the end of which time the applicant must have submitted a complete final site plan for approval. If a final site plan is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan for review.
 2. Final Site Plan:
 1. After a final site plan has been approved by the County Commission, the same shall be filed in the Office of the County Clerk, and the applicant may apply for building permits consistent with the proposed site plan. No building permit application may be issued by the Zoning Administrator until he has certified that such application conforms to the approved site plan.

2. The approval of a final site plan shall be effective for a period of one (1) year from the date that the final site plan is approved by the County Commission, at the end of which time substantial construction shall have commenced and shall continue without interruption, or a complete building permit application shall be submitted and reviewed by the Zoning Administrator. Failing same, the final approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan subject to the then existing provisions of this Order.

6. Contents:

1. Preliminary Site Plan. Preliminary site plans shall contain the following information:
 1. A vicinity map at a scale of not less than one (1) inch equals one thousand (1000) feet (1" = 1,000 feet);
 2. A legal description and accompanying map exhibit of the property at a scale of one inch equals one hundred feet (1" = 100 feet) showing the location and type of boundary evidenced. The legal description shall include the following data:
 3. Metes and bounds of all property lines;
 4. Total area of property;
 5. North scale and north arrow; and
 6. Name and route numbers of boundary roads and the width of existing right(s)-of-way.
 7. Existing topography with a maximum contour interval of two (2) feet provided, however, that where the existing ground is on a slope of less than two percent (2%), a one foot contour or spot elevation shall be provided.
 8. A final detail land use plan at a scale of one inch equals one hundred feet (1" = 100 feet) showing:
 1. The location and arrangement of all proposed uses, building and structures, including building area;

2. The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade;
3. A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development;
4. The location of water resources and water supplies including wells, springs, streams, rivers, lakes, ponds, and public or private treatment, storage, transmission or distribution facilities, including the distance from all proposed buildings, structures, or proposed conditional uses;
5. The yard dimensions from the development boundaries and adjacent roads and alleys;
6. The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, walkways and bicycle paths;
7. Off road parking and loading areas and structures, and landscaping for parking areas;
8. Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping;
9. A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening;
10. When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each state or unit.

2. Final Site Plan:

1. General. The final site plan shall be presented in india ink on tracing cloth or reproducible mylar at the same scale and shall contain the same information, except for any change or additions

required by resolution of the County Commission, as shown on the preliminary site plan. The final site plan shall be prepared by a land surveyor licensed by the State of Missouri. The preliminary site plan may be used as the final site plan if it meets these requirements and is revised in accordance with the County Commission's resolution. A final subdivision plat may be combined with the final site plan if both a subdivision plat and a set plan are required. All revision dates must be shown as well as the following:

1. Contents:

1. Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the County Commission in accordance with this Order.
2. Endorsement on the site plan and a certificate of consent by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property.
3. Lots numbered as approved by the County Assessor.
4. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.
5. A title block giving the development's name and the quarter-quarter section, section, township, range, principal median, and County of its location.
6. The exterior boundaries of the development area giving lengths and bearing of the boundary lines. If the proposed development is bounded by a watercourse, a closing

meander traverse of that boundary shall be made and shown on the site plan. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given, including the curve radius, central angle, and arc length.

7. A notation of any adjoining plats or certificates of survey and titles thereto.
8. The basis of bearings used and a north point.
9. All existing easements or right-of-ways, including those contiguous to the development area, their nature, width, and the book and page number of their recording in the County's records.
10. All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of ..."), including appropriate witness monuments.
11. A vicinity map locating the proposed development within the section identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks.
12. The owner's certificate of consent including a legal description of the boundaries of the proposed development and the dedication of public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
13. A certificate showing the name and registration number of surveyor responsible for making the survey. This certificate shall be signed, and dated.
14. Signature blocks prepared for the dated signatures of the Chairpersons of the Planning Board and County Commission.

3. Multiple Sheets. Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps).
 - 4.. Plan accuracy. Bearing shall be shown to the nearest second; lengths to the nearest hundredth foot; acres to the nearest hundredth acre.
 5. As-built plans. A plan showing all required improvements shall be submitted upon their completion. The "as-build" plan shall show typical road sections, typical culvert installations, and similar information to facilitate long run maintenance of the improvements.
- 4.20. Limitations of Subsequent Applications. Whenever any application for a variance, conditional use permit, or change of zoning shall have been finally determined, no other or further application for a variance, conditional use permit or change of zoning with reference to the particular property affected by said application, or with reference to other property similarly situated, shall be considered for a period of one (1) year following the date of such action. Should conditions affecting such property materially change, or should a modified plan for a variance, conditional use permit or rezoning be presented, either of which would justify action before the expiration of such one (1) year period, the Planning Board (in the case of a conditional use permit) or the Board of Adjustment (in the case of a variance) by four-fifths (4/5) majority may permit the filing of such application for a variance, conditional use permit or rezoning, notwithstanding the provisions of this section. The provisions of this Subdivision shall not prohibit the processing of any application for a variance, conditional use permit or rezoning which has been filed in compliance with the applicable provisions of this Ordinance. For purposes of this Subdivision, the term "finally determined" means final action by the County and the final resolution of all appeals relating to said application, including appeals to the Circuit Court and Courts with appellate jurisdiction.

Section V
LAND SUBDIVISION REGULATIONS AND REQUIREMENTS

- 5.0. Subdivision Regulations: Whereas the Planning Board of Caldwell County, Missouri, hereinafter referred to as the Board, deems it necessary for the purpose of promoting coordinated physical development, conservation of natural resources, insuring efficient expenditure of public funds, and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants of the Count

These amendments are hereby adopted and enacted under authority of R.S. Mo.64.510 and amendments thereto, comprising requirements, standards and specifications with respect to provision for the proper location of building lines, open spaces, safety, recreation; and to provide for the approval of Preliminary Plats and Final Plats and endorsement thereof by the Commission, and by the County Court.

- 5.1. Pre-application Procedure Prior to the filing of an application for approval of a preliminary plat, the subdivider shall submit to the Planning Board, plans and data showing his ideas and intentions in the platting of the proposed subdivision.
- 5.2. Subdivision Preliminary approval of subdivisions shall be made by the Planning Board. Said review shall be reported on within 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 Board at least ten 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 Officer. Failure within 30 days as stated above, will result in an disapproval of plat by the Commission. In case of disapproval, the Commission or Officer shall inform the applicant the reason or reasons for its actions.

The division of land into two (2) or more lots or parcels for the purpose of either immediate or future sale, rental or building development. Excluded from this definition is: the division of land for agricultural purposes; division of land for cemetery usage; division and distribution of land pursuant to law or court order; and the conveyance of any tract of land constituting either one-half, one-fourth, one-eighth, or one-sixteenth section of land in Sections 60.331, 60.335, or 60.341 of R.S. Mo. The form "subdivision shall also include all resubdivisions of land or lots. Also excluded from this definition is the division of land among the immediate members of a family for personal use.

No instrument describing a parcel of land in a subdivision (as hereinafter defined) will be accepted in the office of the Recorder of Deeds unless a plat of the subdivision has been recorded. No building permits will be issued unless a plat of said sub-division has been recorded.

Any Plat of a subdivision of land in the unincorporated areas of Caldwell County which has not been recorded in the office of the Recorder of Deeds and which does not conform to the standards as are hereinafter forth provided shall not be considered as a plat of any lawful subdivision. All plats shall be recorded in the Plat Book of Caldwell County, Missouri, according to requirements contained in the Revised Statutes of Missouri.

5.3. Preliminary Plat Two prints of a Preliminary Plat of any proposed subdivision shall be submitted to the Planning Board at least ten days before the meeting at which approval is asked. The Preliminary Plat shall be drawn at a scale no smaller than two hundred feet to the inch. The Preliminary Plat shall show or be accompanied by the following information:

1. The proposed name of the subdivision and names of adjacent subdivisions.
2. The names of the owner and the engineer, surveyor, or landscape architect responsible for the survey and design.
3. The locations of boundary lines and their relation to established section lines, fractional section lines, or survey lines.
4. North point, scale and date.
5. The name of the owner and of all adjoining property owners as disclosed by the most recent County tax records.

5.6. Effect of Approval. 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 roads or construction shall be done on the subdivision before the Final Plat is approved by the Commission and by the County Court, except by special permission of the Commission.

5.7. Final Plat After the Preliminary Plat has been approved by the Commission a Final Plat for record shall be prepared and submitted to the Commission and/or Officer for approval by that body and by the County Court. Three prints of the plat shall be filed in the office of the Commission at least ten days prior to the meeting at which approval is asked. The original plat shall be a scale of two hundred feet to the inch, unless waived by the Commission or the Officer, and shall show or be accompanied by the following information:

The Final Plat shall be at a scale no less than two Hundred (200) feet to the inch (unless each lot is 10 acres or more, in which case, the scale may be not greater than 300' to the inch) and shall contain the following information.

1. The name of the subdivision and the location of the property as to the block, section or U.S. Survey as the case may be.
2. The boundaries of the tract.
3. The line of all street right-of way, easements and other rights-of-way, all lot lines and building lines with figures showing specific dimensions in decimals of a foot.
4. Specific bearings or deflection angles, radii, area, and central angles of all curves.
5. The lines of all pertinent adjoining lands and streets and their names.
6. Location and description of monuments, referenced to United States Geological Survey Datum Plat.
7. The designation of all areas to be used for other than residential lots and their proposed use.
8. If the property is within or adjacent to areas subject to periodic inundation note overflow areas subject to periodic flooding.
9. Certification and seal of surveyor as to accuracy of survey and plat.
10. All dimensions, angles, bearings and similar data shall be tied to primary control points designated by a registered surveyor. Locations and descriptions of said control points shall be established section corners and quarter section corners. All contours, grades and elevations shall use the United States Geological Survey Datum Plan and shall be designated on the Plat.
11. All Final Plats approved by the County Court shall be filed for record in the County Recorder's Office within ninety days. Failure to record an approved Final Plat within ninety 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.
12. Failure to commence construction, of an approved subdivision within two years of approval of the Final Plat by the County Court, requires the plat to be resubmitted to the Commission and re-approved before any construction may commence. Any plat resubmitted to the Commission shall have the status of a Preliminary Plat and must satisfy all the requirements of the Commission and meet all the subdivision regulations in force at the time of its re-submittal.

13. No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval has been given by the commission, unless such plat is resubmitted to the Commission and the Commission approved any such modifications. The official plat must be submitted to the County Commission for signatures.

- 5.8. Road Design All roads shall have a minimum right-of-way of at least sixty feet. All roads in a subdivision shall be surfaced with a minimum of 1,200 tons of crushed stone per mile of road. Such road shall have a minimum shoulder width of five feet on each side and properly engineered drainage ways. All roads must start and exit on a county road or state highway. Entrances off of County roads in subdivisions shall have a tube installed as per the specifications of the County Engineer or bridge foreman before construction is started. Cul-De-Sacs are permissible with a 150 foot minimum diameter at the turn-a-round or closed end.
- 5.9. Sewage. All sewage systems are to be designed and built in accordance with the guidelines of the Missouri Department of Health.
- 5.10. Fee A fee of \$150.00 plus \$5.00 a lot to be paid when preliminary plat is submitted to the zoning administrator and zoning board for review. Upon completion of the review the board may suggest changes to deleted or added to the preliminary plat. After the review and approval of the final plat a certificate of approval will be issued. The fee for the final plat is \$50.00 plus \$5.00 per lot.
- 5.11. Regulations May Be Amended The county Planning & Zoning Board may change and amend these regulations from time to time after public hearing as provided in RSMo 64.550.
- 5.12. Approval No Plat or subdivision of land in the unincorporated areas of Caldwell County shall be recorded in the office of the county recorder unless and until approved by the Planning and Zoning Board and County Court.
- 5.13. Requirements for Filing a Plat in the Recorder's Office
1. The Plat must have the signatures of all land owners encompassing the plat. The signatures must be notarized. If platted by a corporation, and calls for a Corporate seal, the seal must be affixed.
 2. The plat must have statutory fee (\$68.00 for each 36x24 space or part of space. Oversize is counted as extra page.) \$50.00 each extra page. The size of the plat shall not exceed 24x36 per double page.
 3. The plat must have signature, and seal of Registered Land Surveyor.

4. If land is within a corporate city limits, the plat must be approved by the city, and signed and sealed.
5. If the land is in the un-incorporated part of the county, and the county planning and zoning Board have requirements for plats recorded, the plat must be approved and signed and sealed by the Commission, according to USMo 64.590.
6. Must have three (3) copies submitted.
7. Must submit paid tax receipt for verification.
8. Plat should be printed on mylar or other permanent durable material.
9. Plat must have names, lots and blocks numbered or lettered and drawn to scale.
10. Streets and alleys dedicated to the public.

Section VI

ESTABLISHMENT OF ZONING DISTRICTS

- 6.1. For the purposes of this ordinance the unincorporated areas of the County are hereby divided into zoning districts, as shown on the Zoning Map which, together with all explanatory matter thereon, is hereby incorporated reference and declared to be a part of this ordinance. Said districts shall be known as:
- R-1 Residential
 - RT-1 Residential - Mobile Home District
 - A-1 Agricultural
 - L-1 Lake One
 - C-1 Highway and Convenience Commercial
 - L-1 Industrial
 - PUD-1 Planned Unit Development
- 6.2. A certified copy of the Zoning Map, together with any amendments thereto, shall be filed with the Caldwell County Clerk. In the case of conflict between said map and the provisions of this ordinance, the ordinance shall govern.
- 6.3. Where uncertainty exists as to the boundaries of districts, as shown on the Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways and alleys shall be construed to follow such center lines;
 2. Boundaries indicated approximately following platted lot lines shall be construed as following such lot lines;
 3. Boundaries indicated approximately following County limits shall be construed as following the County limits;
 4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
 5. Boundaries indicated as following rivers and streams should be construed to follow the approximate center line of such river or stream, and in the event of change in such river or stream, should be construed as moving with the actual center line;

6. Boundaries indicated as parallel to, or extensions of, features indicated in subdivisions 1 through 5 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
 7. Where the street or property layout existing on the ground is at variance with that shown on the Zoning Map, or in other circumstances not covered by subdivisions 1 through 6 above, the Zoning Board shall interpret the district boundaries in accordance with Section 18.5.4.
- 6.4. Any unauthorized change of the Zoning Map of whatever kind by a person or persons shall be considered a violation of this ordinance and punishable under Section XXII of this ordinance.
 - 6.5. Whenever any street, alley or other public way is vacated by official action, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.
 - 6.6. All territories which may hereafter be added to the unincorporated area of Caldwell County, Missouri shall be considered as being in the R-1 Residential District until an amendment to this ordinance shall place such added land in a different zoning district. The Planning Board shall review the zoning classification of any added land and shall report thereon to the County commission giving their recommendations as to the proper classification. Said report shall be submitted within six (6) months of the effective date of the addition.
 - 6.7. The boundaries of the Lake One (L-1) District shall be State Highway B on the East, County Road NE Jefferson Drive on the South, County Road NE Sunset Rd on the West and U.S. Highway 36 on the North with the following exceptions which shall not be included in the L-1 district: all of the east half of Section Thirty-three (33), all of the west half of Section Thirty-two (32), the southwest quarter of Section Twenty-nine (29), and the southeast quarter of Section Twenty-eight (28) all in Township Fifty-seven (57), Range Twenty-seven (27) in Caldwell County, Missouri.

Section VII
R-1 RESIDENTIAL DISTRICT

7.1. Purpose: It is the purpose of the R-1 District to encourage the establishment and preservation of residential neighborhoods characterized by single family building on large and medium sized lots. The R-1 District will include areas requiring larger lot size minimums which would preclude the economic provision of public sewer systems.

7.2. Permitted Uses:

1. One and two family dwelling, earth sheltered or underground dwellings, mobile homes in conformance with RSMo Chapter 700 (2000).
2. Any agricultural crops, including the raising and feeding of farm animals for personal use and consumption.
3. Essential services and utilities to serve the principal permitted use. See Section 3.17.
4. Customary accessory uses provided such uses are clearly incidental to the principal permitted use.

7.3. Conditional Uses:

1. Apartment complexes consisting of three or more units in one development.
2. Kennels.
3. Public and semi-public uses including but not limited to the following: public and private schools, churches, parks, prison (public or private), recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, and historic sites.
4. Camping or recreational vehicle subdivisions, campgrounds, cluster subdivisions, mobile home parks.

7.4. Prohibited Uses:

1. Landfills (hazardous or non-hazardous) and transfer stations.
2. Commercial scale animal confinements as defined by the Planning & Zoning Board.

3. Quarries, burrow pits, and large excavations.
4. Any use of mobile home except as a dwelling. Example: A mobile home may not be used as a storage facility.

7.5. Requirements: The following requirements shall be observed:

1. Minimum Lot Area: 2 acres
2. Minimum Lot Frontage: The minimum lot frontage at the building line shall be one hundred (100) feet.
3. Maximum Percentage of Building Coverage: The maximum percentage of building coverage shall be 15%.
4. Yard Setbacks: Rear and side yards shall be: Rear yard - 30 feet
Side yard - 10 feet
5. Setback requirements from highways and roads subject to Section IV, Section 4.9.
6. Maximum Building Height: Two and one half stories or thirty (30) feet in height.
7. Signs subject to Section XV.

Section VIII
RT-1 RESIDENTIAL - MOBILE HOME DISTRICT

8.1. Purpose: The purpose of the RT-1 District is to provide residential sites for mobile homes in rural areas which will not be served by public sewer and water services.

8.2. Permitted Uses:

1. Single family mobile homes.
2. Any agricultural crops, including the raising and feeding of farm animals for personal use and consumption and not for sale.
3. Essential services and utilities to serve the principal permitted uses. See section 3.17.
4. Customary accessory uses provided such uses are clearly incidental to the permitted use.

8.3. Conditional Uses:

1. Mobile home (trailer coaches) parks.
2. Seasonal trailer parks and campgrounds.
3. Kennels
4. Public and semi-public uses including but not limited to the following: public and private schools, churches, parks, prisons (public or private), recreational areas, hospitals, rest homes and homes for the aged, fire and police stations, and historic sites.

8.4. Prohibited Uses:

1. Landfills (hazardous or non-hazardous) and transfer stations.
2. Commercial scale animal confinements as defined by the Planning & Zoning Board.
3. Quarries, burrow pits, and large excavations.

4. Any use of mobile home except as a dwelling. Example: A mobile home may not be used as a storage facility.

8.5. Requirements: The following requirements shall be observed:

1. Minimum Lot Area: 2.5 acres
2. Minimum Lot Frontage: The minimum lot frontage at the building line shall be one hundred (100) feet.
3. Maximum Percentage of Building Coverage: 10%
4. Yard Setbacks: Rear Yard Setback - 45 feet
Side Yard Setback - 20 feet
5. Setback requirements from highways and roads subject to Section IV, Section 4.9.
6. Maximum Building Height: Two and one-half (2 1/2) stories or thirty (30) feet in height.
7. Signs subject to Section XV.

Section IX
L-1 LAKE DISTRICT

9.1. **Purpose:** The purpose of the L-1 District is to encourage the establishment and preservation of residential housing characterized by single family building on large sized lots. The L-1 District will include areas requiring larger lot size minimums which would preclude the economic provision of public sewer systems.

9.2. Permitted Uses:

1. One family dwellings, earth sheltered or underground dwellings, mobile homes in conformance with RSMo Chapter 700 (2000).
2. Any agricultural crops, including the raising and feeding of farm animals for personal use and consumption.
3. Essential services and utilities to serve the principal permitted use. See Section 3.17.

9.3. Conditional Uses

1. Public and semi-public uses including but not limited to the following: public and private schools, churches, parks, prison (public or private), recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, and historic sites.
2. Camping or recreational vehicle subdivisions, campgrounds, cluster subdivision.

9.4 Prohibited Uses:

1. Landfills (hazardous or non-hazardous) and transfer stations.
2. Commercial scale animal confinements as defined by the Planning & Zoning Board.
3. Quarries, burrow pits, and large excavations.
4. Any use of mobile home except as a dwelling. Example: A mobile home may not be used as a storage facility.

9.5. Requirements: The following requirements shall be observed:

1. Minimum Lot Area: 5 acres

2. Minimum square footage of dwellings: 1400 square feet of living space.
3. Sewer systems
 1. A qualified engineer must perform a Soil Morphology. A copy of said study must be provided to the zoning administrator before a building permit will be issued.
 2. Sewer system must be constructed to the specifications of the Engineer's Soil Morphology.
 3. Only certified installers may install the Sewer System and the sewer system must be inspected by a certified sewer inspector. A copy of the inspection must be provided to the zoning administrator.
4. Foundations
 1. For all housing structures, foundations must have a minimum 36 inch frost footer and a minimum of a slab foundation.
 2. All manufactured homes must have a poured concrete or concrete block skirting in addition to tie down and foundation requirements in RSMo700.
 3. Any person camping in anyway on any lot, by tent, recreational camping vehicle, or fifth wheel camper shall neither remain on a lot nor leave, park or store said tent, recreational vehicle or fifth wheel camper on a lot more than 29 days in a row.
 4. Minimum Lot Frontage: The minimum lot frontage shall be two hundred (200) feet.
 5. Maximum Percentage of Building Coverage: The maximum percentage of building coverage shall be 15%.
 6. Yard Setbacks: Rear and side yards shall be: Rear yard - 100 feet
Side yard - 50 feet
 7. Setback requirements from highways and roads subject to Section IV, Section 4.9.
 8. Maximum Building Height: Two and one half stories or thirty (30) feet in height.
 9. Signs subject to Section XV.

Section X
A-1 AGRICULTURAL DISTRICT

10.1. Purpose: This district is intended to provide for the continuation of general farming and related activities in those areas best suited for such development; and, to prevent the untimely and uneconomical scattering of residential, commercial, or industrial development into such areas.

10.2. Permitted Uses:

1. Single family residences, single mobile homes, earth sheltered or underground homes, two family dwellings.
2. All agricultural land uses, building and activities.
3. Kennels provided, however, that no kennel shall be permitted in the A-1 district unless it holds valid licenses issued pursuant to the Animal Care Facilities Act (ACFA), RSMo 273.325 through 273.357 and Chapter 9 of the Division 30 of Title 2 of the Code of State Regulations.
4. Essential services and utilities to serve the principal permitted use. See Section 3.17.
5. Customary accessory uses provided such uses are clearly incidental to the principal permitted use.

10.3 Condition Uses

1. Agriculture processing industries and warehouses clearly, including, slaughterhouses, rendering and fertilizer plants.
2. Quarries, sand mines and gravel pits.
3. Airports.
4. Garbage and refuse disposal sites, including landfills and transfer stations, incinerators.
5. Junkyards, salvage yards.
6. Mobile home and recreational trailer parks.
7. Prisons (public or private.)

10.4. Prohibited Uses:

1. Any use of mobile home except as a dwelling. Example: A mobile home may not be used as a storage facility.

10.5. Requirements: The following requirements shall be observed:

1. Minimum Lot Area: Five (5) acres.
2. Minimum Lot Frontage: The minimum lot frontage at the building line shall be two hundred (200) feet.
3. Maximum Percentage of Building Coverage: 10%
4. Yard Setbacks: Rear yard setback - 75 feet
Side yard setback - 50 feet
5. Setback requirements from highways and roads subject to Section IV, Section 4.9.
6. Maximum Building Height: Two and one-half (2 1/2) stories or thirty (30) feet in height.
7. Signs subject to Section XV.

XI
C-1 HIGHWAY AND CONVENIENCE COMMERCIAL DISTRICT

11.1. Purpose: This district shall provide for the orderly and attractive clustering, at appropriate locations, of retail stores, shops, services, offices and similar commercial establishments which serve both the traveling public and nearby residential areas.

11.2. Permitted Uses: Facilities such as, but not limited to the following:

- 2 Retail stores and shops offering convenience goods and services.
- 3 Business and professional offices and studios
- 4 Banks and savings and loan offices.
- 5 Commercial entertainment facilities.
- 6 Laundromats.
- 7 Public and semi-public buildings and institutions, but not including prisons or facilities for the incarceration of criminals.
- 8 Medical and dental clinics.
- 9 Auto service stations and maintenance facilities.
- 10 Motels, hotel, "bed & breakfast" facilities, and rooming and boarding houses.
- 11 Essential services and utilities to serve the principal permitted use. See Section 3.17.
- 12 Customary accessory uses provided such uses are clearly incidental to the principal permitted use.
- 13 Storage facilities, private warehouses and public warehouses.
- 14 Adult businesses and adult uses.

11.3. Conditional Uses:

1. Public and semi-public uses including but not limited to the following: public and private schools, churches, parks and recreation areas, hospitals, rest homes and homes for the elderly, fire and police stations, public governmental offices including maintenance, repair and storage buildings.

2. New and used vehicular and equipment sales establishments.
3. Wholesaling establishments.
4. Transportation terminals.
5. Farm implement sales firms.
6. Outdoor theaters.
7. Miniature golf, go-karts, and amusement parks.
8. Drive-in establishment offering in-car service to customers.
9. Animal hospitals and veterinary clinics.
10. Prisons (public or private).

11.4. Prohibited Uses:

1. Any use of mobile home except as a dwelling. Example: A mobile home may not be used as a storage facility.

11.5. Requirements: The following requirements shall be observed:

1. Minimum Lot Area: 1 acre
2. Minimum Lot Frontage: The minimum lot frontage at the building line shall be two hundred (200) feet.
3. Maximum Percentage of Building Coverage: 50%
4. Yard Setbacks: Rear yard setback - 35 feet
Side yard setback - 10 feet
5. Setback requirements from highways and roads subject to Section IV, Section 4.9.
6. Maximum Building Height: No principal structure shall exceed three (3) stories or thirty five (35) feet in height.
7. Signs subject to Section XV.

11.6. Adult Businesses and Adult Uses

Purpose and Findings: *the purpose of this Section is to provide standards to regulate the time, place and manner of the operation of adult use facilities in order to minimize the negative secondary effects associated with such facilities. The specific purposes of this Section are to:*

- 1. Establish reasonable and uniform regulations that will reduce possible adverse secondary effects that adult uses may have upon the residents of the County and preserve the integrity of existing commercial areas of the County and of residential areas which are in close proximity to such commercial areas.*
- 2. To protect the rights conferred by the United States Constitution to adult uses in a manner that ensures the continued and orderly development of property within the County and diminishes those undesirable negative secondary effects that recognized studies have shown to be associated with the development and operation of adult uses.*
- 3. To serve a legitimate governmental interest of reducing possible secondary adverse effects, while allowing for alternative means of communication and free expression.*
- 4. To promote the health, safety and welfare of the County.*

1. Definitions.

In addition to the definitions contained in Section 3, the following words and phrases are defined below for the purposes of this Section. If any of these definitions conflict with Article 11, these definitions shall prevail:

Adult Arcade:

Any business establishment or concern to which the public is permitted or invited and where coin or slug operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are considered "adult material" as defined by this Section.

Adult Bookstore:

An establishment having as a substantial or significant portion of its stock in trade adult material, or an establishment with a segment or section devoted to the sale or display of such material.

- (1) An establishment shall be deemed to have a "substantial or significant portion of its stock in trade" at least twenty percent (20%) of the stock of the business or twenty percent (20%) of the floor area that houses the adult business is

adult material. However, if the adult business is housed in a building or structure that includes more than one business, then the "floor area" shall mean and refer to only that portion of the building which is leased or otherwise demised to the adult business.

- (2) An establishment shall also be deemed to have a "substantial or significant portion of its stock in trade" if at least twenty percent (20%) of the gross receipts of the business or use are derived from the sale of "adult material" (as defined below).

Adult Business or Adult Use:

- (1) Any business establishment or concern which as a regular and substantial course of conduct operates as an adult bookstore, adult theater, adult arcade, adult cabaret or adult nightclub, figure modeling studio, adult dance studio, adult entertainment studio, erotic dance studio, adult hotel, or massage establishment; or
- (2) Any business establishment or concern which as a regular and substantial course of conduct offers, sells or distributes adult oriented merchandise or sexually oriented merchandise, or which offers to its patrons "adult materials" or other products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical parts."

Adult Cabaret or Adult Nightclub:

A business establishment or concern which features live performances by dancers or similar entertainers in the nude.

Adult Dance Studio:

Any business establishment or concern which provides for members of the public a partner for dance where the partner appears nude, or where the dance is distinguished or characterized by the emphasis on matter depicting, or describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Entertainment Studio:

Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, wherein an entertainer provides entertainment to a member of the public, a patron or a member, when such entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult entertainment studio includes, without being limited to, any premises that is physically arranged and used as such, whether advertised or represented as an entertainment studio, rap studio, exotic dance

studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. Adult entertainment studio shall not include theaters, concert halls, or similar establishments where entertainment is performed for groups of four or more.

Adult Hotel:

A hotel which is used for presenting on a regular and substantial basis "material" which is distinguished or characterized by the emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas" through closed circuit or cable television or through video tape recorder where video tapes are provided by the hotel/motel. For purposes of this subsection, a "Hotel" means any building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a motel, cabin camp, tourist cabin, or other type of lodging unit. Evidence that a sleeping room in a hotel has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult hotel as that term is defined in this Section.

Adult Oriented Merchandise:

Sexually oriented implements, paraphernalia, or novelty items, such as, but not limited to: dildos, auto sucks, sexually-oriented vibrators, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sado-masochistic activity or distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Material:

A material that is distinguished or characterized by their emphasis on matter which is distinguished or characterized by its emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

Adult Theater:

A theater or other commercial establishment with or without a stage or proscenium which is used for presenting, on a regular and substantial basis, "material" which is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to "specified sexual activities" or "specified anatomical areas."

Adult Use:

See "Adult Business," above.

Arcade Booth:

Any enclosed or partially enclosed portion of an establishment in which an adult arcade is located, or where a live performance is presented, on a regular or substantial basis, where the material presented is distinguished or characterized by an emphasis on matter depicting, or describing, or relating to "specified sexual activities" or "specified anatomical areas."

Commercial Zoning District:

Any property within the County that is zoned "C-1" (Highway and Convenience Commercial District) on the County's official zoning map.

Dancer:

A Performer who dances or otherwise performs for an erotic dance studio and who seeks to arouse or excite the patrons' sexual desires.

Employee:

Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment studio.

Entertainer:

Any person who provides entertainment within an adult entertainment studio as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

Entertainment:

Any exhibition, performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered for amusement.

Erotic Dance Studio:

A fixed place of business which emphasizes and seeks, through one or more dancers or performers, to arouse or excite the patron's sexual desires.

Figure Modeling Studio:

Any establishment or business which provides for members of the public, the services of a live human model for the purpose of reproducing the human body, wholly or partially in the nude, by means of photograph, painting, sketching, drawing, or other pictorial form.

Industrial Zoning District:

Any property within the County that is zoned "I-1" (Industry District) on the County's official zoning.

Massage Establishment:

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition shall also exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages. For purposes of this Section, a "massage establishment" shall not include the following:

- (1) Establishments which routinely provide massage services by a licensed physician, a licensed chiropractor, a licensed massage therapist, a licensed osteopath, a licensed practical nurse or a registered professional nurse.
- (2) Electrolysis treatment by a licensed operator of electrolysis equipment.
- (3) Continuing instruction in martial or performing arts or in organized athletic activities.
- (4) Hospitals, nursing homes, medical clinics or medical offices.
- (5) Barbershops or beauty parlors which offer massage to the scalp, the face, the neck, or shoulders only.

Massage:

Any method of pressure on, friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or appliance, with or without such supplementary aids as rubbing alcohol or oils.

Masseur or Masseuse:

A "masseur" means a male person, and a "masseuse" means a female person, who practices massage.

Material:

Relative to adult businesses, "material" shall mean and include, but not be limited

to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, or electronically generated images or devices including computer software, or any combination thereof.

Nude:

Any state of undress in which the whole or part of any human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered.

Obscene:

Any material or performance is obscene if the average person applying contemporary community standards would find that such material or performance, taken as a whole, appeals to the prurient interest; that the material or performance has patently offensive representations or descriptions of ultimate sexual acts, normal or perverted; and that the material or performance, taken as a whole, lacks serious literary, educational, artistic, political or scientific value.

Operator:

Any person, partnership, or corporation operating, conducting or maintaining an adult use or adult business as defined in this Section.

Park:

Any public or private land designated and reserved for public recreational use by a public agency or a private homeowners association.

Patron:

Any person who is a guest, member or customer on or in an adult business.

Performer:

Any person who is an employee or independent contractor of the adult business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business and who seeks to arouse or excite the patrons' sexual desires.

Person:

Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, including any trustee, receiver, assignee, or other similar representative thereof.

Religious Institution:

A facility used primarily for religious assembly or worship and related religious activities.

Residential Zone:

Any property within the County which is designated as a "R" (Residential District) or "RT-1" (Residential) in the County's official zoning map adopted pursuant to Sections 7 and 8 of the Caldwell County Zoning Ordinance.

School:

Any institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the Missouri State Board of Education or which is maintained pursuant to standards set by the Missouri State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school, but not including dancing schools, riding academies, or trade or vocational schools.

Specified Anatomical Areas:

"Specified Anatomical Areas" shall mean:

- (1) Less than completely and opaquely covered:
 - (a) human genitals, pubic region;
 - (b) buttock, or
 - (c) female breast below a point immediately above the top of the areola; or
- (2) Any device or covering, when exposed to view, which simulates the female breast below a point immediately above the top of the areola, human genitals, pubic region or buttock; or
- (3) Human or simulated male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

"Specified Sexual Activities" shall mean:

- (1) Human genitals in a state of sexual stimulation or arousal; and/or
- (2) Acts of human masturbation, sexual intercourse or arousal; and/or
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
- (4) Masochism, erotic or sexually-oriented torture, beating, or the infliction of

pain; and/or

- (5) Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
- (6) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Tavern:

any premises on which alcoholic or cereal malt beverages are sold or served for consumption on the premises pursuant to a license or permit issued by the State of Missouri, Caldwell County or any other political subdivision or agency of the State of Missouri.

2. Location Standards

- (1) Subject to the limitations of this Section, adult businesses may be located in any Highway Commercial or Industrial Zoning District of the County as herein defined.
- (2) It is unlawful to establish any such adult business if the location is:
 - a. Within a one-thousand (1,000) foot radius of a Residential Zone. The distance between a proposed use and a Residential Zone shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line included within the Residential Zone, measured along a straight line extended between the two points.
 - b. Within a one-thousand (1,000) foot radius of any School or Park. The distance between the proposed use and a School or Park shall be measured from the nearest exterior wall of the facility housing the adult use or proposed adult use to the nearest property line of the school or park site, along a straight line extended between the two points.
 - c. Within a one-thousand (1,000) foot radius of a Religious Institution. The distance between the adult use or proposed adult use and a religious institution shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the Religious Institution.

- d. Within a one-thousand (1,000) foot radius of any other adult business. The distance between the adult use or proposed adult use and another adult business shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the other adult business.
- e. Within a one-thousand (1,000) foot radius of any tavern. The distance between the adult use or proposed adult use and a tavern shall be measured from the nearest exterior wall housing the adult use or proposed adult use along a straight line extended to the nearest exterior wall of the facility housing the tavern.

3. Hours of Operation.

- (1) No adult use or adult business shall be open earlier than twelve o'clock (12:00) p.m. or later than twelve o'clock (12:00) a.m. No adult use or adult business shall be open on any Sunday. It is unlawful for any operator or employee of an adult business to allow such adult business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 12:00 a.m. and 12:00 p.m. of any day or on any Sunday.
- (2) All adult uses or adult businesses shall be open to inspection at all reasonable times by any law enforcement officer, the Zoning Administrator, or such other persons as the Zoning Administrator may designate in the normal course of his duties.

4. Lighting Requirements.

Any lights used for exterior illumination shall be diffused or directed away from adjoining properties and public streets.

5. Signs.

All adult uses or adult businesses shall comply with the following sign requirements in addition to the requirements of Section XV Article 15.3 of the Caldwell County Planning and Zoning Order.

- (1) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building. Neither the performance nor any photograph, drawing, sketch or other pictorial or

graphic representation of a performance displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult use or adult business.

- (2) Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only.

6. Access Provision.

The operator shall not permit any doors on the premises to be locked during business hours. The operator shall ensure that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement officer.

7. Minors' Access.

- (1) No employee, owner, operator, responsible managing employee, manager or permittee of an adult business shall allow any person below the age of eighteen (18) years upon the premises or within the confines of any adult business.
- (2) X rated movies. X rated movies or video tapes shall be restricted to persons over eighteen (18) years of age. If an establishment that is not otherwise prohibited from providing access to persons under 18 years of age sells, rents, or displays videos that have been rated "X" or rated "NC 17" by the motion picture rating industry ("MPAA"), or which have not been submitted to the MPAA for a rating, and which consist of images which are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas", said videos shall be located in a specific section of the establishment where persons under the age of eighteen (18) shall be prohibited and shall not be visible from outside the premises or from areas within the premises where persons under the age of eighteen (18) are allowed.
- (3) Other Adult Materials. Access to adult materials shall be restricted to persons over eighteen (18) years of age.

8. Closed Booths.

No one shall maintain any arcade booth or individual viewing area unless the entire interior of such premises wherein the picture or entertainment that is viewed is visible upon entering into such premises; and further, that the entire body of any viewing person is also visible immediately upon entrance to the premises without

the assistance of mirrors or other viewing aids. No partially or fully enclosed booths/individual viewing area or partially or fully concealed booths/individual viewing area shall be maintained. No arcade booth shall be occupied by more than one patron at a time. No holes shall be permitted between arcade booths or individual viewing area.

9. Required Notice.

A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

THIS ADULT BUSINESS IS REGULATED BY THE
Caldwell COUNTY ZONING ORDINANCE.
ENTERTAINERS ARE:

- (1) Not permitted to engage in any type of sexual conduct;
- (2) Not permitted to expose their sex organs;
- (3) Not permitted to demand or collect all or any portion of a fee for entertainment before its completion.

10. Regulation of Viewing Areas.

Every adult use or adult business shall be physically arranged in such manner that the entire interior portion of the booths, cubicles, rooms or stalls wherein entertainment is provided is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever. All viewing areas within the adult business shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and shall not be obscured in any manner by any door, curtain, wall, two-way mirror or other device which would prohibit a person from seeing into the viewing area from the main aisle. A manager shall be stationed in the main aisle, or a video monitor shall be established at a location from which the inside of all of the viewing areas are visible at all times, in order to enforce all rules and regulations. All viewing areas shall be designed or operated to permit occupancy of either one (1) person only, or more than ten (10) persons. The operator shall be responsible for and shall provide that any room or area used for the purpose of adult entertainment shall be readily accessible at all times and shall be opened to view in its entirety for inspection by the Zoning Administrator or a law enforcement officer at all reasonable times. "Viewing area" shall mean any area in which a person views performances, pictures, movies, videos, or other presentations.

11. Private Performances.

Any area in which a private performance occurs shall:

- (1) Have a permanently open entranceway at least three (3) feet wide and at least six (6) feet high, which entranceway is not capable of being closed or partially closed by any curtain, door, or other partition which would be capable of wholly or partially obscuring any person situated in the area; and
- (2) Have a wall to wall, floor to ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent, and which partition separates the employee from the person viewing the display.

12. On Site Manager; Security Measures.

No person shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of an adult business unless each and all of the following requirements are met:

- (1) All adult businesses shall have a person who shall be at least 18 years of age and shall be on the premises to act as manager at all times during which the business is open. The adult business shall register any and all individual(s) designated as the on-site manager with the Zoning Administrator by the owner to receive all complaints and be responsible for all violations taking place on the premises.
- (2) The adult business shall provide a security system that visually records and monitors all parking lot areas, or in the alternative, uniformed security guards to patrol and monitor the parking lot areas during all business hours. A sign indicating compliance with this provision shall be posted on the premises. The sign shall not exceed two (2) by three (3) feet and shall at a minimum be one (1) foot by one and a half feet.

13. Clothing.

All employees of adult businesses, other than performers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their specified anatomical areas.

14. Dancing and Performing.

In order to reduce the opportunity for prostitution and narcotics transactions, to prevent patrons and dancers/performers from engaging in sexual fondling and

caressing, and to reduce the likelihood of drug and sex transactions, the following additional regulations shall apply to the operation of any adult cabaret, adult dance studio, erotic dance studio, or figure modeling studio:

(1) Separation Distances Between Entertainers and Patrons.

No person shall perform live entertainment for patrons of an adult business except upon a permanently fixed stage or platform which is at least two (2) feet above the level of the floor, separated by a distance of at least ten (10) feet from the nearest area occupied by patrons and surrounded with a three (3) foot high barrier. No patron shall be permitted within six (6) feet of the stage while the stage is occupied by a performer.

(2) Contact between Entertainers and Patrons Prohibited

When patrons are present at the establishment, no dancer or performer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer. This prohibition does not extend to incidental touching. Patrons shall be advised of the separation and no touching requirements by signs placed on the barrier. If a patron disregards this requirement, employees of the establishment shall advise the patron of this requirement.

(3) Tipping

No patron shall directly pay or give any gratuity to a dancer or performer in conjunction with a performance. For purpose of this provision, 'directly pay or give' shall mean the placement of a gratuity by a patron on any portion of a dancer's or performer's person or clothing." No dancer or performer shall solicit any pay or gratuity from any patron.

(4) Unlawful Sexual Acts

No operator, entertainer, or employee shall permit to be performed, offer to perform, or perform sexual intercourse or oral or anal copulation with a customer or manual or other contact stimulation of the genitalia of a customer. No operator, entertainer, or employee shall encourage or permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person. No operator, entertainer, or employee shall be unclothed or in such attire, costume or clothing, so as to expose to view any portion of the sex organs of said operator, entertainer, or employee with the intent to arouse or gratify the sexual desires of the operator, entertainer, employee, or customer.

15. Massage establishments.

- (1) No owner, operator, responsible managing employee, manager, or licensee in charge of or in control of any massage establishment shall permit any person in any area within the massage establishment which is used in common by the patrons or which can be viewed by patrons from such an area (excluding bathrooms, dressing rooms, or any room utilized for dressing purposes), unless the person's specified anatomical areas are fully covered. In addition, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any person to be in any room with another person unless all persons' specified anatomical areas are fully covered.
- (2) No owner, operator, responsible managing employee, manager or licensee in charge of or in control of a massage establishment shall permit any masseur, masseuse, or employee to be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, and no masseur/masseuse or employee shall be on the premises of a massage establishment during its hours of operation while performing or available to perform any task or service associated with the operation of a massage business, unless the masseur/masseuse or employee is "fully covered." For purposes of this subsection, "fully covered" means a state of dress in which the covering shall be of an opaque material and shall be maintained in a clean and sanitary condition, and which extends from a point not to exceed four (4) inches above the center of the knee cap to the base of the neck.
- (3) No masseur/masseuse or employee, while performing any task or service associated with the massage business, shall be present in any room with another person unless the person's specified anatomical areas are fully covered.
- (4) Rooms in which massage is to be practiced or administered shall have at least fifty (50) square feet of clear floor area and shall maintain a light level of at least forty (40) footcandles as measured three (3) feet above the floor. Such rooms shall be equipped with cabinets for the storage of clean linen and chemicals and approved receptacles for the storage of soiled linen. Such rooms shall contain a door incapable of being locked from the exterior or interior. Such door shall contain a transparent window pane no less than twelve (12) inches wide and twelve (12) inches long, such that an unobstructed view of the room is provided from a hallway or other common access area which is immediately adjacent to the room.

16 Violations.

Any person who violates any provision of this Article XI be subject to the provisions of Article XXIII of the Caldwell County Planning and Zoning Ordinance.

17. Applicability to Other Regulations.

The provisions of this Section are not intended to provide exclusive regulation of the regulated adult uses. Such uses shall comply with any and all applicable regulations imposed in other articles of the Caldwell County Planning and Zoning Ordinance, other County ordinances and state and federal law.

Section XII
I-1 INDUSTRIAL DISTRICT

12.1. Purpose: It is the purpose of the I-1 District to create industrial acres that will be acceptable within the County and compliment rather than adversely affect adjacent business or residential establishments which are either: (a) ones whose operations are relatively free from objectionable influences, or (b) ones whose objectionable features will be obviated by design and/or appropriate devices.

12.2. Permitted Uses:

1. Manufacturing. Any manufacturing use or process including assembling, fabricating, altering, converting, finishing, processing, treating and packaging.
2. Warehousing, storage and wholesaling. The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use, except any combustible materials and/or flammable liquids.
3. Essential services and utilities to serve the principal permitted use. See Section 3.17.
4. Customary accessory uses provided such uses are clearly incidental to the principal permitted use.

12.3. Conditional Uses:

1. Cement, lime, gypsum or plaster of paris manufacture.
2. Gas and petroleum manufacture.
3. Chemical manufacture.
4. Fertilizer manufacture.
5. Explosives manufacture or storage.
6. Junk or salvage yards.
7. Sanitary landfills and transfer stations.
8. Stockyards and the slaughter of animals.
9. Any other use which, in the opinion of the Planning Board is of similar character to those herein before described.

12.4. Prohibited Uses:

1. Any use of mobile home except as a dwelling. Example: A mobile home may not be used as a storage facility.

12.5. Requirements: The following requirements shall be observed:

1. Minimum Lot Area: 2 acres
2. Minimum Lot Frontage: The minimum lot frontage at the building line shall be two hundred (200) feet.
3. Maximum Percentage of Building Coverage: 50%.
4. Yard Setbacks: Rear and side yard setbacks shall be:

<u>Maximum Building Height</u>	<u>Rear Yard</u>	<u>Adjacent to Residential District Each Side Yard</u>	
		<u>Side Yard</u>	<u>Shall Be</u>
1 to 2 1/2 story or 40 feet	10 feet	12 feet Each side	25 feet
3 stories or 50 feet	15 feet	17 feet Each side	30 feet
4 stories or 60 feet	20 feet	22 feet Each side	35 feet
5 stories or 70 feet	25 feet	27 feet Each side	40 feet

5. Setback requirements from highways and roads subject to Section IV, Section 4.9.
6. Maximum Building Height: No principal structure shall exceed five (5) stories or seventy (70) feet in height.

15 Signs subject to Section XV.

Section XIII
PUD-1 PLANNED UNIT DEVELOPMENT DISTRICT

13.1. Purpose: This district is intended to provide for an added degree of flexibility in the location, placement and interrelationship of buildings, incorporating a variety of residential, commercial and public structures, and encouraging a creative opportunity for development and preservation of common open spaces.

13.2. Permitted Uses: None

13.3. Conditional Uses:

1. Any permitted and conditional uses in R-1 and C-1 Districts including multi-family structures.

13.4. Requirements:

1. Minimum Lot Area: 5 acres
2. Minimum Lot Frontage: 200 feet
3. Maximum Percentage of Building Coverage: 50%
4. Yard Setbacks: Front yard, 50 feet; rear yard, 25 feet; side yard, 25 feet.
5. Setback requirements from highway and roads governed by section 4.9.
6. Maximum Building Height: 3 1/2 stories or 35 feet.
7. Signs subject to the intent of Section XV.
8. All PUD developments shall include a dry hydrant installation within one mile of the PUD location.

Section XIV
NON-CONFORMITIES

14.1. Non-conformities: Where the districts established by this ordinance, and amendments thereto, contain structures, uses or lots of record which were legally established or created prior to the enactment of this Ordinance on March 8, 1993, and amendments thereto, which structures, uses or lots of record would be prohibited under the provisions of this Ordinance, said structures, uses, or lots of record may be continued subject to the provisions described below.

14.2. Non-conforming Uses:

1. No non-conforming use shall be enlarged, increased, moved, or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance and amendments thereto, except to bring the use in conformity with the provisions of the Ordinance.
2. No non-conforming use shall be changed to another non-conforming use.
3. No non-conforming use shall be re-established if it is discontinued for a continuous twelve (12) month period.

14.3. Non-conforming Structures:

1. No non-conforming structure shall be enlarged or altered in a way which increases its non-conformity.
 2. If any non-conforming structure is destroyed intentionally or by fire or other peril to the extent of fifty percent (50%) or more of its current market value, any subsequent rebuilding or replacing of the structure shall conform to the terms of this Ordinance.
 3. Should a non-conforming structure be moved for any distance whatsoever, it shall be done in such a manner as to conform to the regulations for the district in which it is located after it is moved.
 4. Normal repairs and maintenance necessary to keep a non-conforming structure in sound condition shall be permitted except as provided in Section 14.3.2.
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14.4. Non-conforming Lots:

1. A non-conforming lot may be allowed as a building site provided that:
 1. The lot is a lot of Record as defined in Section 3.6.30 of this Ordinance;
 2. The lot is in separate ownership from abutting lands;
 3. All requirements of the State of Missouri with respect to sewage disposal are complied with;
 4. The use is allowed within the district wherein the lot is located;
 5. The lot meets 80% of both the width and area requirements of this Ordinance;
 6. The setback requirements can be met, except as provided herein below.
2. If two (2) or more sub-standard lots with continuous frontage has the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.
3. Non-conforming lots containing a principal structure may add a permitted accessory structure, provided the accessory structure will meet all minimum setback requirements of this Ordinance and will not cause the maximum percentage of lots coverage requirements to be exceeded.
4. Additions to principal or accessory structures located on non-conforming lots may be permitted, provided that any such additions will meet all minimum setback requirements of this Ordinance, and will not cause the maximum percentage of lot coverage to be exceeded.

Section XV
SIGNS

15.1. General Provisions:

1. Permit Required: Except as otherwise specifically authorized, no billboard shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered within Caldwell County, MO until a permit has been issued by the County Zoning Administrator. No Permit shall be issued for a billboard not in conformity with the size, type, number, and locations and use regulations affecting each zoning district.

15.2. Classification: Signs not requiring a permit.

1. Class A Signs: Official traffic control signs, and informational or directional notice erected by federal, state or local units of government.
2. Class B Signs: On premise real estate signs, residential identification, warning and similar signs not greater than six (6) square feet in area.

15.3. Classification of Signs Requiring Permit:

1. Class C Signs: On premise signs which advertise a business activity or service performed on the property.
 1. Type 1: Signs advertising a permitted home occupation or professional office. Such signs shall not exceed eighteen (18) square feet in area, and if illuminated shall be indirectly lighted. No more than one such sign for each use located on the premises shall be permitted.
 2. Type 2: Signs or bulletin boards for public, charitable, or religious institutions. Such signs shall not exceed twenty (20) square feet in area, and no more than one such sign for each highway upon which the property faces shall be permitted. Such signs shall be placed at the right-of-way of the highway.
 3. Type 3: Signs advertising a business activity or a service available in a commercial or industrial area. Such signs shall not exceed in square feet the length of lot frontage on a public roadway. For each sign greater than one, a ten percent (10%) reduction in total square footage shall be deleted from the total allowable. Not more than one such sign for each story may be attached to a building facade, and no sign may project more than six (6) feet beyond a building when attached thereto, or be higher than four (4) feet above the top roof line.

4. Type 4: Signs advertising a recreational business or resort or product available. Such signs shall not exceed twenty (20) square feet in area and not more than one such sign for each highway upon which the property faces shall be permitted.
2. Class D Signs: Signs or billboards which advertise a general brand of product, an area of interest, a business activity or a service available which is not in direct relation to the use of the premises on which it is located. Such signs shall not exceed three hundred (300) square feet in area. Free standing signs shall be erected outside a line parallel to and fifty (50) feet from the highway right-of-way, shall not exceed sixty (60) feet in height above the ground or be located within three hundred (300) feet of an existing residence.
3. Class E Signs: Off-premise directory signs in the special interest of the traveling public which advertise a business activity, an area of interest, or a service available at a specific location within twelve (12) air miles of the premises on which it is located.
 1. Type 1: Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not exceed four (4) square feet in area. When a common posting is provided, all such signs shall be attached thereto. Recreational directory signs may be placed at the right-of-way line of the highway provided they are not within three hundred (300) feet of an existing residence. Information on such signs may be of reflective material.
 2. Type 2: Signs advertising a business or activity conducted, area of interest, or service available. Such signs shall not exceed twenty-four (24) square feet in area, and no more than two (2) such signs relating to any one use shall be permitted in the approaching direction along any one highway. A larger number of signs and greater distance from the premises may be permitted by the Planning Board find it necessary for directing the traveling public.

15.4. Prohibited Characteristics of Signs:

1. No sign shall resemble, initiate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
2. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
3. No sign shall be erected, relocated, or maintained so as to prevent free ingress and

egress from any door, window or fire escape, and no sign shall be attached to a standpipe or fire escape.

4. No sign shall contain any rotating or moving parts, or be illuminated by flashing light.
5. No sign shall exceed the maximum height limitation of the district in which it is located.
6. No sign shall be located on a lot so as to reduce the required dimensional setback and side yard requirements of the district in which it is located.

15.5. Class and Type of Signs Permitted in Various Zoning Districts:

<u>Class & Type of Sign</u>	<u>Zoning District</u>
Class A.....	All
Class B.....	All
Class C Type 1.....	R-1, RT-1, A-1
Class C Type 2.....	All
Class C Type 3.....	C-1, I-1, PUD-1, A-1
Class C Type 4.....	A-1
Class D.....	C-1, I-1, A-1
Class E Type 1.....	A-1, C-1
Class E Type 2.....	C-1, I-1, A-1

- 15.6. Non-conforming Signs: Signs lawfully existing before March 8, 1993 the date of enactment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, all such signs shall be deemed a non-conforming use of structure, and the provisions of Section XV shall apply.

Section XVI
ADMINISTRATION

- 16.1. Name of Board: The name of this organization shall be the PLANNING A ZONING BOARD OF THE COUNTY OF CALDWELL, MISSOURI.
- 16.2. Authorization: The authorization for the establishment of the County Planning and Zoning Board is set forth under Revised Statutes of Missouri, Chapter 64, and any acts amendatory thereof or supplementary thereto. Powers and duties were delegated to the Planning and Zoning Board by the County Board of the County of Caldwell on the 5th day of July, 1991 in accordance with the above mentioned enabling law.
- 16.3. Membership: Members shall be appointed by the Presiding Commissioner and be approved by the County Commission, in conformance with RSMo Chapter 64, at their regular meeting. Their term shall be for three years after the first appointments, and their terms staggered in equal proportions as to Planning and Zoning Board size of membership and geographic distribution of Board members.
1. Officers: The officers of the County Planning and Zoning Board shall consist of a Chairman, appointed by the Presiding Commissioner; a Vice-Chairman, and a Secretary elected by the Board at the annual meeting for a term of one year. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an acting Secretary.
 2. Duties of Officers: The duties and powers of the officers of the County Planning and Zoning Board shall be as follows:
 1. Chairman:
 1. To preside at all meeting of the Board.
 2. To call special meetings of the Board in accordance with these by-laws.
 3. To sign documents of the Board.
 4. To see that all actions of the Board are properly taken.
 2. Vice-Chairman: During the absence, disability or disqualification of the Chairman, the Vice-Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

3. Secretary:

1. To keep the minutes of all meeting of the Board in an appropriate Minute Book.
2. To give or serve all notices required by law or by these by-laws.
3. To prepare the agenda for all meetings of the Board.
4. To be custodian of Board records.
5. To inform the Board of correspondence relating to business of the Board and to attend to such correspondence.
6. To handle funds allocated to the Board in accordance with its directives, the law, and County regulations.
7. To sign official documents of the Board.

16.4. Employees: Within the limits imposed by the funds available for its use, the Board may employ such staff personnel and/or consultants as it sees fit to aid in its work. Appointments shall be make by a majority vote of the entire Board membership.

16.5. Vacancies: Should any vacancy occur among the membership of this County Planning and Zoning Board by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the County Clerk by the Secretary. Should any vacancy occur among the officers of the County Planning and Zoning Board, the vacant office shall be filled in accordance with Section XVII, Section 3 of these by-laws, such officer to serve the unexpired term of office in which such vacancy shall occur.

16.6. Zoning Administrator:

1. Designation: The County commission shall appoint a Zoning Administrator, whose duty it shall be to administer and enforce the provisions of this Ordinance.

2. Zoning Administrator Duties: In administering and enforcing this Ordinance the County Zoning Administrator shall perform the following duties:

1. Provide necessary forms and applications
2. The Zoning Administrator shall not vary, change, or grant exceptions to any terms of this ordinance, or to any person making application under the requirements of this ordinance.

3. Issue any authorized permits.
 4. Identify and record information relative to non-conformities.
 5. Provide assistance in zoning changes and amendments to the ordinance text or map.
 6. Maintain files of applications, permits and other relevant documents and said records are open for public inspections.
 7. Make an annual report of activities to the County Planning & Zoning Board.
3. Zoning Administrator Powers: The Zoning Administrator shall have all the powers and authority conferred by laws, statutes and ordinances to enforce the provisions of this ordinance, including but not limited to the following:
1. Access to any structure or premise for the purpose of performing his duties between 8:00 a.m. and 6:00 p.m. by permission of the owner or upon issuance of a special inspection warrant.
 2. Upon reasonable cause or question as to proper compliance, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering action necessary to correct it. He shall order discontinuation of illegal uses of land, buildings or structures, removal of illegal work being done, issue cease and desist orders requiring cessation, or take any other action authorized by the ordinance to ensure compliance with or prevent violation of its provisions. See Section XXII.

Section XVII
BOARD OF ADJUSTMENT

- 17.1. Membership: There is herewith created a Board of Adjustment consisting of five (5) members. Members shall be appointed by the County Commission Board, provided that no elected officer of the County shall serve on the Board of Adjustment and that one member of such board of Adjustment shall also be a member of the Planning Board.
- 17.2. Terms: Of the members appointed to the first board, two (2) shall serve a term of one (1) year, tow (2) shall serve a tem of two (2) years and one (1) shall serve a term of three (3) years. Thereafter, all members shall be appointed for a term of three (3) years, provided that each member shall serve until his successor is duly appointed.
- 17.3. Reimbursement: Members of the Board of Adjustment may be paid their necessary expenses in the performance of official duties, as determined solely by the County Commission.
- 17.4. Officers: A chairman and vice-chairman shall be elected from among the members and a secretary shall be appointed who need not be a member of the Board of Adjustment.
- 17.5. Powers: The Board of Adjustment shall have and exercise the following powers:
1. To adopt rules of procedure governing the transaction of its business.
 2. To hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing the provisions of this ordinance.
 3. To order the issuance of permits for buildings and uses.
 4. To order the issuance of variances from the terms of any official control, including restrictions placed on any non-conformity.
 1. Standard: Variances shall be permitted only when they are in harmony with the general purposes and intent of the provisions of this ordinance in cases where there are practical difficulties or particular hardship in carrying out the strict letter of this Ordinance. "Hardship" as used in connection with the granting of a variance means that the property in question cannot be put to a reasonable use if used under the provisions allowed by the Zoning Ordinance; the plight of the landowner is due to

circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the ordinance. No variance may be granted which would allow any use that is prohibited in the zoning district in which the property is located. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and protect adjacent properties and the public interest.

17.6. The applicant for a variance which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment may be requested by the Board to demonstrate the nature and extent of the effect (s).

17.7. Hearings and Appeals with Board of Adjustment:

1. Appeals may be taken by any person aggrieved by a decision of the Zoning Administrator or the Zoning Board. Such appeal shall be taken within 45 days by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof.
2. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant to the officer from whom the appeal is taken, and to the public, and shall decide the same within 30 days of the hearing.
3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Board of Adjustment certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.
4. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
5. The Board shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons of each member on each question, or if absent or failing to vote, indicating such fact. All records shall be open for public inspection. Meetings shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine.

6. A majority vote of the members of the Board of Adjustment shall be sufficient on any action under consideration.
7. All decisions by the Board of Adjustment in granting variances or in hearing appeals shall be final, except that any aggrieved person or persons, or any department, board of commission, or the state shall have the right to appeal after the receipt of notice of the decision, to the Circuit Court of Caldwell County in which the land is located on questions of law and fact.
- 17.8. Removal: Members of the board shall be removable for cause by majority vote of the County Commission, upon the filing of written charges with the County Commission. No member shall be removed prior to a public hearing, which shall be held within thirty (30) days of the date of filing of the written charges.
- 17.9. Vacancies: Vacancies occurring on the Board of Adjustment shall be promptly filled by the County Commission and any member so appointed shall serve the balance of the preceding member's term and shall thereafter be subject to appointment in the manner herein above set forth.

Section XVIII
PERMITS REQUIRED

18.1. Permitted, Conditional and Prohibited Uses and Permitting Procedures Generally.

1. Within each zoning district, the zoning ordinance establishes permitted uses, conditional uses and prohibited uses. No use may be established and no development may occur until the proper development permits have been issued by the County:
2. If the proposed use or development is a permitted use and is consistent with the uses, densities and intensities of development, lot area, lot coverage, building coverage, setback, height and other regulations established by the zoning district regulations and zoning map, and the proposed use or development is not a conditional use, no development shall occur until a building permit has been issued by the Zoning Administrator pursuant to section 19.2 of this Ordinance.
3. If the proposed use or development involves a conditional use, no development may occur until (1) any required conditional use permit is issued, (2) a final site plan has been approved in accordance with Section 4.19 of this Ordinance and a building permit has been issued by the Zoning Administrator pursuant to section 18.2 of this Ordinance.
4. Revocation: Building permits or conditional use permits may be revoked in case of false statement or misrepresentation by applicant or where improperly issued. In the case of a revocation of a building permit or conditional use permit, holder of said permit shall request a hearing before the Board of Adjustment within three (3) months following the revocation thereof.
5. Certificate of Compliance: No dwelling may be inhabited nor may a person or business operate under a conditional or limited special use permit until the Zoning Administrator has inspected the site to confirm that the structures or uses comply with the regulations as set by this ordinance and substantially conform to the final site plans. Upon inspection and confirmation, the Zoning Administrator shall issue a certificate of compliance.

18.2. Building Permits Required:

1. No permanent building or permanent structure with living space shall hereafter be

erected, constructed, or square footage added without first having obtained a building permit except as provided for in Section 4.16.

2. No Building Permit shall be issued by the Zoning Administrator or County Assessor except in conformity with this Ordinance or unless the Administrator receives a written order from the Board of Adjustment in the form of an administrative review or a variance, as provided by Section 17.5.
3. Plans submitted in application for a Building Permit shall contain information necessary for determining conformity with this Ordinance.

18.3. Conditional Use Permits:

1. Purpose: The purpose of a conditional use permit is to permit a use that would not be appropriate generally but which may be allowed with appropriate restrictions.
2. Application: An application for a conditional use permit shall be filed with the Zoning Administrator on a form prescribed by the County Planning Board. The application shall include the following: (1) the name(s) and address(es) of the applicant, owner of the site and architect, professional engineer and contractor employed by the applicant, and (2) a site plan consistent with the requirements of Subsection 4.19 of this Section. Incomplete applications or applications containing errors or omissions of fact may be rejected by the Zoning Administrator, the Planning Board or the County Commission.
3. Procedure:
 1. At least one public hearing shall be held before approving any conditional use permit. Such public hearing may be continued from time to time and additional hearings may be held. The receipt and consideration of evidence at said hearings shall comply with the requirements of §536.070, RSMo.
 2. The Zoning Administrator shall:
 1. Set a date for the hearing on the conditional use permit application and give notice of the time and place of such hearing by publication in a newspaper of general circulation in the official newspaper of the county, at least fifteen (15) days before the hearing.

2. Give written notice of the time and place of the hearing on the conditional use permit application to all property owners of record within one thousand (1000) feet of the affected property.
3. For the purpose of giving mailed notice, the applicant shall supply the names and addresses of all property owners requiring notification as prescribed in Subsection 18.3.3.2.2 hereto.
4. Review:
 1. An applicant for approval of a conditional use shall submit a preliminary site plan to the Zoning Administrator. The site plan shall be reviewed by the Planning Board at a public hearing. The Planning Board shall conduct a public hearing and shall submit its report and recommendation to the County Commission. The county Commission shall review the preliminary site plan at a public hearing and shall approve, disapprove or approve the site plan with conditions. The applicant shall revise the preliminary site plan to conform to any conditions required by the County Commission and shall resubmit the site plan to the Zoning Administrator. The County Commission shall review the final site plan at a public hearing and shall approve the conditional use as submitted, approve the conditional use with such reasonable conditions as it may deem necessary to ensure conformance with the standards established in Section 18.3.7 hereto, or shall deny the proposed conditional use for reasons specified in writing and any required conditions shall be incorporated into the permit. Public notice of any public hearing required by this Section shall be given in the manner prescribed by Section 64.550 RSMo.
 2. No conditional use shall be authorized, developed or otherwise carried out until the applicant has secured a final site plan approved by the County Commission.
5. Scope of Development Permit Approvals: Except as otherwise provided in this Section, the rights conferred by a building permit or conditional use permit upon the filing of a complete application and approval by the County Commission shall be limited to those development rights granted in the applicable provisions of this Order and the conditions attached to the subject building permit or conditional use permit. A building permit or conditional use permit shall be considered void after one (1) year unless substantial construction or development has taken place or has continued in good faith without interruption. For purposes of this subsection, "substantial construction" shall mean and refer to the pouring or installation of footings or slab foundations for all proposed buildings; and "interruption" shall

refer to six (6) months or more of construction inactivity on the development site.

One (1) three month extension of a building permit or conditional use permit may be granted by the Zoning Administrator upon his finding that special circumstances exist which warrant such an extension including, but not limited to, a delay caused by a government review agency or a natural disaster.

6. Revocation: Building permits or conditional use permits may be revoked in case of false statement or misrepresentation by applicant or where improperly issued. In the case of a revocation of a building permit or conditional use permit, holder of said permit may request a hearing before the Board of Adjustment within three (3) months following the revocation thereof.
7. Criteria: In addition to the standards set forth in the applicable zoning district regulations, no conditional use may be recommended for approval by the Planning Board or approved by the County Commission unless the applicant therefore demonstrates compliance with the following standards:
 1. The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Subsections 18.3.7.1 through 18.3.9 of this Section, 18.3.11.1.
 2. The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall be given to the location, type and height of building or structures and the type and extent of landscaping and screening on the site.
 3. Adequate utilities, access roads, drainage, fire protections, and other necessary facilities shall be provided.
 4. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
 5. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
 6. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.

7. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
 8. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 9. The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.
8. Action and Authorization:
1. No conditional use permit shall be issued until the application therefore has received a recommendation for the Planning Board and has been approved by the County Commission.
 2. Following the closing of the public hearing, the Zoning Administrator shall report the findings and recommendations of the Planning and Zoning Board to the County Commission at their next regularly scheduled meeting.
 3. The County Commission shall approve, deny or refer for reconsideration the findings and recommendations by the Planning and Zoning Board. Said action by the County Commission shall be taken by a vote of not less than a majority of its members. The applicant for the conditional use permit shall be notified in writing of the Commissioner's action.
 4. Lack of a quorum at any meeting of the Planning Board or County Commission shall not constitute a waiver of the requirements of this Ordinance.
 5. The County Commission shall base its decision upon the evidence presented in the proceedings before the Planning Board. New evidence shall not be received by the County commission unless a finding is made that said evidence was not reasonably available prior to the close of the hearing before the Planning Board.
9. Fees: No application for approval of a conditional use shall be processed unless and until the applicant has paid all appropriate fees as established by the Planning Board pursuant to Section 64.540, RSMo.

10. Compliance:

1. No use permitted under the terms of any conditional use permit shall be established and conducted except in conformance with the terms of such permit and of any condition designated in connection therewith.
2. All conditional use permits shall be reviewed on an annual basis or, when it is brought to the attention of the Planning and Zoning Board that the applicant is deviating from any conditions or uses approved for such conditional use permit. Any deviation from the conditions or uses approved shall be considered reasons for cancellation of the conditional use permit.

11. Non-Residential Structures and Uses:

1. General Standards: Because non-residential conditional uses permitted in residential districts may have an adverse effect on residential properties if not properly located and designed, the following general standards shall be met prior to the development of such uses:
 1. Hazardous areas, including public utility substations, shall be adequately fenced to avoid accidents.
 2. Any non-residential structure permitted as a conditional use in a residential district shall be located only at the edge of a Residential District abutting a Commercial/Industrial District.
 3. All permitted non-residential uses shall front on a major street (Class A or B).
 4. Motor vehicle entrance and exit shall be made on a major street to avoid the impact of traffic generated by the non-residential use upon residential areas.
 5. Site locations shall be chosen which offer natural or man-made barriers which lessen the effect of the intrusion of a non-residential use into a residential area.
 6. Non-residential uses shall not be located so as to create the need for the extension or increase in the capacity of public improvements.

12. Commercial and Industrial Uses Requiring a Conditional Use Permit:

1. Uses Requiring Conditional Use Permit: The following uses shall comply with the standards established in Section 18.3.11.1 hereto:
 1. Quarrying and mining;
 2. sand gravel and soil removal activities; and
 3. hazardous or non-hazardous waste landfills.
2. Site Plan: The site plan accompanying the application for a conditional use permit shall contain, in addition to the requirements of Section 4.19.5 hereto, the following:
 1. A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the information shall include the estimated daily quantity of water required, its source and its disposition shall be identified.
 2. A topographic map (at a minimum contour interval of two feet) of the proposed site and the area extending beyond the site to a minimum distance of one thousand (1000) feet on all sides.
 3. Hydrographic information indicating ground and surface water elevations and conditions prior to removal.
 4. A closure and restoration plan.
3. Compatibility: In addition to the standards set forth in Section 18.3.7.1 hereto, no conditional use permit shall be recommended by the Planning Board or approved by the County Commission unless the applicant demonstrated the following:
 1. That the proposed removal and re-use adequately provides for drainage and flow of ground and surface waters and that objectionable water conditions within the watershed will not result due to the removal or re-use.
 2. That adequate precautions have been taken to eliminate the possibility of soil erosion which would occur as a result of the proposed operation.

4. Restoration Plan and Financial Guarantee Required: No conditional use permit shall be approved until the Planning Board and the County Commission approves a restoration plan and the owner agrees to restore the land area to a condition of practical usefulness and reasonable physical attractiveness as soon as practicable after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee if it is deemed necessary by the County commission to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the Prosecuting Attorney or special counsel.
5. Conditions for Approval: The Planning Board may recommend and the County Commission may approve conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding uses. Suitable fencing and landscaping, sloping of banks, leveling and filling may be required.
6. Duration of Conditional Grant: The conditional use permit shall not be effective for more than five (5) years. Authorization may be extended, subject to conditions specified by the County commission, consistent with the criteria established in Section 18.3.7.

13. Junk or Salvage Yards.

1. Compatibility: In addition to the standards set forth in Section 18.3.7 hereto, no conditional use permit shall be recommended by the Planning Board or approved by the County Commission unless the applicant demonstrates compliance with the following standards:
 1. The exterior boundaries of the lot or parcel shall be located at least one hundred (100) feet from any residential use.
 2. All operations within 300 feet of a blacktop or hard surfaced road shall be screened with a solid wall or uniform tight fence, including gates, at least eight feet in height and such enclosure shall be properly maintained.

14. Classification:

1. Class I permit - any conditional use permit requesting approval of:
 1. public and semi-public uses including prisons (public or private) and hospitals;

2. agriculture processing industries and warehouses including slaughterhouses, rendering plants and fertilizer plants, garbage and refuse disposal sites, including landfills and transfer stations, incinerators, junkyards, and salvage yards;
 3. quarries, sand mines, and gravel pits;
 4. airports;
 5. cement, lime, gypsum or plaster-of-paris manufacture;
 6. gas and petroleum manufacture;
 7. chemical manufacture;
 8. fertilizer manufacture;
 9. explosives manufacturing or storage.
2. Class II permit - any conditional use permit requesting approval of:
1. public or semi-public use including but not limited to a public or private school, churches, parks and recreation areas, rest homes and homes for the elderly, fire and police stations, public governmental offices including maintenance, repair and storage building.
 2. new and used vehicular and equipment sales establishments;
 3. wholesaling establishments;
 4. transportation terminals;
 5. farm implement sales firms;
 6. outdoor theaters;
 7. miniature golf, go-karts, and amusement parks;
 8. drive-in establishment offering in-car service to customers;
 9. animal hospitals and veterinary clinics.

3. Class III permit - any conditional use permit requesting approval of:
 1. apartment complexes consisting of three or more units in one development;
 2. camping or recreational vehicle subdivisions;
 3. campgrounds;
 4. cluster subdivision;
 5. mobile home parks;
 6. kennels;
 7. mobile home (trailer coaches) parks
 8. seasonal trailer parks and campground; or
 9. any conditional use permit or land alteration permit requesting approval of a conditional use not listed as a Class I or Class II permit or determined by the Zoning Administrator to constitute a Class I or Class II permit.

18.4. Limited Special Use Permit:

1. General Considerations - The purpose of a limited special use permit is to allow a use inside a general district which otherwise is not permitted. The purpose of which is to allow an individual to undertake a new business to determine its viability prior to undertaking a required rezoning, conditional use permit or variance process.
2. Delegation of Power - The Planning and Zoning Board is hereby authorized to decide whether limited special use permits shall be granted subject to the general and specific standards contained in this Order; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Order; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interests of this Order and the health, safety and welfare of Caldwell County. The Planning and Zoning Board shall in no event grant a limited special use permit where the proposed use is not authorized by the terms of this Order or where the standards of this Section are not found to exist.
3. Conditions and Guarantees - Prior to granting any limited special use permit, the Planning and Zoning Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a limited special use permit is granted, the Planning and Zoning

Board may recommend and require such evidence and guarantees as may be deemed necessary to insure full compliance with the stipulated conditions.

4. Procedures:

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

2. Fee - Every application for a limited special use permit shall be subject to a reduced filing fee of one hundred and fifty dollars (\$150.00) which is not refundable if the limited special use permit is not allowed.

3. Site Plan

1. The site plan shall show:

1. Approximate Size and Location of All Buildings.
2. Access from Road or Roads.
3. Parking Arrangements.
4. Interior Drives and Any Service Areas.
5. Landscaped Areas.
6. All Proposed Signs, If Any.

4. Location map showing any development and the zoning of adjacent property within one thousand (1000) feet.

5. The full legal description of the boundaries of said area.

6. A description of the general character of all buildings.

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

6. Findings - In making a recommendation, the Planning and Zoning Board shall specify the particular grounds relied upon and their relation to the proposed use conforms with the general standards set forth in this regulation. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to Caldwell County.
7. Standards for Issuance of Limited Special Use Permits
 1. Before any permit shall be granted, the Planning and Zoning Board shall make written findings certifying that adequate provisions have been made for the following:
 1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of the operations proposed thereon.
 2. Accessibility of the property to police, fire, refuse collection, adequacy of ingress and egress to and within the site, traffic flow and control and the adequacy of parking and loading areas.
 3. Utilities and service, including water, electricity, drainage and septic systems.
 4. The location, nature and height of buildings, walls, fences and other improvements; their relation to adjacent property and any need for buffering or screening.
 5. The general compatibility with adjacent properties, other properties in the district and the general safety, health, comfort and welfare of Caldwell County.
8. Additional Conditions for Particular Limited Special Uses - In granting a limited special use permit, the Zoning Administrator may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the area and to carry out the general purpose and intent of these regulations.
9. Permits - A building permit must be purchased through the Planning and Zoning Administrator before construction of any building in a special use permit.

10. Time Limit - A limited special use permit shall expire within twelve (12) months from the date of the Public Hearing unless a building permit is taken to effectuate such specially permitted uses, or, if no building permit is required for this special use, the evidence of such use is filed with the Zoning Administrator. Once a specially permitted use ceases or is abandoned for a period of more than twelve 12 months, the limited special use permit shall expire upon Public Hearing or by special decision by the Planning and Zoning Board after due consideration.
11. Standards for Issuance of Limited Special Use Permits: Generally, before any permit shall be granted, the Planning and Zoning Board shall make written findings certifying that adequate provisions have been made for the following:
 1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of the operations proposed thereon.
 2. Accessibility of the property to police, fire, refuse collection, adequacy of ingress and egress to and within the site, traffic flow and control and the adequacy of parking and loading areas.
 3. Utilities and services, including water, septic systems, drainage and electricity.
 4. The location, nature and height of buildings, walls, fences and other improvements; their relation to adjacent property and any need for buffering or screening.
 5. The general compatibility with adjacent properties, other properties in the district and the general safety, health, comfort and a general welfare of Caldwell County.
12. Abandonment: Once a specially permitted use ceases or is abandoned for a period of more than twelve (12) months, the special use permit shall expire upon Public Hearing or by a special decision by the Planning and Zoning Board after due consideration.
13. Appeal: Any appeal regarding a decision from a Special Use Permit request by the Caldwell County Planning and Zoning Board may be appealed to the Board of Adjustment.
14. Duration: Once a Special Use Permit has been granted, the permit will be valid until revoked, or until it expires, whichever occurs first. A Special Use Permit

may be revoked by the Planning and Zoning Board for any of the following reasons:

1. The permit holder violates one or more conditions of the permit.
 2. The permitted use becomes a public nuisance.
 3. The permit was granted on the basis of false statements or a fraudulent application.
15. If the administrator has reason to believe that a Special Use Permit is subject to revocation, he or she may institute proceedings to revoke the permit. Before revoking any special use permit, the Planning and Zoning Board must hold a public hearing as provided in Section 17.7 of the Zoning and Subdivision Order of Caldwell County, Missouri.

Section XIX
FEES

19.1. Processing Fees:

1. Fees Required. No application for approval of a rezoning, conditional use permit, variance, or other application requiring an investigation, approval, recommendation or public hearing by or before the Caldwell County Planning and Zoning Board shall be accepted until the applicant has paid all processing fees as set forth below. Processing Fees shall not include any fee required for permits required under this Ordinance. Fees paid shall be non-refundable except as provided in Section 19.2 of this Section.

2. Total Processing Fee. The fee amount shall equal the sum of the fee amounts for project review cost, public hearing and notification costs.

3. Project Review Fees. Project review fees shall not exceed the amount needed to recover the cost of inspection, investigation and review of the proposed application, which shall be established as follows:

1. Rezonings: The project review fee for rezoning \$1,000.00.
2. Variance: The project review fee for a variance shall be \$200.00.
3. Board of Adjustment Appeal: The review fee for an appeal to the Board of Adjustment shall be \$250.00.
4. Conditional Use Permits: The project review fee for a conditional use permit shall be based upon the anticipated costs of review, inspection and investigation, and which fee amounts have taken into consideration the need for special investigative services including, but not limited to, geologic inspections, hydrologic inspections, groundwater monitoring, soils evaluation, and other unique costs of a scientific or technical nature associated with particular forms of development for a conditional use permit and shall be as follows,:

CONDITIONAL USE REQUESTED	FEE
Class I Permit	\$10,000
Class II Permit	\$5,000

Class III Permit	\$1,000
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5. Amendments to Zoning Regulations: Review fee \$250.

19.2. Application Escrow Fund: There shall be established with the County Treasurer an application escrow fund for each application for review of a rezoning, variance or conditional use permit. All fees required under Section 19.1.3 shall be deposited in said escrow account. The County Treasurer shall disburse payments based on billings supplied by the Zoning Administrator and approved by the Planning Board. These billings shall reflect the actual charges incurred which shall be charged according to the hourly fee schedule set forth herein. Said escrow fund shall include the proceeds of project review fees collected pursuant to Section 19.1.3. herein, and the proceeds of public hearing fees collected pursuant to Section 19.2.2 herein. Said escrow fund shall be used to reimburse the Planning Board for actual services rendered for investigation, administration and processing of said application for review including costs associated with the retaining and compensation of experts on scientific and technical issues associated with the application, and costs associated with public hearings as set forth herein. Said escrow fund shall be used to reimburse the Planning Board for actual services rendered for research, investigation, administration and processing of said application for review including costs associated with the retaining and compensation of experts on scientific and technical issues associated with the application, and costs associated with public hearings as set forth in Section 2 herein.

- 1 Research: The amounts charged against said escrow fund for research of said permit shall be determined as follows, unless the County retains said personnel at a lesser rate, at which time, the actual lesser rate would apply:

<u>Personnel</u>	<u>Rate per Hour</u>
Attorney	\$125.00
Zoning Administrator	\$ 35.00
Experts and Consultants	\$150.00
Surveyor	\$ 50.00

2. Public Hearing Costs: Prior to acceptance of an application for rezoning, variance or conditional use permit as complete for purposes of review, the applicant shall pay a public hearing fee of one hundred sixty five (\$165.00) dollars to defray the cost of Planning Boarder attendance fees. Said Fee is in addition to any other fee required under this ordinance. The applicant shall be charged for equal hearing time for presentation by opponents of the application provided, however, that shall not be construed to limit the time opponents shall be allowed at the hearing. The application shall not be accepted as filed and no further

processing shall occur until after this deposit is made. Said deposit shall be placed in an escrow fund and shall be applied as set forth in Section 5 herein. The amounts charged against said escrow fund shall be determined as follows, unless the County retains said personnel at a lesser rate, at which time, the actual lesser rate would apply:

<u>Planning and Zoning Board</u>	<u>Cost per Hour</u>
Commissioners	\$ 0
Attorney	\$125.00
Court Reporter	\$50.00
Zoning administrator	\$35.00
Room Rent	\$25.00
Public Address System	\$10.00

In the event that the fee deposited with the County Treasurer becomes depleted, the applicant shall be required to deposit an additional fee with the County Treasurer. Said deposit shall be made before future hearings may continue and shall be applied as set forth in Section 5 herein. Each time the escrow account is depleted, an additional fee shall be required.

3. Notification. The applicant shall, in addition to the payment of the above stated fees, pay notification costs, which shall be computed as follows:

1. \$3.50 per property owner within 1,000 feet of the proposed development; and
2. \$40.00 per newspaper notice.

4. Credit. The applicant may apply to the Planning Board for a credit against a fee previously paid in the event that a portion of the costs of review and processing is duplicative, pursuant to the standards of applicable case law or statutes then in effect.

5. Refund. After the approval or denial of an application for approval as set forth herein, the County shall refund to the applicant any unexpended or unencumbered balance of the escrow account established pursuant to Section 20.2 herein for said application.

19.3 Building Permits: The fee for a building permit shall be according to the following schedule:

Single Family Dwelling which includes manufactured homes	\$.15 Sq. Ft.
Additions to dwelling over 25% of original building	\$.15 Sq. Ft.
Commercial buildings	\$.25 Sq. Ft.
Commercial electronic tower as described on page 6	\$ 2.50 per Ft.
Buildings at tower .10¢ Sq. Ft. minimum	\$ 25.00
Variance permit	\$200.00
Minimum fee on any permit or replacement at original size	\$ 25.00
Late filing fee will be double in amount of original permit	
Signs	No charge

1. PERMIT ESCROW FUND: There shall be established with the County Treasurer a permit escrow fund for purposes of reimbursing the Zoning Administrator, Planning Board and Board of Adjustment for services rendered in connection with administration of the Caldwell County Zoning Ordinance. Said escrow account shall include the proceeds of project review fees for building permits established pursuant to Section 19.3. herein. The funds contained in said escrow account shall be used solely to reimburse the Zoning Administrator and/or Planning Board for actual costs associated with administration of the Caldwell County Zoning Ordinance including, but not limited to, compensation of the Zoning Administrator or other staff of the Planning Board, project notification costs as set forth herein, and related costs.

Section XX
BY-LAWS

20.1. Meetings:

1. Annual Meeting: The annual meeting of the County Planning and Zoning Board shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the County Planning and Zoning Board.
2. Regular Meeting: Regular meeting of the county Planning and Zoning Board shall be held in the County Courthouse at a time to be designated and posted prior to the meeting on the third Thursday of each month, except in the month of August. At such meetings the Board shall consider all matters properly brought before the Board without the necessity of prior notice thereof given to any members. A regular meeting may be cancelled or rescheduled by the Board at a prior meeting.
3. Special Meetings: Special meeting of the County Planning and Zoning Board shall be held at a time and place designated by the officer calling the same and shall be called by the Chairman or Vice-Chairman. Written notice thereof shall be given to all the members not less than twenty-four hours in advance thereof.
4. Quorum: At any meeting of the County Planning and Zoning Board, a quorum shall consist of a majority of the seated members of the Board. No action shall be taken in the absence of a quorum, except to adjourn the meeting at a subsequent date.
5. Voting: At all meetings of the County Planning and Zoning Board, each member attending shall be entitled to cast one vote. Voting shall be by voice unless said voice vote does not clearly determine outcome of said vote, then a roll call vote shall be taken of quorum. In the event that any member shall have a personal interest of any kind in a matter then before the Board, he shall disclose his interest and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of the majority of the members present at a meeting shall be necessary for the adoption of any resolution or other voting matter.
6. Proceedings:

1. At any regular meeting of the County Planning and Zoning Board, the following shall be the regular order of business:
 1. Roll Call
 2. Minutes of the preceding meeting
 3. Public Hearings
 4. Old and new business
 5. Communications and bills
 6. Report of the Officers and Committees
 7. Adjournment
 2. Each formal action of the County Planning and Zoning Board required by law, statute, rule or regulation shall be embodied in a formal resolution duly entered in full upon the Minute Book after an affirmative vote as provided in Section 5 hereof.
7. Rules of Procedure: All meeting of the County Planning and Zoning Board shall be conducted in accordance with Robert's Rules of Order.
- 20.2. Amendments: These by-laws may be amended at any meeting or the County Planning and Zoning Board provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.

Section XXI
Zoning Map Change

- 21.1 General Considerations---The purpose of a Zoning Map Change is to form another district to allow a use which otherwise is not permitted within the existing district.
- 21.2 Delegation of Power -----The Planning and Zoning Board shall make recommendations to the Caldwell County Commissioners whether a Zoning Map change shall be granted subject to the general and specific standards contained in this order; to grant a Zoning Map change with such conditions or restrictions as are appropriate to protect the public interest and to comply with this order; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interests of this Order and the health, safety and welfare of Caldwell County. The Planning and Zoning Board shall in no event grant a Zoning Map change where the proposed use is not authorized by the terms of this Order or where the standards of this Section are not found to exist. Once the Planning and Zoning Board makes their decision, the Board will recommend to the Caldwell County Commissioners the Zoning Map change, the final decision will be the Caldwell County Commissioners.
- 21.3 Conditions and Guarantees---- Prior to granting a Zoning Map change the Planning and Zoning Board will stipulate that all conditions and restrictions of the new Zone are met for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a Zoning Map change is granted, the Planning and Zoning Board may recommend and require such evidence and guarantees as may be deemed necessary to insure full compliance with the stipulated conditions.
- 21.4 Procedures;
- 1 Application--- A written application for a Zoning Map change shall be filed with the Zoning Administrator and shall include a statement indicating the grounds upon which it is requested and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.
 - 2 Fee--- Every application for a Zoning Map change shall be subject to a fee of one Thousand dollars (\$1,000) which is not refundable if the zoning is not allowed.
 - 3 Site Plan
The site plan shall show:
 1. Approximate size and location.
 2. Access from road or roads.
 3. Parking arrangements.
 4. Interior Areas.
 5. Location map showing any development and zoning of adjacent property
 - 6.

within one thousand (1,000) feet.

6. The full legal description of the boundaries of said area.
7. A description of the general character of all buildings.

21.5 Hearing;

Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall set up a Public Hearing. Notice must be in a newspaper of general circulation at least fourteen (14) days prior to the date set for the public hearing. The petitioner will be responsible for erecting the "Notice of proposed Zoning Change" sign or signs on the property. These signs will be the property of Caldwell County and must be turned in to the Planning and Zoning Administrator before the Public Hearing will be heard. If any sign is damaged or destroyed the petitioner will be responsible for the replacement of said sign. The petitioner shall provide the names & addresses of property owners 1,000 feet or less from this area to the Zoning office so letters can be sent.

21.6 Approval Criteria:

In acting on the proposed Zoning Map change review and decision-making bodies shall consider the following;

1. Whether or not the proposed change corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed change is consistent with the Comprehensive Plan and the stated purpose and intent of Section 1 Page 3.
3. Whether or not the proposed zoning district 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 levels of service to existing development;
5. Whether or not the proposed change would result in significant adverse impacts on other property in the vicinity of the subject tract or the environment, including air, water, noise, storm-water management, and natural resources.

21.7 Enforcement Procedures.

1. Inspections;

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

2. Procedures;

In case of violations of the Zoning Regulations, the Planning and Zoning

Administrator shall give written notice of the nature of the violation to the property owner and to any other person who is party to the agreement and to any applicant for any relevant permit, after which the persons receiving notice shall have ten (10) days, or such longer period as the Planning and Zoning Administrator allows, to correct the violation. If the violation is not corrected within the required time frame, the Planning and Zoning Administrator shall use all penalties, remedies and enforcement powers available under this section. 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.

XXII AMENDMENTS

- 22.1. Amendments: The regulations, restrictions and boundaries set forth in the Ordinance may be amended, supplemented or repealed in accordance with the provisions of the Section.
- 22.2. Initiation: Amendments may be initiated by the County Commission, Planning Board or by petition of any person owning property or residing within the boundaries of the district subject to the proposed to the proposed amendment.
- 21.3. Referral to Planning Board: Amendments shall be referred to the Planning Board for study and report and may not be acted upon by the County Commission until it has received the recommendation of the Planning Board on the proposed amendment, or until sixty (60) days have elapsed from the date of reference of the amendment without a report being prepared by the Planning Board. Upon receipt of the report and recommendation of the Planning Board, the County Commission by majority vote, may adopt in whole or in part, deny or take any other action on the proposed amendment as it may deem advisable. Changes and amendments hereunder shall become effective immediately after passage by the County Commission.
- 21.4. Filing: Amendments shall be filed with the Zoning Administrator, and one (1) notice of the amendment shall be published in a newspaper of general circulation in the County at least fifteen (15) days before proposed adoption. Said notice shall provide either a summary of the regulatory effect, or the text of the amendment.
- 21.5. Hearing:
1. No amendment shall be adopted until a public hearing has been held thereon by the Planning Board.

2. Said public hearing required by this Ordinances shall include notice of the time, place, date, and purpose and shall be published at least once in a newspaper of general circulation in the County, not less than fifteen (15) days before the hearing.
3. If an individual property or several adjacent properties are part of the proposed amendment, notice of the public hearing shall be given to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment role. The notice shall be made not less than fifteen (15) days before the hearing and state the time, place and purpose of the hearing. Whenever the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Board before the hearing.
4. No action shall be taken on any application for amendment other than one referred by the Planning Board or the County Commission until the applicant shall have paid an appropriate filing fee as established by the provisions of Section 19.1.3.5.

Section XXII VIOLATIONS AND PENALTIES

- 22.1. General: Uses of land, and dwellings, buildings, or structures including tents and trailer coaches, used, erected, altered, razed or converted in violation of the County Zoning Ordinance are a nuisance per se.
- 22.2. Complaints: Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator stating fully the causes and bases thereof. The Zoning Administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provision of this Ordinance.
- 22.3. Violations:
 1. Any unauthorized change in the Official Zoning Map shall be considered a violation of the provisions of this Ordinance.
 2. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed,

moved or structurally altered unless in conformity with the provisions of this Ordinance.

22.4 Civil Action: In addition to all other remedies, the County Commission may institute appropriate civil action or proceedings to prevent, restrain, correct or abate violations or threatened violations and it is the duty of the County Prosecutor or special prosecutor to institute such action.

22.5. Criminal Action: Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provision of this ordinance shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.

Section XXIII COMPREHENSIVE PLAN

23.1. That the Caldwell County Comprehensive plan, a copy of which is attached hereto as **Exhibit A**, is hereby adopted in full as if fully rewritten.

Section XXIV SEVERABILITY

24.1. In any case in which the provisions of this Ordinance are declared by the courts to be unconstitutional or invalid, said ruling shall not affect the validity of the remaining provisions of the Ordinance and to this end the provisions of this Ordinance are declared to be severable.

Section XXV REPEAL OF CONFLICTING ORDINANCES

25.1. Any Zoning Ordinance existing at the time of adoption of this Zoning Ordinance, together with all amendments and supplements thereto, and all other Ordinances promulgated by the Township which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency and no further, hereby repealed.

Section XXVI
EFFECTIVE DATE

- 26.1. This Ordinance shall take effect and be in full force on the **10th day of May, 2010**, upon its adoption by the Caldwell County Commission following a public hearing conducted by the Planning Board. The Ordinance shall be filed with the County Clerk and copies may be purchased or inspected during normal business hours at the County Courthouse.
- 26.2. A public hearing was held by the Caldwell County Planning Board on **April 15th, 2010**.
- 26.3. Recommended by the Planning Board to the County Board for adoption on the **10th day of May, 2010**.
- 26.4. Commissioner Donnie Cox moved the adoption of this Ordinance, and Commissioner duly seconded the motion, and it was adopted on the following vote:

Yeas: 3
Nays: 0
Absent: 0
Abstain: 0

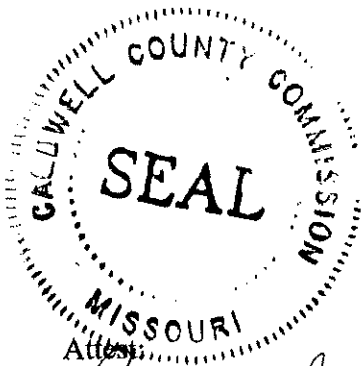
PASSED, ADOPTED, AND APPROVED this 10th day of May, 2010, by the Caldwell County Commissioners, held on **May 10th, 2010**.

CALDWELL COUNTY COMMISSION

By: Dale Hartley
Dale Hartley, Presiding Commissioner

By: Gerald McBrayer
Gerald McBrayer, Associate Commissioner

By: Donnie Cox
Donnie Cox, Associate Commissioner



Beverly Bryant
Beverly Bryant, County Clerk

COUNTY COMMISSION ORDER NO. CS-07-18

IN THE COUNTY COMMISSION OF CALDWELL COUNTY, MISSOURI

AN ORDER AMENDING SECTION 4.17 OF THE CALDWELL COUNTY ZONING ORDINANCE TO REGULATE SOLAR ENERGY SYSTEMS AND WIND ENERGY CONVERSION SYSTEMS, AND TO AUTHORIZE SMALL WIND ENERGY CONVERSION SYSTEMS WHILE PROHIBITING COMMERCIAL WIND ENERGY CONVERSION SYSTEMS.

WHEREAS, the Caldwell County Planning and Zoning Board proposed an amendment to Section 4.17 of the Caldwell County Zoning Ordinance to regulate solar energy systems and wind energy conversion systems and to authorize small wind energy conversion systems while prohibiting commercial wind energy conversion systems, as the Board considered such an amendment to be in the best interest of the citizens of Caldwell County, Missouri; and

WHEREAS, notice was published in the Caldwell County News on April 4 and April 11, setting forth notice of a public meeting of the Caldwell County Planning and Zoning Board to be held on April 19, 2018 to discuss and consider approval or denial of a recommendation to the Caldwell County Commission to adopt such an Ordinance; and

WHEREAS, a public hearing was held before the Caldwell County Planning and Zoning Board on April 19, 2018 regarding said Ordinance; and

WHEREAS, at the April 19, 2018 public hearing, the Caldwell County Planning and Zoning Board received as evidence the entire record of hearings previously held in 2016 before the Clinton County Planning and Zoning Board, including transcripts of testimony and exhibits, and also heard direct testimony from over 15 witnesses; and

WHEREAS, the Caldwell County Planning and Zoning Board, by a vote of ten in favor and zero opposed, recommended that the Caldwell County Commission approve and adopt the proposed amendment to Section 4.17 of the Caldwell County Zoning Ordinance; and

WHEREAS, the Caldwell County Commission finds that it is in the best interest of the citizens of Caldwell County to adopt the proposed amendment to Section 4.17 of the Caldwell County Zoning Ordinance as recommended by the Caldwell County Planning and Zoning Board.

NOW, THEREFORE, it is hereby ordered by the Caldwell County Commission as follows:

Section 1. **APPROVAL OF AMENDMENT.** The Commission hereby amends Section 4.17 of the Caldwell County Zoning Ordinance in accordance with the language approved and recommended by the Caldwell County Planning and Zoning Board after public notice and public hearing such that Section 4.17 of the Caldwell County Zoning Ordinance shall read as follows:

"4.17 Solar and Wind Energy Systems:

1. **Solar Energy Systems.** The use of solar energy systems, including solar collectors, towers, storage facilities, panel systems, and distribution components for space heating and cooling, domestic water heating and electrical energy generation is a permitted use within all zoning districts.

2. **Small Wind Energy Conversion Systems.** The use of small wind energy conversion systems as defined in this subsection is a permitted use within all zoning districts. A small wind energy conversion system may consist of a wind turbine, a tower, and associated control or conversion electronics which has a rated capacity of not more than 100 kilowatts, which is not more than 120 feet in height, and which is intended solely to reduce onsite consumption of purchased utility power.

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

Section 2. **EFFECTIVE DATE.** This Order shall be effective immediately upon passage.

Done this 7 day of May, 2018.

A. Bud Mlsinger

For the Board

Rex J. Helber

ATTEST:

Beverly Bryant
County Clerk

18.4. Antennas and towers (Commercial)

1. Requires a Conditional Use Permit listed in section 18.3

2. Federal Requirements

All towers must meet or exceed current standards and regulations of 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 these Zoning Regulations shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations unless a more stringent compliance schedule is stated 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 Ordinance.

3. Abandoned Towers

Any tower that is no longer in use for its original communication purpose shall be removed at the owners expense. Should this installation remain unused for a period of more than 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 County Commission. A bond, irrevocable letter of credit, or other form of surety acceptable to the county, shall be kept on file with the County Clerks office equal to an amount of a binding bid for the demolition of the proposed tower structure, if the county deems the tower abandoned by the owner. Such binding bid and corresponding surety shall be updated every 5 years. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations.

4. Fences

Towers shall be enclosed by security fencing not less than 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.

5. Design and Construction

A building permit shall be issued for the construction of a tower after applying and receiving a conditional use permit. All plans and specifications shall be from a professional engineer, registered in the state of Missouri experienced in the design and/ or analysis of communication towers.

6. Co-location

Unless otherwise exempted in this Ordinance, or given an variance by the Planning and Zoning board and the County Commissioners, all towers shall be constructed for a capacity of at least 3 times the intended use in order that secondary users may lease the balance of the tower capacity at a fair market rate. The county shall be notified by letter of each additional user of the tower and related facilities. This letter shall also include an engineering certification that additional equipment was properly installed. Public safety and emergency agencies shall, if technologically feasible, be allowed to co-locate on the tower without charge.

7. Height and Setback

The maximum height for all wireless telecommunication antenna and their support structures shall not exceed 300 feet above ground level. Towers and support structures must be set back a minimum distance equal to the height of the tower plus 25 feet from all property boundaries.

8. Installation of Antennas on Existing Structures

No building permit shall be required to install antennas on any existing tower structures, providing that no height will be added to the existing tower structure. An engineering certification must be provided to the Planning and Zoning Administrator to show that the antenna will be properly installed.

9. Permitted Districts

Commercial towers are allowed in all districts in Caldwell County, after getting approval of a Conditional Use Permit, a building permit is required after engineering plans with a State of Missouri Professional Engineers stamp of approval on the plans.

18.5. Limited Special Use Permit:

1. General Considerations - The purpose of a limited special use permit is to allow a use inside a general district which otherwise is not permitted. The purpose of which is to allow an individual to undertake a new business to determine its viability prior to undertaking a required rezoning, conditional use permit or variance process.
2. Delegation of Power - The Planning and Zoning Board is hereby authorized to decide whether limited special use permits shall be granted subject to the general and specific standards contained in this Order; to grant special use permits with such conditions or restrictions as are appropriate to protect the public interest and to secure compliance with this Order; and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interests of this Order and the health, safety and welfare of Caldwell County. The Planning and Zoning Board shall in no event grant a limited special use permit where the proposed use is not authorized by the terms of this Order or where the standards of this Section are not found to exist.
3. Conditions and Guarantees - Prior to granting any limited special use permit, the Planning and Zoning Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special permit use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a limited special use permit is granted, the Planning and Zoning Board may recommend and require such evidence and guarantees as may be deemed necessary to insure full compliance with the stipulated conditions.
4. Procedures:

1. Application - A written application for a limited special use permit shall be filed with the Zoning Administrator and shall include a statement indicating the section of the Order under which the permit is sought, the grounds upon which it is requested and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.
2. Fee - Every application for a limited special use permit shall be subject to a reduced filing fee of one hundred and fifty dollars (\$150.00) which is not refundable if the limited special use permit is not allowed.
3. Site Plan; The site plan shall show:
 1. Approximate Size and Location of All Buildings.
 2. Access from Road or Roads.
 3. Parking Arrangements.
 4. Interior Drives and Any Service Areas.
 5. Landscaped Areas.
 6. All Proposed Signs, If Any.
4. Location map showing any development and the zoning of adjacent property within one thousand (1000) feet.
5. The full legal description of the boundaries of said area.
6. A description of the general character of all buildings.
5. Hearing: Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall set up a Public Hearing. Notice must be published in a newspaper of general circulation at least fourteen (14) days prior to the date set for the Public Hearing. The petitioner will be responsible for erecting the Notice of Proposed Special Use Permit sign or signs on property. These signs are the property of Caldwell County and must be turned into the Caldwell County Road and Bridge Department before the Public Hearing will be heard. If any sign is damaged or destroyed the petitioner will be responsible for replacement of said sign. The petitioner shall provide the names & addresses of property owners 1,000 feet or less from this area to the Zoning office so letters can be sent.
6. Findings - In making a recommendation, the Planning and Zoning Board shall specify the particular grounds relied upon and their relation to the proposed use conforms with the general standards set forth in this regulation. In no case shall an exception be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to Caldwell County.
7. Standards for Issuance of Limited Special Use Permits
 1. Before any permit shall be granted, the Planning and Zoning Board

shall make written findings certifying that adequate provisions have been made for the following:

1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of the operations proposed thereon.
 2. Accessibility of the property to police, fire, refuse collection, adequacy of ingress and egress to and within the site, traffic flow and control and the adequacy of parking and loading areas.
 3. Utilities and service, including water, electricity, drainage and septic system.
 4. The location, nature and height of buildings, walls, fences and other improvements; their relation to adjacent property and any need for buffering or screening.
 5. The general compatibility with adjacent properties, other properties in the district and the general safety, health, comfort and welfare of Caldwell County.
8. Additional Conditions for Particular Limited Special Uses - In granting a limited special use permit, the Zoning Administrator may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the area and to carry out the general purpose and intent of these regulations.
9. Permits - A building permit must be purchased through the Planning and Zoning Administrator before construction of any building in a special use permit.
10. Time Limit - A limited special use permit shall expire within twelve (12) months from the date of the Public Hearing unless a building permit is taken to effectuate such specially permitted uses, or, if no building permit is required for this special use, the evidence of such use is filed with the Zoning Administrator. Once a specially permitted use ceases or is abandoned for a period of more than twelve 12 months, the limited special use permit shall expire upon Public Hearing or by special decision by the Planning and Zoning Board after due consideration.
11. Standards for Issuance of Limited Special Use Permits: Generally, before any permit shall be granted, the Planning and Zoning Board shall make written findings certifying that adequate provisions have been made for the following:
1. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of the operations proposed thereon.

2. Accessibility of the property to police, fire, refuse collection, adequacy of ingress and egress to and within the site, traffic flow and control and the adequacy of parking and loading areas.
 3. Utilities and services, including water, septic systems, drainage and electricity.
 4. The location, nature and height of buildings, walls, fences and other improvements; their relation to adjacent property and any need for buffering or screening.
 5. The general compatibility with adjacent properties, other properties in the district and the general safety, health, comfort and a general welfare of Caldwell County.
12. Abandonment: Once a specially permitted use ceases or is abandoned for a period of more than twelve (12) months, the special use permit shall expire upon Public Hearing or by a special decision by the Planning and Zoning Board after due consideration.
 13. Appeal: Any appeal regarding a decision from a Special Use Permit request by the Caldwell County Planning and Zoning Board may be appealed to the Board of Adjustment.
 14. Duration: Once a Special Use Permit has been granted, the permit will be valid until revoked, or until it expires, whichever occurs first. A Special Use Permit may be revoked by the Planning and Zoning Board for any of the following reasons:
 1. The permit holder violates one or more conditions of the permit.
 2. The permitted use becomes a public nuisance.
 3. The permit was granted on the basis of false statements or a fraudulent application.
 15. If the administrator has reason to believe that a Special Use Permit is subject to revocation, he or she may institute proceedings to revoke the permit. Before revoking any special use permit, the Planning and Zoning Board must hold a public hearing as provided in Section 17.7 of the Zoning and Subdivision Order of Caldwell County, Missouri.