

**TITLE IV. LAND USE**  
(Updated through October 17, 2022)

**CHAPTER 400: ZONING REGULATIONS**

**ARTICLE I. GENERAL PROVISIONS**

**SECTION 400.010: CITATION**

This Order is adopted in pursuance of the authority granted by the State of Missouri in Chapter 64, RSMo., 1994, and shall be part of the official Master Plan of the County of Platte, Missouri. (County Order of 1990)

**SECTION 400.020: PURPOSE AND NECESSITY**

The regulations contained herein are necessary to encourage the most appropriate uses of land; to maintain and stabilize the value of property; to reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewerage, schools, parks, public utilities and other facilities. It is hereby declared to be the legislative intent that this Order shall be regarded to protect and promote the public health, safety, convenience, comfort and general welfare of the County. (County Order of 1990)

**SECTION 400.030: REPEAL OF PRIOR ZONING ORDERS**

The Zoning Order of the County of Platte, Missouri, of December 21, 1972, and subsequent amendments thereto are hereby repealed. (County Order of 1990)

**SECTION 400.040: ENACTMENT CLAUSE AND SHORT TITLE**

The County Commission of Platte County, Missouri, hereby adopts and enacts these comprehensive zoning regulations. This Order may be known and cited as the Platte County Zoning Order of 1990. (County Order of 1990)

**SECTION 400.050: INTERPRETATION, CONFLICT AND SEPARABILITY**

- A. In their interpretation and application, the provisions of this Order shall be considered the minimum provisions for the purpose stated in Section 400.020, above.
- B. Where any provision of this Order imposes restrictions different from those imposed by any other provision of this Order or any other County Commission Order, Statute, rule, regulation or other provision law, whichever provisions are more restrictive or impose higher standards shall control.
- C. If any Section, clause, provision or portion of this Order shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Order. (County Order of 1990)

**SECTION 400.060: SAVINGS PROVISION**

This Zoning Order shall not be construed as abating any action now pending under, or by virtue of, prior existing Zoning Orders or as discontinuing, abating, modifying or altering any penalty accruing or to accrue or as affecting the liability of any person, firm or corporation or as waiving any right of the County under any section or provision existing to the time of adoption of this Order. (County Order of 1990)

**SECTION 400.070: REGULATION ACCORDING TO ZONING DISTRICT**

Except as hereinafter otherwise provided, no land shall be used and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged or rebuilt which is designed, arranged or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the district in which such land, building, structure or improvement is located and in accordance with the provisions of the articles contained herein relating to any or all districts. (County Order of 1990)

**SECTION 400.080: ZONING DISTRICTS**

A. Platte County is hereby divided into zones as shown on the Official Zoning Map, consisting of some forty-one (41) individual map sheets, filed with the County Clerk. The Zoning Map and all explanatory material thereon is hereby made a part of this Order.

B. Zones shall be designated as follows:

- "AG" Agricultural District
- "RE" Rural Estates District
- "R-80" Rural Single-Family District
- "R-40" Single-Family Estate District
- "R-25" Single-Family Large Lot District
- "R-15" Single-Family Low Density District
- "R-12" Single-Family Medium Density District
- "R-10" Single-Family Medium-High Density District
- "R-7" Single-Family High Density District
- "RTD" Two-Family Residential District
- "RMD" Residential Multiple Dwelling District
- "PO" Professional Office District
- "CN" Neighborhood Commercial District
- "CH" Highway Commercial District
- "PI" Planned Industrial District
- "BP" Planned Business Park
- "OSP" Open Space Preservation District
- "CD" Conservation District
- "PR" Planned Residential

C. Specific district regulations are set forth in Article II of this Order. Any use not authorized under the specific district regulations, or as "special uses" without the necessary approval, is prohibited. (County Order of 1990)

**SECTION 400.090 DEFINITIONS**

- A. For purposes of this Chapter 400, certain terms, phrases, words and their derivatives shall be defined as specified in this Section except where the context in which such terms, phrases, words and their derivatives are used preclude such definition.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word "*herein*" means "in this Order"; the word "*regulations*" means "this Order". The word "*shall*" is mandatory; the word "*may*" is permissive.
- C. A "*person*" includes a corporation, a partnership and an unincorporated association of persons such as a club; "*building or structure*" includes any part hereof; "*used*" or "*occupied*", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied".

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

**ACCESSORY DWELLING** – An accessory structure with complete housekeeping facilities for single-family occupancy for use by only immediate family members or guests of the occupants of the principal single-family dwelling on the lot. Also known as mother-in-law quarters, guest house or carriage house.

**AGRICULTURAL (AGRI-) TOURISM** – A business activity in which agriculture uses, rural lifestyle, the natural environment or local historical significance is to be used as a primary component for tourism activity. Also known as Rural Tourism.

**AGRICULTURE:** The principal use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, viticulture and animal husbandry and the necessary accessory uses for packing, treating or storing produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities; and further provided, that the keeping of poultry and livestock shall be in accordance with other applicable county orders.

**AGRICULTURE CROPS:** The breeding, planting, nourishing, caring for, gathering and processing of any legal plant organism for the purpose of nourishing people or any other legal plant or animal organism or for the purpose of providing the raw material for non-food products or plants, flowers or trees for the purpose of enjoyment. All agricultural crops shall be subject to Article III, Section 400.530 of this Order.

**AGRICULTURAL USES (ALL):** Includes the uses included within the definitions of "Agricultural Crops" and "Animal Husbandry" but, unless otherwise expressly provided, shall not include "Farm-Related Entertainment", "Feed Lot, Commercial", "Kennel (Boarding)", "Kennel (Breeding)" or "Nursery" as such uses are defined in this Order.

**AIRPORT:** Any area of land which is used or intended for use for the arrival and departure of aircraft and any other areas which are used or intended for use for airport buildings or other airport facilities or right-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open space.

**ALTERATIONS:** As applied to a building or structure, a change or rearrangement in the supporting members of a building or structure or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**ANIMAL HUSBANDRY:** Includes the raising of farm animals but not exotic animals. The slaughter of animals, such as poultry, rabbits or beef cattle, is permitted only where intended for consumption by the resident family. The animals, other than household pets, shall not be kept within a household in any zoning district within which animal husbandry is allowed. Housing or caging of animals shall be adequate, sanitary, humane and subject to all State health requirements for health and sanitation.

**APARTMENT:** A part of a multiple-family dwelling (see "*DWELLING, MULTIPLE-FAMILY*").

**AUTO WASH:** A building or portion thereof containing facilities for washing automobiles using production line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment or soap for the complete or partial handwashing of such automobiles whether by operator or by customer.

**BED-AND-BREAKFAST (B&B) -** An owner occupied single-family dwelling, detached guesthouse and/or other suitable structure directly adjacent and accessory to, an owner (caretaker) occupied single-family dwelling, which has four (4) or fewer B&B guest rooms for rent, for overnight lodging and may provide meals to overnight guests. A B&B should be in a historical or rural setting. Rentals shall not be for more than 30 consecutive days. This definition excludes the use of said Bed-and-Breakfast as a hotel, motel, restaurant, social hall, or meeting hall.

**BERM:** Natural or man-made elevations changes that block or partially block the view from adjoining properties.

**BOARDING HOUSE:** Any dwelling in which more than three (3) persons and less than ten (10) persons are housed or lodged for compensation, with or without meals. A rooming house or a furnished rooming house shall be deemed a boarding house.

**BUFFER AREA:** Open and unobstructed ground area of a parcel in addition to any required yards or road widening around the perimeter of any parcel where required. Parking is not allowed in a buffer area, except as provided in these regulations.

**BUILDING:** Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind.

**BUILDING HEIGHT:** A vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the highest point of any of the following: the underside of the ceiling beams in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. Where no curb level has been established, the height of a building may be measured from the mean elevations of the finished lot grade at the front of the building.

*BUILDING, PRINCIPAL:* A building in which is conducted the main or principal use of the plot on which said building is situated.

*BULK:* The size and shape of buildings, structures and non-building uses and the physical relationship of their exterior walls or construction or their location to lot lines and other buildings or structures or other walls or construction of the same building or structure; and all open spaces required in connection with a building or structure. Bulk regulations include regulations concerning lot area, lot area per dwelling unit, lot frontage, lot width, height, required yards, courts, usable open space, and the ratio of gross floor area to the area of the lot spacing between buildings on a single lot.

*CEMETERY:* Land used for the burial of the dead and dedicated for cemetery purposes, including columbaries, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

*CHILD CARE CENTER:* Any place, home or institution which receives four (4) or more children under the age of sixteen (16) years, and not of common parentage, for care apart from their natural parents, legal guardians or custodians when received for regular period of time for compensation; provided however, this definition shall not include public and private schools organized, operated or approved under the laws of this State, custody of children fixed by a court of competent jurisdiction, religious or public institutions caring for children within the institutional building while their parents or legal guardians are attending services or meetings or classes or engaged in church activities, including, but not limited to, Family Day Care, Group Day Care and Day Care Centers.

*CHURCHES AND SIMILAR PLACES OF WORSHIP:* A facility used for non-profit purposes by a recognized and legally established religion or sect solely for the purpose generally associated with a church or synagogue.

*CLUSTER STYLE DEVELOPMENT:* A development planned and coordinated by a single developer in accordance with Article II, Section 400.300 of the Zoning Order.

*COMMERCIAL COMPOSTING AND MULCHING:* The operation of a composting or mulching facility for the disposal of yard waste other than that which is produced by the owner of the parcel on which the composting and mulching is being conducted. The minimum lot size for a commercial composting and mulching facility shall be two (2) acres. Any composting or mulching facility that creates or causes a health hazard, public nuisance or environmental hazard shall fall under this definition.

*COMMON AREA:* An area, space or lot within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

*COMPOST:* Solid waste processing using a controlled process of microbial degradation of organic material into a stable, nuisance-free, humus-like product.

*CONTIGUOUS:* The arrangement of more than one (1) platted or unplatted lot either adjacent or when separated by only a public or private right-of-way, stream or common area.

*COUNTRY STORE:* A retail sales establishment primarily selling fresh fruits, vegetables, flowers, herbs, plants, wine, dairy products or crafts grown, raised or prepared by the property owner and may be augmented by imported products of the same type. The accessory sale of other unprocessed foodstuffs, home processed food products such as cheeses, jams, jellies, pickles, sauces or baked goods and home-made handicrafts may also be considered.

*COUNTY:* Platte County, Missouri.

*DAY CAMP:* Any land, including any building or structure thereon, if any, used for an assembly of persons for what is commonly known as "day camp" purposes, including any area of land or water, or both, on which are located facilities, accommodations, buildings and/or structures of a design or character suitable for seasonal and/or recreational purposes, primarily for children, but not including any living quarters except for one (1) principal one-family residence on the lot.

*DIRECTOR OF PLANNING AND ZONING:* The Director of Planning and Zoning or his duly designated alternate.

*DRIVE-IN ESTABLISHMENT:* A place of business being operated for the sale and purchase at retail of food and other goods, services or entertainment which is laid out and equipped to allow its patrons to be served or accommodated while remaining in their automobiles or which allows the consumption of any food or beverage either inside or outside any completely enclosed structures. The term "drive-in establishment" shall include, but is not limited to, automobile service stations; auto laundries; drive-in restaurants, diners, grills, luncheonettes, sandwich stands, snack shops, soda fountains or short-order cafes; banks; and drive-in theaters.

*DRIVEWAY:* A private drive providing access for vehicles to a parking area, dwelling, garage, carport or other structure. A driveway shall not be considered a private road as defined in the Zoning Order.

*DUMP:* See "JUNK YARD".

*DUSTLESS SURFACE:* A surface which shall not create air-borne particles. Such a dustless surface includes asphalt, concrete, seal-coat or equivalent surface.

*DWELLING:* Any building or part thereof, including industrialized, modular and prefabricated construction, other than a mobile home, which is not designed presently or in the future for transportation on its own wheels and which is permanently affixed to a foundation imbedded in the soil.

*DWELLING, MOBILE HOME:* See "MOBILE HOME".

*DWELLING, MULTIPLE-FAMILY:* A building or portion thereof used for occupancy by three (3) or more families living independently of each other.

*DWELLING, TWO-FAMILY:* A detached or semi-detached building containing two (2) dwelling units and designed or occupied by two (2) families.

*DWELLING UNIT:* A building or part thereof containing complete housekeeping facilities for only one (1) family.

*EASEMENT:* Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

*ENFORCEMENT OFFICER:* The Planning and Zoning Director of Platte County, Missouri, or the person(s) currently appointed by him to enforce this Chapter or the Order.

*ENFORCEMENT OFFICER, ZONING:* The person or persons designated by the County Commission to carry out the Planning and Zoning functions of Platte County, Missouri, as authorized by Chapter 64, RSMo., and this Zoning Order, the Subdivision Regulations and any other County Commission Order.

*EXOTIC ANIMALS:* Any member of a species of animal, reptile or bird, warm or cold blooded other than household pets, that is not indigenous to the County and/or is not classified or considered as a farm animal as defined by the Platte County Zoning Order.

*EXTRACTION, MINERAL:* The removal or extraction of any stone, sand, gravel, loam, topsoil or other earth or earth product from a lot or parcel of land, except where such removal is for the purpose of grading a lot upon which a building is to be erected or a roadway to be built.

*FAMILY:* A group of persons living together as a single non-profit housekeeping unit and consisting of either:

1. One (1) or more persons related by blood, marriage or adoption.
2. Not more than four (4) persons not necessarily related by blood, marriage or adoption.

*FARM ANIMALS:* Includes cattle, buffalo, horses, mules, swine, goats (including "fainting goats"), sheep, rabbits, chickens, turkeys, geese and ducks (excluding exotic animals).

*FARM-RELATED ENTERTAINMENT:* Uses that are related to agricultural uses and provide a form of entertainment. Such forms of entertainment may include tours, hay rides, barn dances and horse riding.

*FEED LOT, COMMERCIAL:* A feed lot shall be deemed to be commercial when five (5) or more head of livestock are confined to less than one-quarter ( $\frac{1}{4}$ ) acre.

*FENCE:* An unroofed barrier or unroofed enclosing structure, including retaining walls.

*FLOOR AREA:* The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. Included shall be any basement floor, interior balconies and mezzanines, elevator shafts and stairwells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

*FLOOR AREA RATIO:* The floor area of a building on any lot divided by the area of the lot.

*FRONTAGE:* That side of a lot abutting a street or right-of-way and ordinarily regarded as the front of the lot but shall not be considered as the ordinary side of a corner lot. An alley or easement that abuts a lot or tract shall not constitute frontage for that lot or tract.

*FUNERAL HOME:* See "MORTUARY".

*GARAGE:* A building for the storage of motor vehicles.

*GASOLINE SERVICE STATION:* Any use of land, including any building or structures thereon, that is used for the supply of gasoline or other fuel for the propulsion of vehicles, including any area, building or structure used for polishing, greasing, washing, spraying, cleaning, servicing or repairing of motor vehicles.

*GRADE:* The slope of a road, street or other public right-of-way specified in percent (%).

*HARD SURFACE:* A surface which is paved with asphalt, concrete or an equivalent type of material. Seal coating shall not be considered a hard surface.

*HOME OCCUPATION:* An occupation or profession carried on by the inhabitants of a dwelling unit which is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes, which does not change the character thereof and which is conducted entirely within the main or accessory buildings. No trading in merchandise shall be allowed, no mechanical equipment shall be used or activity conducted which creates any noise, dust, odor or electrical disturbance beyond the confines of the lot on which the occupation is conducted and no exterior storage of materials or equipment shall be permitted. The conducting of a beauty or barbershop, restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, cabinet shop, or metal or auto repair shop shall not be deemed a home occupation.

*HOMES (OR PROPERTY OWNERS') ASSOCIATION:* An incorporated non-profit organization operating under recorded land agreements through which:

1. Each lot and/or home owner in a planned unit or other described land area is automatically a member,
2. Each lot is automatically subject to a charge or a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and
3. The charge is unpaid becomes a lien against the property.

*HOTEL OR MOTEL:* A building which has living and sleeping accommodations for hire for ten (10) or more persons, which is open for year-round occupancy and shall include similar establishments designated as auto courts, tourist cabins, etc.

*JUNK YARD:* An area of land with or without buildings used for deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as chemicals, road construction materials, appliances, waste paper, rags or scrap material; or used building materials, house furnishings, machinery, vehicles or parts thereof with or without the dismantling, processing, salvage, sale or other use or disposition of the same. A deposit or the storage on a plot of two (2) or more wrecked or broken down vehicles or parts of two (2) or more such vehicles for one (1) week or more in a residential district or for three (3) weeks or more in any other district shall be deemed a JUNK YARD.

*KENNEL (BOARDING):* Any lot, parcel or tract of land where dogs are boarded, housed, cared for, fed or trained by other than the dog's owner.



*KENNEL (BREEDING):* Any lot, parcel or tract of land where more than five (5) dogs over six (6) months old are kept for the purposes of breeding, sale, raising or as pets; or any lot, parcel or tract of land where more than fifteen (15) dogs under six (6) months old are kept for the purposes of sale, raising or as pets.

*LANDSCAPE BUFFER:* A wall, fence or landscaped buffer strip of sufficient height and density to serve the purpose of a solid screen such that the projection of a horizontal line of sight originating six (6) feet off the existing terrain will be cut off by the buffering, but in no case shall the buffering strip be less than six (6) feet in height nor less than ten (10) feet in width. At street intersections, this screen or buffer shall be set back a sufficient distance to avoid interference with the sight triangle of the intersection.

*LANDSCAPING:* The bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect on the premises.

*LIBRARY:* A public facility for the use but not sale of literary, musical, artistic or reference materials.

*LOT:* A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.

*LOT, CORNER:* A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five degrees (135°).

*MAJOR STREET PLAN:* The plan established by the County Commission, pursuant to Section 64.550, RSMo., showing the streets, highways and parks and drainage systems and setback line therefore laid out, adopted and established by law and any amendments or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.

*MASTER PLAN:* The comprehensive Master Plan adopted by the Planning Commission for the development of the entire area of the County, pursuant to Chapter 64, RSMo., showing the desirable streets, bridges and tunnels and the approaches thereto, viaducts, parks, public reservations, roadways in parks, sites for public buildings and structures, zoning districts, waterways and drainage systems and such other features, existing and proposed, as will provide for the improvement of the County and its future growth, protection and development and will afford adequate facilities for the housing, transportation, distribution, comfort, convenience, public health, safety and general welfare of the population of the County.

*MIXED-USE STRUCTURE:* A building containing residential in addition to non-residential uses permitted in the zone.

*MOBILE HOME:* A manufactured detached transportable single-family dwelling unit, manufactured upon a chassis or undercarriage as an integral part thereof, without independent motive power, designed for long-term occupancy as a complete dwelling unit and containing all conveniences and facilities, with plumbing and electrical connections provided for attachment to approved utility systems. Any such unit shall be deemed to be a mobile home whether or not resting upon a temporary or permanent foundation.

**MOBILE HOME PARK:** A plot where two (2) or more mobile home dwellings are parked or which is held out or used for the purpose of supplying to the public, parked spaces for two (2) or more mobile homes and shall include all buildings, structures, land uses and equipment utilized for such park. The term, "*Mobile Home Park*" shall also include a mobile home subdivision in which the lots are sold to individual purchasers designed and intended for single-family residential uses.

**MOBILE HOME SITE:** A plot of ground within a mobile home park designed for accommodation of one (1) mobile home.

**MODEL HOME:** A conventionally constructed dwelling unit used temporarily for display and real estate sales purposes. The unit may not be subject to any permanent remodeling for commercial use. The unit may not be used for general real estate brokerage services but only for the marketing of residential units in the specific subdivision in which it is located or later phases of that subdivision.

**MODULAR HOME:** A home manufactured in sections and finally assembled on the site. Modular homes shall comply with applicable state statutes and state regulations governing modular homes and modular units; including the building code from time to time adopted by the state agency responsible for regulating modular homes, modular units and other similar structures and shall be designed to be permanently placed and anchored on a foundation and not thereafter transported and shall not be considered mobile homes. Written proof acceptable to the Planning and Zoning Director or a duly designated alternate shall be provided that the home meets the state regulations regarding modular homes.

**MORTUARY:** A facility, including funeral homes, for preparing and holding dead bodies for a time prior to burial.

**MOTEL:** See "*HOTEL*".

**MUSEUM:** A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest or works of art and arranged, intended and designed to be used by members of the public for viewing, with or without an admission charge, and which may include, as an accessory use, the sale of goods to the public as gifts or for their own use.

**NURSERY:** Any land used to raise trees, shrubs, flowers and other plants for sale or for transporting.

**OCCUPY OR OCCUPANCY:** To take, enter, hold or possess land or a structure for use. These terms include any type of use and do not necessarily require residence in a structure.

**OFF-PREMISE SIGN:** A sign, including billboards and poster panels, which directs attention to a business, commodity, service activity or product sold, conducted or offered off the premises where such sign is located.

**ON-PREMISES SIGN:** A sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered on the premises where such sign is located.

**ORDER:** The Platte County Zoning Order of 1990 as from time to time amended.

*OUTSIDE STORAGE:* Storage, parking, assembly, fabrication or manufacture of any vehicles, trailers, pieces of equipment (irrespective of whether any of the foregoing are in operable or inoperable condition), material, inventory or goods or property of any nature whatsoever for a period of time exceeding seven (7) consecutive days, either for hire or as part of or in any manner in connection with the carrying on of any business enterprise or commercial endeavor. Outside Storage shall be permitted only as an accessory use and only in Highway Commercial Districts and in Planned Industrial Districts.

*OWNER:* Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in a lot or parcel of land.

*PARCEL:* Two (2) or more lots or tracts that form a contiguous quantity of land with the same owner.

*PARK:* An area reserved for recreational or scenic purposes.

*PARKING SPACE:* A surfaced area, enclosed in the main building or in an accessory building or unenclosed, having an area of not less than two hundred (200) square feet except as otherwise provided in this Order, exclusive of driveways, permanently reserved for the temporary storage of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress or egress for automobiles.

*PLANNED UNIT DEVELOPMENT:* A development planned in accordance with the provisions of Article IV of this Order.

*PLANNING COMMISSION:* The County Planning and Zoning Commission established in accordance with Chapter 64, RSMo.

*PLAYGROUND:* An area developed for active play and recreation, primarily by children.

*PUBLIC ART GALLERY:* An establishment engaged in the sale, loan or display of art books, paintings, sculpture or other works of art. This clarification does not include libraries, museums or commercial art galleries.

*PUBLIC SERVICE OR UTILITY USES:* A facility, building, easement, right-of-way or improvement which is used to provide or accommodate the transportation, distribution and delivery of public utilities (such as gas, water, electricity, telephones and sewers but excluding "Communication Towers" as defined in Article III, Section 400.440 of this Order) to the general public.

*RECREATION VEHICLE:* Any motor vehicle constructed or substantially modified so that it may be used and is used for the purposes of temporary housing quarters including therein sleeping and eating facilities which are either permanently attached to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.

*RECYCLING CENTER:* Any facility, system or site (not manufacturing) where materials such as aluminum cans and scraps, tin, copper, glass, paper products, tires, plastics, bi-metal and steel containers or ferrous and non-ferrous metals are brought for collection and resale to markets for resource recovery instead of being disposed of as solid waste.

*RECYCLING RECOVERY FACILITY:* A facility where recyclable materials, which might otherwise be disposed of as solid waste, are brought and then separated.

*RECYCLING STORAGE FACILITY:* A facility for storing recyclable materials that would be brought to a recycling center. Such storage shall be within an enclosed structure and shall be removed from the site in a timely manner so that any materials shall not be stored for more than one hundred eighty (180) days.

*RESIDENCE:* See "DWELLING UNIT".

*RESIDENTIAL DISTRICT:* An "RE", "R-80", "R-40", "R-25", "R-15", "R-12", "R-10", "R-7", "RTD" or "RMD" District in the County.

*RESIDENTIAL GROUP HOME FACILITY:* A building or buildings providing residential facilities for persons undergoing alcohol or drug abuse treatment, battered persons, juveniles under the jurisdiction of the juvenile court, or mentally handicapped persons.

*RIGHT-OF-WAY:* A strip of land established and shown on a plat or a deed to be separate and distinct from the lots or parcels adjoining such strip and not included within the dimensions or areas of such lots or parcels. The strip of land designated as Right-of-Way shall be for the use of the public, unless expressed otherwise on the plat or deed, for access to the lots which it adjoins.

*RIGHT-OF-WAY, RAILROAD:* A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

*RIGHT-OF-WAY WIDTH:* The distance between property lines measured at right angles to the center line of the right-of-way.

*ROOF LEVEL:* The average level of the ceiling of the top story of a building.

*SAME OWNERSHIP:* Ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations in which a stockholder, partner or associate or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated associations.

*SCHOOL OF GENERAL INSTRUCTION:* Any public or private elementary, junior high, high school, college, university or postgraduate school offering courses in general instruction at least five (5) days per week and seven (7) months per year.

*SCHOOL OF SPECIAL INSTRUCTION:* A school for the teaching of technical skills, trades and arts.

*SCREENING:* Either:

1. A strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or
2. An opaque wall or barrier or uniformly painted fence at least six (6) feet high.

*SEATS:* The designated normal seating capacity of the establishment.

*SELF-STORAGE FACILITY:* A building or group of buildings or structures in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled access stalls or locks for the storage of a customer's goods or wares.

*SETBACK LINE:* The minimum distance by which any building or structure must be separated from the street right-of-way or lot, parcel or tract line.

*SIGN:* Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

*SIGN, INDIRECTLY ILLUMINATED:* A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere than on the plot where such illumination occurs. If such illumination is thus visible, such sign shall be deemed to be a directly illuminated sign.

*SIGN, OUTDOOR ADVERTISING:* A sign, including the type commonly known as a billboard, which directs attention to a business, commodity, service, entertainment or attraction conducted, sold, offered or existing:

1. Elsewhere than upon the same plot where such sign is displayed, or
2. Not for the principal use of such plot.

*SITE DEVELOPMENT PLAN:* An accurate representation of the planned improvements to a site prepared to the specifications herein.

*STORY:* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six (6) feet above grade as defined herein for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, then such basement, cellar or unused under floor space shall be considered as a story.

*STREET:* An existing or proposed State, County or Town highway, road, street, private street or right-of-way or a street, private street, highway, right-of-way or road shown:

1. On the Major Street Plan of the County,
2. On a plat approved by the County Planning Commission recorded in the Office of the Recorder of Deeds, or
3. On a plat duly filed and recorded in the Office of Recorder of Deeds prior to the grant to the Planning Commission of the power to approve plats, providing such street, private street, highway, right-of-way or road shall have been suitably improved to the satisfaction of the entity responsible for road maintenance and the Planning and Zoning Department.

*STREET (PRIVATE):* Any street which is not publicly owned or maintained that is shown on a plat approved by the County Planning Commission recorded in the Office of Recorder of Deeds or on a plat duly filed and recorded in the Office of Recorder of Deeds prior to the grant to the Planning Commission of the power to approve plats, providing such street, highway, right-of-way or road is suitably constructed to the satisfaction of the entity responsible for road maintenance and the Planning and Zoning Department.

*STREET CENTERLINE:* A line equidistant from each street line of a street or, if no street line is established, the centerline of the existing pavement or, if the street is unpaved, the centerline of the existing traveled way.

*STREET LINE:* The right-of-way line of a street.

*STRUCTURE:* Any construction above or below ground.

*SUBDIVISION REGULATIONS:* The official Subdivision Regulations of the County, together with all amendments thereto, adopted pursuant to Chapter 64, RSMo.

*SWIMMING CLUB:* A pool operated for members and their guests, whether or not operated for financial gain.

*SWIMMING POOL, PRIVATE:* A pool which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.

*TEMPORARY:* A time period not to exceed two (2) years.

*TOURIST HOME:* A dwelling unit in which sleeping accommodations for more than two (2) and less than ten (10) persons are hired out for transient occupancy, primarily for overnight use by automobile travelers.

*TOWER OR COMMUNICATION TOWER:* Any structure that is designed and constructed for the primary purpose of supporting one (1) or more antennas, including lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. This term is not intended to describe buildings or other structures that have been constructed primarily for a purpose other than supporting one (1) or more antennas, despite the fact that such structure may currently or in the future actually support one (1) or more antennas.

*TOWN HOUSE:* A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

*TRAILER OFFICE:* A manufactured detached, transportable unit, with or without wheels, brought to a site where it is to be occupied as a complete unit for use only as a temporary office facility for construction projects or financial institutions.

*TRANSITION AREA:* An area established within new development that provides a change from one land use type to a different land use type or density in order to maintain the character and quality of life of existing adjacent residents.

*TRAVEL TRAILER:* A portable vehicular unit designed and intended to be used for temporary short-term occupancy and for frequent and extensive travel use including, but not limited to, recreation vehicles, camping trailers, campers, motor homes, converted buses and other similar units whether they are self-propelled, pulled or hauled.

*USABLE OPEN SPACE:* That part of the ground area of a plot for a multi-family residence, a one-family attached residence or a residence in a building which also contains non-residential uses, which is:

1. Devoted to outdoor recreational space, greenery and service space for household activities (such as clothes drying) which are normally carried on outdoors.
2. Not devoted to private roadways, open vehicular transportation, accessory off-street parking spaces or accessory off-street loading berths.
3. Accessible and available to all occupants of dwelling units for whose use the space is required.

*USE:* The term employed to refer to any purpose for which buildings or other structures or land may be occupied.

*USE, NON-CONFORMING:* A use of any principal or accessory building, structure or land which was lawfully established but which does not conform to the regulations for the district in which it is located.

*YARD, FRONT:* A required yard extending along the full length of the front lot line between the side lot lines.

*YARD, REAR:* A required yard extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear lot line and the rear line of the principal building located on the lot.

*YARD, REQUIRED:* Open and unobstructed ground area of a lot extending inward from a lot line the distance specified in the regulations for the district in which the lot is located. Where a buffer area is required, the buffer area shall be deemed to commence at the lot line and the yard requirement shall be deemed to commence from the interior line of the buffer area.

*YARD, SIDE:* A required yard extending along a side lot line from the required front yard (or from the front lot line if there is no required front yard) to the required rear yard (or to the rear lot line if there is no required rear yard).

*YARD WASTE:* Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

*ZONING ORDER:* The official Zoning Order of the County, together with any and all amendments thereto, adopted pursuant to Chapter 64, RSMo.

Any term not defined above shall be defined as listed in the Platte County Subdivision Regulations, unless the term is not listed in those regulations, then a definition will be provided from the Planning and Zoning Department upon written request. (County Order of 1990)

**SECTION 400.100: INTERPRETATION OF DISTRICT BOUNDARIES**

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Zoning Map, the following rules shall apply.

1. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines of highway right-of-way lines, such centerlines, street lines or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or the centerlines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the Zoning Map.
4. Where the boundary of a district line follows a railroad line, such boundary shall be deemed to be located on the easement line to which it is closest, which shall completely include or exclude the railroad easement unless otherwise designated. (County Order of 1990)

**SECTION 400.110 VACATION OF PUBLIC EASEMENTS**

Whenever any street, alley or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classification of the vacated land. (County Order of 1990)

**SECTION 400.120 MEETINGS**

- A. All applications for the hearings of matters relating to special use permits, amendments to this Order, site development plans or other matters to be heard by the Planning Commission shall be placed on the agenda of a regularly scheduled monthly meeting of the Planning Commission provided that adequate time is available for such notice as provided herein.
- B. The member presiding at a meeting of the Planning Commission may adjourn such meeting upon a majority vote of the Commission. Upon such adjournment, the time and place to which the meeting is adjourned shall be announced and any and all unheard matters which were on the agenda for the meeting as originally scheduled shall be heard at the adjourned meeting. All requirements or duties imposed herein or in the Subdivision Regulations or in the Planning Commission's Bylaws or any applicable statute for the hearing of any matter at the next scheduled meeting of the Planning Commission shall be deemed to be satisfied by the placing of the particular matter on the agenda of a regularly scheduled monthly meeting irrespective of whether it is heard at such meeting or heard at such adjournment thereof.



- C. The hearing of an application for a special use permit, amendment to this Order or site development plan may from time to time be tabled or postponed at the discretion of the Planning Commission upon request of the applicant; provided however, that after any such application has been tabled or postponed on two (2) prior occasions and both of such postponements have been requested by the applicant, then the Planning Commission may, upon motion duly made, seconded and passed by a majority vote, dismiss such application, without prejudice, and thereafter should the applicant wish to pursue the subject special use permit, amendment or site development plan, then the applicant must refile the application and follow all procedures of an initial application. (County Order of 1990)

**ARTICLE II. SPECIFIC DISTRICT REGULATIONS****SECTION 400.130 "AG" AGRICULTURAL DISTRICT**

- A. *General Description.* This district is to preserve and protect land valuable for agriculture and as open space use from urban-type use. The intent is not the development of low density residential areas.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in an "AG" Agricultural District:
1. All agricultural uses but expressly excluding maintaining, raising, keeping or breeding of exotic animals.
  2. A primary single-family detached residence.
  3. Churches and similar places of worship and associated schools.
  4. Public parks and playgrounds.
  5. Public service or utility uses.
  6. Railroad and public utility rights-of-way.
  7. Fireworks sales and temporary stands subject to the provisions of Article III, Section 400.480.
  8. Home occupations.
  9. A residential group home facility providing treatment, shelter, lodging or care for five (5) or less persons.
  10. Accessory uses.
  11. Accessory signs (see Article III, Section 400.370).
  12. Accessory Dwelling (see Article III, Section 400.335).
  13. Plant nurseries and forests.
- C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:
1. One (1) detached single-family dwelling, in addition to the primary residence, on a tract of forty (40) acres or more for use by the principal owner's family or employees.
  2. Sanitary landfills or other solid waste disposal or handling facility.
  3. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs, swimming clubs and ski areas.

4. Telecommunication, radio and television exchanges, stations and transmission towers.
5. Public and private hospitals and sanitariums for general medical care.
6. Cemeteries and/or mortuaries.
7. Airports and heliports, including landing fields and accessory hangars, terminal buildings and auxiliary facilities.
8. Mineral extraction.
9. Commercial feed lot.
10. Day camp.
11. Travel trailers camp.
12. Schools of special instruction.
13. Schools of general instruction.
14. Libraries, museums and public art galleries.
15. Bed and breakfast facilities.
16. Nursery schools and child care centers.
17. Retail garden center.
18. Animal hospitals, including those involving outdoor holding facilities.
19. Residential group home facility.
20. Recycling storage facility.
21. Commercial composting and mulching facility.
22. Country Store.
23. Farm-Related Entertainment.
24. Maintaining, raising, keeping, breeding or permitting the existence of exotic animals.
25. Winery/Tasting Room in conjunction with on-site viticulture on a tract of 15 acres or greater.
26. Spring Water Collection and Filling Station.
27. Agricultural Tourism (See Article III, Section 400.505).

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
    - a. The minimum depth of the front yard shall be one hundred (100) feet.
    - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
  2. *Side yard.*
    - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than thirty (30) feet, except as hereinafter provided in Article III, Section 400.330.
    - b. For dwellings located on corner lots, there shall be a side yard setback from the intersecting street of not less than seventy-five (75) feet.
    - c. For accessory buildings other than dwellings, there shall be a side yard setback from all exterior and interior side lot lines of not less than one hundred (100) feet.
  3. *Rear yard.* There shall be a rear yard for dwellings of not less than one hundred (100) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than fifty (50) feet.
  4. *Lot width.* For dwellings there shall be a minimum lot width of four hundred (400) feet at the front building line and a minimum street frontage of one hundred (100) feet.
  5. *Intensity of use.*
    - a. For each dwelling and building accessory thereto, there shall be a lot area of not less than forty (40) acres.
    - b. If a lot has less area than required under Subsection (D)(5)(a) and all adjoining property is subject to different ownership on the effective date of this Order, that lot may be used for the uses set forth in Subsection (B) above.
    - c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V.
  6. *Coverage.* Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall not occupy more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.

- F. *Additional Requirements.* Property and buildings in District "AG" are subject to off-street automobile and vehicle parking and loading requirements as set forth in Article V and may be subject to various additional requirements as set forth in Article III. (County Order of 1990)

**SECTION 400.140: "RE" RURAL ESTATES DISTRICT**

- A. *General Description.* This district provides single-family residential housing with rural amenities. It is the lowest density residential zoning district.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "RE" Rural Estates District:
1. Agricultural crops, including plant nurseries and forests.
  2. A primary single-family detached residence.
  3. Churches and similar places of worship and associated schools.
  4. Public parks and playgrounds.
  5. Public service or utility uses.
  6. Railroad and public utility rights-of-way.
  7. Home occupations.
  8. Model home.
  9. A residential group home facility providing treatment, shelter, lodging or care for five (5) or less persons.
  10. Animal Husbandry.
  11. Accessory uses.
  12. Accessory signs (See Article III, Section 400.370).
  13. Accessory Dwelling (See Article III, Section 400.335).
- C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:
1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
  2. Solid waste handling facilities, but not sanitary landfills or other solid waste disposal.
  3. Telecommunications, radio and television exchanges, stations and transmission towers.
  4. Public and private hospitals and sanitariums for general medical care.
  5. Cemeteries and/or mortuaries.

6. Airports and heliports, including landing fields and accessory hangars, terminal buildings and auxiliary facilities
7. Nursing homes, homes for the aged and sheltered facilities.
8. Nursery schools and child care centers.
9. Schools of special instruction.
10. Schools of general instruction.
11. Libraries, museums and public art galleries.
12. Bed and breakfast facilities.
13. Retail garden center.
14. Residential group home facility.
15. Day Camp on a tract of twenty (20) acres or more.
16. Maintaining, raising, keeping, breeding or permitting the existence of exotic animals.
17. Winery/Tasting Room in conjunction with on-site viticulture on a tract of 15 acres or greater.
18. Agricultural Tourism (See Article III, Section 400.505).

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be one hundred (100) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than thirty (30) feet, except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than fifteen (15) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than fifty (50) feet in case such lot is back to back with another corner lot and seventy-five (75) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

- c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than one hundred (100) feet.
  3. *Rear yard.* There shall be a rear yard for dwellings of not less than one hundred (100) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than fifty (50) feet.
  4. *Lot width.* For dwellings there shall be a minimum lot width of four hundred (400) feet at the front building line and a minimum street frontage of one hundred (100) feet.
  5. *Intensity of use.*
    - a. For each dwelling and building accessory thereto, there shall be a lot area of not less than five (5) acres.
    - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for the uses set forth in Subsection (B) above.
    - c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than eighty thousand (80,000) square feet.
  6. *Coverage.* Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "RE" are subject to off-street automobile and vehicle parking and loading requirements as set forth in Article V and may be subject to various additional requirements as set forth in Article III. (County Order of 1990)



**SECTION 400.150: "R-80" RURAL SINGLE-FAMILY DISTRICT**

- A. *General Description.* This district provides single-family residential housing with rural amenities but at a density higher than the "RE" Rural Estates District.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "R-80" Rural Single-Family District:
1. Agricultural crops.
  2. Detached single-family dwelling.
  3. Churches and similar places of worship and associated schools.
  4. Public parks and playgrounds.
  5. Public service or utility uses.
  6. Railroad and public utility uses.
  7. Home occupations.
  8. Model home.
  9. A residential group home facility providing treatment, shelter, lodging or care for five (5) or less persons.
  10. Accessory uses.
  11. Accessory signs (see Article III, Section 400.370).
- C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:
1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
  2. Public and private hospitals and sanitariums for general medical care.
  3. Cemeteries and/or mortuaries.
  4. Nursing homes, homes for the aged and sheltered facilities.
  5. Nursery schools and child care centers.
  6. Plant nurseries and forests.
  7. Schools of general instruction.
  8. Libraries, museums and public art galleries.

9. The raising of farm animals.
10. Residential group home facility.
11. Bed and Breakfast facilities on a minimum of five (5) acres.
12. In-Home Portrait Studio/Portrait Park.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be fifty (50) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than thirty (30) feet, except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than fifteen (15) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than thirty (30) feet in case such lot is back to back with another corner lot and forty (40) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
  - c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than one hundred (100) feet.
3. *Rear yard.* There shall be a rear yard for dwellings of not less than fifty (50) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than twenty (20) feet.
4. *Lot width.* For dwellings there shall be a minimum lot width of two hundred (200) feet at the front building line and a minimum street frontage of fifty (50) feet.
5. *Intensity of use.*
  - a. For each dwelling and building accessory thereto, there shall be a lot area of not less than eighty thousand (80,000) square feet.
  - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.

- c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than eighty thousand (80,000) square feet.
6. *Coverage.* Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "R-80" are subject to off-street automobile and vehicle parking and loading requirements as set forth in Article V and may be subject to various additional requirements as set forth in Article III. (County Order of 1990)

**SECTION 400.160: "R-40" SINGLE-FAMILY ESTATE DISTRICT**

- A. *General Description.* This district provides single-family residential housing with rural amenities but at a density higher than the "RE" Rural Estates and "R-80" Rural Single-Family Districts.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "R-40" Single-Family Estate District:
  1. Agricultural crops.
  2. Detached single-family dwelling.
  3. Churches and similar places of worship and associated schools.
  4. Public parks and playgrounds.
  5. Public service or utility uses.
  6. Railroad and public utility rights-of-way.
  7. Home occupations.
  8. Model home.
  9. A residential group home facility providing treatment, shelter, lodging or care for five (5) or less persons.
  10. Accessory uses.
  11. Accessory signs (see Article III, Section 400.370).

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
2. Public and private hospitals and sanitariums for general medical care.
3. Cemeteries and/or mortuaries.
4. Nursing homes, homes for the aged and sheltered facilities.
5. Nursery schools and child care centers.
6. Schools of general instruction.
7. Libraries, museums and public art galleries.
8. Plant nurseries and forests.
9. Residential group home facility.
10. Farm Animals as set forth under Article III, Section 400.325.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be thirty-five (35) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
  - c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than fifty (50) feet.
2. *Side yard.*
  - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than thirty (30) feet, except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than fifteen (15) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty-five (25) feet in case such lot is back to back with another corner lot and thirty (30) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.

- c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than one hundred (100) feet.
3. *Rear yard.* There shall be a rear yard for dwellings of not less than thirty-five (35) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than fifteen (15) feet.
  4. *Lot width.* For dwellings there shall be a minimum lot width of one hundred sixty (160) feet at the front building line and a minimum street frontage of fifty (50) feet.
  5. *Intensity of use.*
    - a. For each dwelling and building accessory thereto, there shall be a lot area of not less than forty thousand (40,000) square feet.
    - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.
    - c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than forty thousand (40,000) square feet.
  6. *Coverage.* Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No buildings shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
  - F. *Additional Requirements.* Property and buildings in District "R-40" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

**SECTION 400.170: "R-25" SINGLE-FAMILY LARGE LOT DISTRICT**

- A. *General Description.* This is a residential district intended for single-family development at low density. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "R-25" Single-Family Large Lot District:
  1. Agricultural crops.

2. Detached single-family dwellings.
3. Churches and similar places of worship and associated schools.
4. Public parks and playgrounds.
5. Public service or utility uses.
6. Railroad and public utility rights-of-way.
7. Home occupations.
8. Model home.
9. A residential group home facility providing treatment, shelter, lodging or care for five (5) or less persons.
10. Accessory uses.
11. Accessory signs (see Article III, Section 400.370)

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
2. Cemeteries and/or mortuaries.
3. Nursing homes, homes for the aged and sheltered facilities.
4. Nursery schools and child care centers.
5. Schools of general instruction.
6. Libraries, museums and public art galleries.
7. Plant nurseries and forests.
8. Residential group home facility.
9. Farm Animals as set forth under Article III, Section 400.325.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be thirty-five (35) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than twenty (20) feet, except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than ten (10) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty-five (25) feet in case such lot is back to back with another corner lot and thirty (30) feet in every other case.
  - c. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
  - d. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall be set back from all exterior and interior side lot lines a distance of not less than fifty (50) feet.
3. *Rear yard.* There shall be a rear yard for dwellings of not less than thirty-five (35) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than fifteen (15) feet.
4. *Lot width.* For dwellings there shall be a minimum lot width of one hundred twenty-five (125) feet at the front building line and a minimum street frontage of fifty (50) feet.
5. *Intensity of use.*
  - a. For each dwelling and building accessory thereto, there shall be a lot area not less than twenty-five thousand (25,000) square feet, except that the lot area may be no less than twenty thousand (20,000) square feet when five thousand (5,000) additional square feet of accessible common area is provided in the subdivision as required by the Subdivision Regulations.
  - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.
  - c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than twenty-five thousand (25,000) square feet.

6. *Coverage.* Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "R-25" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

#### **SECTION 400.180: "R-15" SINGLE-FAMILY LOW DENSITY DISTRICT**

- A. *General Description.* This is a residential district intended for single-family development at a higher density than permitted in the "R-25" Single-Family Large Lot District. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "R-15" Single-Family Low Density District:
  1. Agricultural crops.
  2. Detached single-family dwelling.
  3. Churches and similar places of worship and associated schools.
  4. Public parks and playgrounds.
  5. Railroad and public utility rights-of-way.
  6. Home occupations.
  7. Model home.
  8. A residential group home facility providing treatment, shelter, lodging or care for five (5) or less persons.
  9. Accessory uses.
  10. Accessory signs (see Article III, Section 400.370).



C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
2. Cemeteries and/or mortuaries.
3. Nursing home, homes for the aged and sheltered facilities.
4. Nursery schools and child care centers.
5. Schools of general instruction.
6. Libraries, museums and public art galleries.
7. Plant nurseries and forests.
8. Residential group home facility.
9. Farm Animals as set forth under Article III, Section 400.325.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be thirty-five (35) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than fifteen (15) feet, except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than ten (10) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty-five (25) feet in case such lot is back to back with another corner lot and thirty (30) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
  - c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than fifty (50) feet.
3. *Rear yard.* There shall be a rear yard for dwellings of not less than thirty-five (35) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than fifteen (15) feet.

4. *Lot width.* For dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line and a minimum street frontage of fifty (50) feet.
  5. *Intensity of use.*
    - a. For each dwelling and building accessory thereto, there shall be a lot area of not less than fifteen thousand (15,000) square feet, except that the lot area may be no less than twelve thousand (12,000) square feet when three thousand (3,000) additional square feet of accessible common area is provided in the subdivision as required by the Subdivision Regulations.
    - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.
    - c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than fifteen thousand (15,000) square feet.
  6. *Coverage.* Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "R-15" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

#### **SECTION 400.190: "R-12" SINGLE-FAMILY MEDIUM DENSITY DISTRICT**

- A. *General Description.* This is a residential district intended for single-family development at a higher density than permitted in the "R-15" Single-Family Low Density District. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "R-12" Single-Family Medium Density District:
1. Agricultural crops.
  2. Detached single-family dwelling.
  3. Churches and similar places of worship and associated schools.
  4. Public parks and playgrounds.

5. Public service or utility uses.
6. Railroad and public utility rights-of-way.
7. Home occupations.
8. Model home.
9. Accessory uses.
10. Accessory signs (see Article III, Section 400.370).

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760.

1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
2. Cemeteries and/or mortuaries.
3. Nursery school and child care centers.
4. Schools of general instruction.
5. Residential group home facility.
6. Farm Animals as set forth under Article III, Section 400.325.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be thirty-five (35) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than twelve (12) feet, except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than ten (10) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty-five (25) feet in case such lot is back to back with another corner lot and thirty (30) feet in every other case.

- c. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
  - d. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than fifty (50) feet.
3. *Rear yard.* There shall be a rear yard for dwellings of not less than thirty (30) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than ten (10) feet.
  4. *Lot width.* For dwellings there shall be a minimum lot width of eighty-five (85) feet at the front building line and a minimum street frontage of forty (40) feet.
  5. *Intensity of use.*
    - a. For each dwelling and building accessory thereto, there shall be a lot area of not less than twelve thousand (12,000) square feet, except that the lot area may be no less than ten thousand (10,000) square feet when two thousand (2,000) additional square feet of accessible common area is provided in the subdivision as required by the Subdivision Regulations.
    - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch land under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.
    - c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than twelve thousand (12,000) square feet.
  6. *Coverage.* Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
  - F. *Additional Requirements.* Property and buildings in District "R-12" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

**SECTION 400.200: "R-10" SINGLE-FAMILY MEDIUM-HIGH DENSITY DISTRICT**

- A. *General Description.* This is a residential district intended for residential development at a higher density than permitted in the "R-12" Single-Family Medium Density District. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "R-10" Single-Family Medium-High Density District:
1. Agricultural crops.
  2. Detached single-family dwelling.
  3. Churches and similar places of worship and associated schools.
  4. Public parks and playgrounds.
  5. Public service or utility uses.
  6. Railroad and public utility rights-of-way.
  7. Home occupations.
  8. Model home.
  9. Accessory uses.
  10. Accessory signs (see Article III, Section 400.370).
- C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:
1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
  2. Cemeteries and/or mortuaries.
  3. Nursery schools and child care centers.
  4. Schools of general instruction.
  5. Libraries, museums and public art galleries.
  6. Mobile home parks.
  7. Residential group home facility.
  8. Farm Animals as set forth under Article III, Section 400.325.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be thirty (30) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For dwellings located on the interior lots, there shall be a side yard on each side of the main building of not less than twelve (12) feet except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than ten (10) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty (20) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
  - c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot line a distance of not less than forty (40) feet.
3. *Rear yard.* There shall be a rear yard for dwellings of not less than thirty (30) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than ten (10) feet.
4. *Lot width.* For dwellings there shall be a minimum lot width of eighty (80) feet at the front building line and a minimum street frontage of forty (40) feet.
5. *Intensity of use.*
  - a. For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than ten thousand (10,000) square feet, except that the lot area may be no less than nine thousand (9,000) square feet when one thousand (1,000) additional square feet of accessible common area is provided in the subdivision as required by the Subdivision Regulations.
  - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.
  - c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than ten thousand (10,000) square feet.

6. *Coverage.* Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "R-10" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

**SECTION 400.210: "R-7" SINGLE-FAMILY HIGH DENSITY DISTRICT**

- A. *General Description.* This is a residential district intended for residential development at a higher density than permitted in the "R-10" Single-Family Medium-High Density District. The principal use of land is for single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "R-7" Single-Family High Density District:
1. Agricultural crops.
  2. Detached single-family dwelling.
  3. Churches and similar places of worship and associated schools.
  4. Public parks and playgrounds.
  5. Public service or utility uses.
  6. Railroad and public utility rights-of-way.
  7. Home occupations.
  8. Model home.
  9. Accessory uses.
  10. Accessory signs (see Article III, Section 400.370).
- C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:
1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
  2. Cemeteries and/or mortuaries.
  3. Nursery schools and child care centers.
  4. Schools of general instruction.
  5. Libraries, museums and public art galleries.
  6. Mobile home parks.
  7. Farm Animals as set forth under Article III, Section 400.325.



D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be twenty-five (25) for platted lots recorded after October 17, 2022. On all other lots, the minimum depth of the front yard shall be thirty (30) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than six and one-half (6.5) feet, except as hereinafter provided in Article III, Section 400.330. For unattached buildings of accessory use, there shall be a side yard of not less than four (4) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty (20) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
  - c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than forty (40) feet.
3. *Rear yard.* There shall be a rear yard for dwellings of not less than thirty (30) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than ten (10) feet.
4. *Lot width.* For dwellings there shall be a minimum lot width of sixty-five (65) feet at the front building line and a minimum street frontage of forty (40) feet.
5. *Intensity of use.*
  - a. For each dwelling and building accessory thereto, there shall be a lot area of not less than seven thousand five hundred (7,500) square feet, except that the lot area may be no less than seven thousand (7,000) square feet when five hundred (500) additional square feet of accessible common area is provided in the subdivision as required by the Subdivision Regulations.
  - b. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.
  - c. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than ten thousand (10,000) square feet.

6. *Coverage.* Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "R-7" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

**SECTION 400.220: "RTD" TWO-FAMILY RESIDENTIAL DISTRICT**

- A. *General Description.* This is a residential district intended for residential development at a higher density than permitted in the "R-7" Single-Family High Density District. The principal use of land is for two-family dwellings, single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "RTD" Two-Family Residential District:
1. Agricultural crops.
  2. One (1) attached two-family dwelling.
  3. One (1) detached single-family dwelling.
  4. Churches and similar places of worship and associated schools.
  5. Public parks and playgrounds.
  6. Public service or utility uses.
  7. Railroad and public utility rights-of-way.
  8. Home occupations.
  9. Accessory uses.
  10. Accessory signs (see Article III, Section 400.370).
- C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760.
1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
  2. Cemeteries and/or mortuaries.
  3. Nursery schools and child care centers.
  4. Schools of general instruction.
  5. Libraries, museums and public art galleries.
  6. Mobile home parks.
  7. Farm Animals as set forth under Article III, Section 400.325.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be thirty (30) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than six and one-half (6.5) feet, except as hereinafter provided in Article III, Section 400.330. There may be a side lot line of zero (0) feet with common party wall complying with fire requirements. For unattached buildings of accessory use, there shall be a side yard of not less than four (4) feet.
  - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty (20) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
  - c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than forty (40) feet.
3. *Rear yard.* There shall be a rear yard for dwellings of not less than thirty (30) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than ten (10) feet.
4. *Lot width.*
  - a. For two-family dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line and a minimum street frontage of forty (40) feet.
  - b. For single-family dwellings there shall be a minimum lot width of sixty-five (65) feet at the front building line and a minimum street frontage of forty (40) feet.
5. *Intensity of use.*
  - a. For each two-family dwelling and building accessory thereto, there shall be a lot area of not less than five thousand (5,000) square feet per dwelling unit.
  - b. For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than seven thousand five hundred (7,500) square feet.
  - c. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.

- d. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than ten thousand (10,000) square feet.
- 6. *Coverage.* Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed thirty-five (35) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "RTD" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

#### **SECTION 400.230: "RMD" RESIDENTIAL MULTIPLE DWELLING DISTRICT**

- A. *General Description.* This residential district is intended to provide for multiple-family development at a higher density than permitted in the "RTD" Two-Family Residential District. The principal use of land may be for one (1) or several dwelling types ranging from single-family to low-rise multiple-family dwellings and including town houses, condominiums and garden apartments and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "RMD" Residential Multiple Dwelling District:
  - 1. Agricultural crops.
  - 2. One (1) detached single-family dwelling.
  - 3. One (1) attached two-family dwelling.
  - 4. Town houses.
  - 5. Multiple-family dwellings.
  - 6. Churches and similar places of worship and associated schools.
  - 7. Public parks and playgrounds.
  - 8. Public service or utility uses.
  - 9. Railroad and public utility rights-of-way.
  - 10. Home occupations.
  - 11. Model home.

12. Accessory uses.
  13. Accessory signs (see Article III, Section 400.370).
- C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:
1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
  2. Cemeteries and/or mortuaries.
  3. Nursery schools and child care centers.
  4. Schools of general instruction.
  5. Libraries, museums and public art galleries.
  6. Mobile home parks.
  7. Boarding or rooming house.
  8. Farm Animals as set forth under Article III, Section 400.325.
- D. *Area Regulations.*
1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
    - a. The minimum depth of the front yard shall be thirty (30) feet.
    - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
  2. *Side yard.*
    - a. For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than six and one-half (6.5) feet for the first (1st) story and an additional three (3) feet of side yard shall be provided for each additional story or part hereof, except as hereinafter provided in Article III, Section 400.330. There may be a side lot line of zero (0) feet with common party wall complying with fire requirements. For unattached buildings of accessory use, there shall be a side yard of not less than four (4) feet.
    - b. For dwellings and accessory buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than twenty (20) feet in case such lot is back to back with another corner lot and twenty-five (25) feet in every other case. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
    - c. Main and accessory buildings, other than dwellings and buildings accessory to dwellings, shall set back from all exterior and interior side lot lines a distance of not less than forty (40) feet.

3. *Rear yard.* There shall be a rear yard for dwellings of not less than thirty (30) feet. For unattached buildings of accessory use to dwellings, there shall be a rear yard of not less than ten (10) feet.
4. *Lot width.*
  - a. For single-family dwellings there shall be a minimum lot width of seventy (70) feet at the front building line.
  - b. For two-family dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line.
  - c. For town houses and multiple-family dwellings there shall be a minimum lot width of one hundred (100) feet at the front building line and the width shall be increased by ten (10) feet for each additional dwelling unit exceeding three (3) which is located in the dwelling, provided however, the lot width at the front building line shall not be required to exceed one hundred fifty (150) feet.
  - d. For lots in District "RMD", there shall be a minimum street frontage of fifty (50) feet.
5. *Intensity of use.*
  - a. For each single-family dwelling and building accessory thereto, there shall be a lot area of not less than seven thousand five hundred (7,500) square feet. For a single dwelling unit with a common party wall there shall be a lot area of not less than two thousand five hundred (2,500) square feet.
  - b. For each two-family dwelling and building accessory thereto, there shall be a lot area of not less than five thousand (5,000) square feet per dwelling unit.
  - c. For each building containing three (3) town houses or multiple-family dwelling units, there shall be a lot area of not less than three thousand five hundred (3,500) square feet per dwelling unit.
  - d. For all dwellings other than single-family, two-family and three-family, there shall be a total lot area of not less than thirteen thousand (13,000) square feet for the first four (4) dwelling units plus additional lot area of two thousand five hundred (2,500) square feet for each dwelling unit in each building above four (4) units, including private and common area. In determining lot size, common area shall be allocated equally per dwelling unit by dividing the total square footage of the common area by the number of dwelling units which it serves.
  - e. Where a lot has less area than herein required and all of the boundary lines of that lot touch lands under other ownership at the effective date of this Order, that lot may be used for one (1) single-family dwelling unit.
  - f. For churches and other main and accessory buildings, other than dwellings and buildings accessory to dwellings, the lot area shall be adequate to provide the yard areas required by this Section and the off-street parking areas required in Article V but shall not be less than ten thousand (10,000) square feet.

6. *Coverage.* Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area. Accessory buildings shall not cover more than twenty percent (20%) of the rear yard. Buildings and required parking shall cover not more than fifty percent (50%) of the lot area.
- E. *Height Regulations.* No building shall exceed three (3) stories or forty-five (45) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "RMD" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

#### **SECTION 400.240: "PO" PROFESSIONAL OFFICE DISTRICT**

- A. *General Description.* This commercial district is intended to provide a location for administrative and professional offices which occupy smaller structures in a landscaped setting. This type of development can serve as a buffer between more intense retail and office commercial uses and established residential neighborhoods. Emphasis is placed on smaller, individual, freestanding buildings, landscaping, setbacks, sign control and restricted building height in order to promote maximum aesthetic considerations.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "PO" Professional Office District.
  1. Office buildings for professional, governmental and business uses.
  2. Medical and dental diagnostic laboratories.
  3. Residential or outpatient facilities for the treatment of alcohol and other drug abuse, battered persons, juveniles under the jurisdiction of the juvenile court, or mentally handicapped persons.
  4. Hotels or motels.
  5. Shops and stores associated with and incidental to the uses listed under (1), (2), (3) and (4) above.
  6. Financial institutions including banks and savings and loan associations.
  7. Social halls, meeting rooms, convention and catering facilities whether commercial or non-profit.
  8. Churches and similar places of worship and associated schools.
  9. Schools of special instruction.
  10. Schools of general instruction.
  11. Libraries, museums and public art galleries.
  12. Public parks and playgrounds.



13. Public service or utility uses, including telephone exchanges.
14. Railroad and public utility rights-of-way.
15. Accessory uses.
16. Agricultural crops.
17. Accessory signs (see Article III, Section 400.370).

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. Trailer office for business, office and commercial use by a financial institution on a non-renewable permit not to exceed two (2) years.
2. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs, swimming clubs and ski areas.
3. Cemeteries and/or mortuaries.
4. Nursery schools and child care centers.
5. Airports and heliports, including landing fields and accessory hangers, terminal buildings and auxiliary facilities.
6. Mixed-Use Structure – Residential dwelling units may be proposed as part of a Mixed-Use Structure in which Professional Office uses are also proposed.
7. Farm Animals as set forth under Article III, Section 400.325.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be thirty (30) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For buildings located on lots adjoining a residential district, there shall be a side yard on the side of the main building adjoining such district of not less than fifty (50) feet.
  - b. For buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than thirty (30) feet.
  - c. In all other cases, there shall be provided a side yard of not less than twenty-five (25) feet.

3. *Rear yard.* There shall be a rear yard for buildings of not less than thirty-five (35) feet.
  4. *Lot width.* For buildings in District "PO", there shall be a minimum width of one hundred (100) feet at the front building line and a minimum street frontage of seventy-five (75) feet.
  5. *Intensity of use.*
    - a. Lots in District "PO" shall be of not less than fifteen thousand (15,000) square feet.
    - b. The floor area ratio in District "PO" shall not exceed twenty-eight hundredths (0.28).
  6. *Coverage.* Buildings and required parking shall cover not more than seventy-five percent (75%) of the lot area.
- E. *Height Regulations.* No building shall exceed three (3) stories or forty-five (45) feet in height except as provided in Article III, Section 400.340.
- F. *Additional Requirements.* Property and buildings in District "PO" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

#### **SECTION 400.250: "CN" NEIGHBORHOOD COMMERCIAL DISTRICT**

- A. *General Description.* This commercial district is for the conduct of retail trade and to provide personal services to meet the regular needs and for the convenience of the people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood closely associated with residential, religious, recreational and educational elements, more restrictive requirements for light, air, open space and off-street parking are made than are provided in other commercial districts.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "CN" Neighborhood Commercial District:
1. *Low intensity neighborhood retail/commercial.* These uses are characterized as those that generate low levels of noise, light and traffic. They do not operate twenty-four (24) hours a day or seven (7) days a week. Low intensity retail is intended to be used in locations where the surrounding area contains or will contain residential development. The following are uses, together with accessory uses, that can be considered Low Intensity Neighborhood Retail/Commercial:
    - Agricultural crops.
    - Artist material or studio supply establishments.
    - Beauty Salons.
    - Candy stores.
    - Clothing repair shops.
    - Dance instruction establishments.
    - Delicatessens.
    - Doughnut stores.

Dry cleaning establishments.  
Florists.  
Martial arts instruction.  
Musical instruction establishments.  
Newsstands.  
Outdoor cafes.  
Political organization establishments.  
Post offices.  
Seamstress establishments.  
Tailoring and shoe repair establishments.  
Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "CN" zone.

2. *Medium intensity neighborhood retail/commercial.* These uses are characterized as those that generate moderate levels of noise, light and traffic. They may have extended hours of operation (but not twenty-four (24) hours a day or seven (7) days a week). Medium intensity retail is intended for areas that have or will have limited residential development. Road access should be provided from a secondary arterial or higher street classification. The following are uses, together with accessory uses, that can be considered Medium Intensity Neighborhood Retail/Commercial:

Accessory uses.  
Antique stores.  
Appliance repair shops.  
Appliance stores.  
Bakery.  
Barbers and beauty parlors.  
Baseball card and sports memorabilia stores.  
Bicycle stores.  
Bridal stores.  
Camera shops.  
Churches and similar places of worship and associated schools.  
Cigar, cigarette and tobacco stores.  
Comic book stores.  
Delivery establishments.  
Dress shops.  
Eating establishments, not drive-in restaurants.  
Funeral homes.  
Furniture repair and sales stores.  
Glass repair and sales establishments.  
Gun shops.  
Heating, ventilating or plumbing supplies sales and service establishments.  
Ice storage locker plant establishments.  
Jewelry and art shops.  
Jewelry repair establishments.  
Key shops.  
Landscaping and nursery establishments.  
Libraries, museums and public art galleries.  
Lodge halls.  
Medical and dental diagnostic offices.  
Monument sales.

Neighborhood bookstores.  
 Neighborhood grocery stores.  
 Office space typically found in neighborhood commercial areas (not office complexes).  
 Package liquor stores.  
 Pest control services.  
 Pet shops.  
 Pharmacies.  
 Photographic studios.  
 Picture frame stores.  
 Produce sales shops.  
 Public parks and playgrounds.  
 Public service or utility uses, including telephone exchanges.  
 Railroad and public utility rights-of-way.  
 Retail optical stores.  
 Schools of special instruction.  
 Schools of general instruction.  
 Self-service laundry or dry cleaning establishments.  
 Social halls.  
 Stationery stores.  
 Tanning salons.  
 Tattoo shops.  
 Taxidermy shops.  
 Upholstery shops.  
 Utility bill collection offices.  
 Water sales establishments.  
 Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "CN" zone.

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. *High intensity neighborhood retail/commercial.* These retail uses are characterized by the highest levels of light, noise and traffic acceptable for a "CN" Neighborhood Commercial District. These uses may have hours of operation twenty-four (24) hours a day and seven (7) days a week.
2. The following are a list of some uses, together with accessory uses, that can be considered High Intensity Neighborhood Retail/Commercial:

Animal hospitals.  
 Auction establishments, farmers' markets and stores specializing in secondhand merchandise, with provision for adequate off-street parking.  
 Auto service stations.  
 Auto supply stores.  
 Automotive and machinery repair shops.  
 Banks.  
 Banquet facilities.  
 Boat dealers.  
 Boat repair shops.  
 Business equipment and repair stores.

Carnivals, circuses, horse rental and pony rinks.  
Carpenter and cabinet shops.  
Cemeteries and/or mortuaries.  
Child care centers.  
Clothing and department stores.  
Commercial recreation establishments.  
Computer and computer-related stores.  
Convenience food and beverage stores.  
Copy establishments.  
Dry good stores.  
Dyeing establishments.  
Farm Animals as set forth under Article III, Section 400.325.  
Garden centers.  
Grocery stores.  
Hardware stores.  
Hobby and model shops.  
Home accessory stores.  
Home appliance stores.  
Lawn and garden stores.  
Limousine service.  
Messenger, fax, telegraph or e-mail establishments.  
Mixed-Use Structure – Residential dwelling units may be proposed as part of a Mixed-Use Structure in which Neighborhood Commercial uses are also proposed.  
Motor repair stores.  
Nursery schools and child care centers.  
Oil change shops.  
Paint stores.  
Pickup and delivery stores.  
Plant nurseries and/or garden shops.  
Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.  
Recreation vehicles sales and repair establishment.  
Recycling center.  
Research laboratories.  
Restaurants.  
Restaurants with live entertainment.  
Retail drug stores.  
Sporting goods stores.  
Taverns.  
Telemarketing services.  
Testing laboratories.  
Tile retail stores.  
Tire stores.  
Tractor retail and repair shops.  
Travel agencies.  
Trailer office for business, office and commercial use by a financial institution on a non-renewable permit not to exceed two (2) years.  
Trailer office for business, office and commercial use on a non-renewable permit not to exceed one hundred twenty (120) days to be issued in conjunction with a building permit for a permanent facility and after approval of the temporary sanitary sewage facilities by the Platte County Health Department.

Trophy stores.  
Tuxedo stores.  
Video arcades.  
Videotape rental/sales stores.  
Washer/dryer repair shops.  
Water heater dealers.  
Web site design studios.  
Wholesale distributing center establishments.  
Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "CN" zone.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be thirty (30) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For buildings located on lots adjoining an agricultural or residential district, there shall be a side yard on the side of any building adjoining such district of not less than thirty (30) feet.
  - b. For buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than thirty (30) feet.
  - c. In all other cases, there shall be provided a side yard of not less than fifteen (15) feet.
3. *Rear yard.* There shall be a rear yard for buildings of not less than twenty-five (25) feet.
4. *Lot width.* For buildings in District "CN", there shall be a minimum lot width sufficient to meet side yard requirements but not less than fifty (50) feet.
5. *Intensity of use.* The floor area ratio in District "CN" shall not exceed twenty-eight hundredths (0.28).
6. *Coverage.* Buildings and required parking shall cover not more than seventy-five percent (75%) of the lot area.

E. *Height Regulations.* No building shall exceed three (3) stories or forty-five (45) feet in height except as provided in Article III, Section 400.340.

F. *Additional Requirements.* Property and buildings in District "CN" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

**SECTION 400.260: "CH" HIGHWAY COMMERCIAL DISTRICT**

- A. *General Description.* This commercial district is intended for the conduct of personal and business services and the general retail business of the area. Persons living in the surrounding trade territory require direct and frequent access. Traffic generated by the uses will be primarily passenger vehicles but will include also trucks and commercial vehicles for stocking and delivery of retail goods.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "CH" Highway Commercial District:

1. *Low intensity highway retail/commercial.* These uses are characterized as those that generate low levels of noise, light and traffic. They do not operate twenty-four (24) hours a day or seven (7) days a week. Low intensity retail is intended to be used in locations where the surrounding area contains or will contain primarily well-buffered low density residential or multiple-family developments. The following are uses, together with accessory uses, that can be considered Low Intensity Retail/Commercial:

Agricultural crops.  
Bakery shops.  
Barbers and beauty parlors.  
Baseball card and sports memorabilia stores.  
Beauty salons.  
Bicycle stores.  
Bookstores.  
Bridal stores.  
Business equipment and repair stores.  
Camera shops.  
Candy stores.  
Cigar, cigarette and tobacco stores.  
Clothing repair shops.  
Copy establishments.  
Dance instruction establishments.  
Delicatessens.  
Doughnut stores.  
Dress shops.  
Dry cleaning establishments.  
Ice cream stores.  
Key shops.  
Martial arts instruction.  
Musical instruction establishments.  
Neighborhood grocery stores.  
Newsstands.  
Outdoor cafes.  
Political organization establishments.  
Post offices.  
Produce sales shops.  
Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "CH" zone.

2. *Medium intensity highway retail/commercial.* These uses are characterized as those that generate moderate levels of noise, light and traffic. They may have extended hours of operation (but not twenty-four (24) hours a day or seven (7) days a week). Medium intensity retail is intended for areas that contain or will contain limited, well-buffered residential or multiple-family uses. Road access should be provided from a secondary arterial or higher street classification. The following are uses, together with accessory uses, that can be considered Medium Intensity Highway Retail/Commercial:

Accessory uses.

Appliance stores.

Artist material or studio supply establishments.

Auto service stations.

Auto supply stores.

Automotive and machinery repair shops.

Banks.

Banquet facilities.

Billboards (see Article III, Section 400.370).

Boat dealers.

Boat repair shops.

Carpenter and cabinet shops.

Churches and similar places of worship and associated schools.

Computer and computer-related stores.

Convenience food and beverage stores.

Delivery establishments.

Dry good stores.

Dyeing establishments.

Eating establishments, not drive-in restaurants.

Fireworks sales and temporary stands subject to the provisions of Article III, Section 400.480.

Fitness centers.

Florists.

Funeral homes.

Furniture repair and sales stores.

Garden centers.

Glass repair and sales establishments.

Gun shops.

Heating, ventilating or plumbing supplies sales and service establishments.

Hobby and model shops.

Home accessory stores.

Home appliance stores.

Ice storage locker plant establishments.

Jewelry and art shops.

Jewelry repair establishments.

Landscaping and nursery establishments.

Lawn and garden stores.

Libraries, museums and public art galleries.

Limousine service.

Lodge halls.

Medical and dental diagnostic offices.

Messenger, fax, telegraph or e-mail establishments.

Monument sales.

Motor repair stores.



Motorcycle sales, repair and supply stores.  
New and used auto and truck sales and service.  
Outdoor advertising signs (see Article III, Section 400.370).  
Package liquor stores.  
Paint stores.  
Pest control services.  
Pet shops.  
Pharmacies.  
Photographic studios.  
Pickup and delivery stores.  
Picture frame stores.  
Plant nurseries and/or garden shops.  
Public parks and playgrounds.  
Public service or utility uses.  
Public utility substations or pumping stations and telephone exchanges.  
Railroad and public utility rights-of-way.  
Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.  
Recreation vehicles sales and repair establishment.  
Recycling center.  
Research laboratories.  
Restaurants.  
Restaurants with live entertainment.  
Retail drug stores.  
Retail optical stores.  
Schools of special instruction.  
Schools of general instruction.  
Seamstress establishments.  
Self-service laundry or dry cleaning establishments.  
Shoe repair shops.  
Social halls.  
Sporting goods stores.  
Stationery Stores.  
Tailoring and shoe repair establishments.  
Tanning salons.  
Tattoo shops.  
Taverns.  
Taxidermy shops.  
Tea rooms.  
Telemarketing services.  
Testing laboratories.  
Tile retail stores.  
Tire stores.  
Tractor retail and repair shops.  
Travel agencies.  
Trophy stores.  
Tuxedo stores.  
Upholstery shops.  
Utility bill collection offices.  
Video arcades.

Videotape rental/sales stores.  
 Washer/dryer repair shops.  
 Water heater dealers.  
 Water sales establishments.  
 Web site design studios.  
 Wholesale distributing center establishments.  
 Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "CH" zone.

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. *High intensity highway retail/commercial.* These retail uses are characterized by the highest levels of light, noise and traffic acceptable for a "CH" Highway Commercial District. These uses may have hours of operation twenty-four (24) hours a day and seven (7) days a week. High intensity retail is intended for areas that contain very limited, well-buffered residential uses and existing commercial uses.

2. The following are uses, together with accessory uses, that can be considered High Intensity Retail/Commercial:

Adult entertainment businesses in accordance with the provisions of Article III, Section 400.500.  
 Airports and heliports, including landing fields and accessory hangers, terminal buildings and auxiliary facilities.  
 Auto wash.  
 Auto service station/convenient stores.  
 Animal hospitals.  
 Antique stores.  
 Auction establishments, farmers' markets and stores specializing in secondhand merchandise, with provision for adequate off-street parking.  
 Carnivals, circuses, horse rental and pony rinks.  
 Cemeteries and/or mortuaries.  
 Clothing and department stores.  
 Commercial dog kennels, but not within two hundred (200) feet of any residential district boundary.  
 Department stores (Big Box retail).  
 Drive-in restaurants.  
 Drive in theaters.  
 Farm Animals as set forth under Article III, Section 400.325.  
 Grocery stores.  
 Hardware stores.  
 Hotels and Motels.  
 Mixed-Use Structure – Residential dwelling units may be proposed as part of a Mixed-Use Structure in which Highway Commercial uses are also proposed.  
 Mobile home or modular housing sales lot.  
 Nightclubs.  
 Nursery schools and child care centers.  
 Oil change shops.  
 Office space typically found in commercial areas (not office complexes).  
 One (1) single-family residence on twenty (20) acres or more.

Outdoor advertising signs (see Article III, Section 400.370).

Parking lots.

Self-storage facilities.

Shopping centers.

Telecommunication, radio and television exchanges, stations and transmission towers.

Theaters.

Trailer office for business, office and commercial use by a financial institution on a non-renewable permit not to exceed two (2) years.

Trailer office for business, office and commercial use on a non-renewable permit not to exceed one hundred twenty (120) days to be issued in conjunction with a building permit for a permanent facility and after approval of the temporary sanitary sewage facilities by the Platte County Health Department.

Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "CH" zone.

D. *Area Regulations.*

1. *Front yard.*

- a. The minimum depth of the front yard shall be thirty (30) feet.
- b. When a lot has double frontage, the front yard requirements shall be provided on both streets.

2. *Side yard.*

- a. For buildings located on lots adjoining an agricultural or residential district, there shall be a side yard on the side of any building adjoining such district of not less than thirty (30) feet. There may be a side lot line of zero (0) feet with common party wall complying with fire requirements.
- b. For buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than thirty (30) feet.
- c. In all other cases, there shall be provided a side yard of not less than twenty-five (25) feet.

3. *Rear yard.* There shall be a rear yard for buildings of not less than twenty-five (25) feet.

4. *Lot width.* For buildings in District "CH", there shall be a minimum lot width sufficient to meet side yard requirements but not less than one hundred (100) feet.

5. *Intensity of use.* The floor area ratio in District "CH" shall not exceed three-tenths (0.30).

6. *Coverage.* Buildings and required parking shall cover not more than eighty-five percent (85%) of the lot area.

E. *Height Regulations.* No building shall exceed three (3) stories or forty-five (45) feet in height except as provided in Article III, Section 400.340.

- F. *Additional Requirements.* Property and buildings in District "CH" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

#### **SECTION 400.270: "PI" PLANNED INDUSTRIAL DISTRICT**

- A. *General Description.* This industrial district is intended primarily for the conduct of manufacturing, assembling and fabrication and for warehousing, wholesale and service uses. These do not depend primarily on frequent personal visits of customers or clients but may require good accessibility to major rail, air or street transportation routes.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "PI" Planned Industrial District:
1. *Low intensity industrial.* These uses are characterized as those that generate low levels of noise, light and traffic. They do not operate twenty-four (24) hours a day or seven (7) days a week. Low intensity industrial is intended to be used in locations where the surrounding area contains or will contain primarily well-buffered low density residential or multiple-family development. The following uses, together with accessory uses, can be considered Low Intensity Industrial:

Accessory uses.

Agricultural crops.

Public parks and playgrounds.

Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "PI" zone.

2. *Medium intensity industrial.* These uses are characterized as those that generate moderate levels of noise, light and traffic but are not considered a high intensity industrial use. Examples of Medium Intensity Industrial uses are hotels/motels and related shops and stores, and office buildings for professional, governmental and business uses, and research and development laboratories and related shops and stores. The following uses, together with accessory uses, can be considered Medium Intensity Industrial:

Accessory signs (see Article III, Section 400.370).

Churches and similar places of worship and associated schools.

Financial institutions.

Libraries, museums and public art galleries.

Public service or utility uses, including telephone exchanges.

Railroad and public utility rights-of-way.

Schools of special instruction.

Schools of general instruction.

Social halls.

Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "PI" zone.

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. *High intensity industrial.* These industrial uses are characterized by the highest levels of light, noise and traffic acceptable for a "PI" Planned Industrial District. These uses may have hours of operation twenty-four (24) hours a day and seven (7) days a week. The following is a list of uses, together with accessory uses, that are considered High Intensity Industrial uses. Any of the following uses after submission of clear, convincing and cogent evidence that such use shall comply in every respect with the performance standards set forth in Article III, Section 400.380:

Adult entertainment businesses in accordance with the provisions of Article III, Section 400.500.

Airports and heliports, including landing fields and accessory hangers, terminal buildings and auxiliary facilities.

Any use not elsewhere permitted.

Auto salvage or auto wrecking yards, junk yards, incineration of waste materials, disposal of septic or sewage waste, sand, gravel or mineral extraction and sanitary and earth landfills.

Cemeteries and/or mortuaries.

Commercial composting and mulching facility.

Farm Animals as set forth under Article III, Section 400.325.

Hotels and motels.

Industrial uses which may include manufacturing, fabrication, processing, converting, altering, assembling, testing or other handling of products.

Manufacturing uses involving primary production of the following products from raw materials:

Asphalt, cement, charcoal and fuel briquettes.

Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature; potash, plastic materials and synthetic resins, pyroxylin, rayon, yam and hydrochloric, nitric, phosphoric, picric and sulfuric acids.

Coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin and glue.

Linoleum and oilcloth; matches, paints, varnishes and turpentine. Rubber (natural or synthetic); soaps, including fat rendering; and starch.

Nursery schools and child care centers.

Office buildings for professional, governmental and business use including administrative, scientific, research and development, training, statistical, financial and similar purposes in connection with such use.

Operations involving stockyards and slaughterhouses, grain elevators, slag piles and keeping, breeding and raising of pigs and poultry for commercial purposes.

One (1) single-family residence on twenty (20) acres or more.

Outdoor advertising signs (Billboards) (see Article III, Section 400.370).

Penal facility.

Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.

Recycling center.

Recycling recovery facility.

Recycling storage facility.

Steam electric generating plants.

Self-storage facility.

Telecommunication, radio and television exchanges, stations and transmission towers.

The following processes: nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry; reduction, refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones, reduction and processing of wood pulp and fiber, including paper mill operations.

Trailer office for business, office and commercial use by a financial institution on a non-renewable permit not to exceed two (2) years.

Wholesaling, warehousing and distribution business.

Other business or service activities of the character enumerated in this Subsection but not included in any other classification in the "PI" zone.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall be one hundred (100) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. For buildings located on lots adjoining a residential district, there shall be a side yard on the side of the main building adjoining such district of not less than one hundred (100) feet.
  - b. For buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than seventy-five (75) feet.
  - c. In all other cases, there shall be provided a side yard of not less than fifty (50) feet.
3. *Rear yard.* There shall be a rear yard for buildings of not less than seventy-five (75) feet.
4. *Lot width.* For buildings in District "PI", there shall be a minimum lot width of one hundred fifty (150) feet at the front building line and a minimum street frontage of one hundred (100) feet.
5. *Intensity of use.*
  - a. Lots in District "PI" shall be of not less than one (1) acre.
  - b. The floor area ratio in District "PI" shall not exceed four-tenths (0.40).
6. *Coverage.* Buildings and required parking shall cover not more than eighty-five percent (85%) of the lot area.

- E. *Additional Requirements.* Property and buildings in District "PI" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

**SECTION 400.280: "BP" PLANNED BUSINESS PARK**

- A. *General Description.* The Business Park District is intended to provide for a mixture of land uses of varying types in a single coordinated development. The district may include mixtures of office, sales, distribution, warehouse, light manufacturing, fabrication operations and related service uses. The district would be a suitable location for many business activities that desire to combine all of their functions in one (1) location. This District, however, is not intended to be used by general retail businesses without supporting office and/or distribution services. Assembly or processing which meets strict performance standards is allowed. Assembly of "high tech" goods such as electronic equipment is encouraged. This district is not intended for heavy industrial uses which would be better suited in an industrial district.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in a "BP" Planned Business Park.
1. Services as follows:
    - Data processing and other business services.
    - Health care and fitness establishments.
    - Indoor sporting facilities.
    - Indoor or screened yard services as follows:
      - Construction companies and construction management firms.
      - Engineering and architectural and other professional offices.
      - Express delivery and air cargo distribution facilities.
      - Fleet Maintenance.
      - Postal distribution facilities and post offices.
      - Radar, navigation aid, microwave and other radio and electronic equipment assembly, staging, testing and distribution.
      - Sheet Metal Fabrications Shops.
      - Telecommunications equipment, assembly and testing.
      - Warehousing of completed electronic and navigational aids modular equipment shelters not to exceed five hundred (500) square feet per module.
      - Warehousing of tower parts and tower structures.
    - Laboratories and other research and production facilities.
    - Maintenance and repair of business machines, household appliances and similar small equipment.
    - Medical services, veterinarians, pharmaceuticals.
    - Offices.
    - Photography and photogrammetric services.
    - Printing, publishing and photo processing.
    - Private and technical schools and Company training centers.
    - Show rooms.
    - Wholesale sales distribution.

2. Sales of the following:

Business and electronic equipment.  
Household, hotel and restaurant appliances and furniture.  
Lighting fixtures, wall and floor covering.  
Medical and hospital supplies and equipment.  
Printed graphic materials.

3. Storage, warehousing or distribution of materials directly involved or in support of uses described herein. Self-storage warehousing is not permitted.

4. Assembly, fabrication and light manufacturing of the following:

Computer equipment.  
Cosmetics, drugs and pharmaceutical products.  
Drafting and optical equipment.  
Electronic equipment.  
Medical and dental equipment.  
Other assembly, fabrication and light manufacturing of similar products.  
Watches and clocks.

5. Convenience stores, restaurants and service stations subject to the requirements of Subsection (F)(1) of this Section.

6. Accessory uses.

7. Accessory signs (see Article III, Section 400.370).

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.

2. Mortuaries.

3. Airports and heliports, including landing fields and accessory hangers, terminal buildings and auxiliary facilities.

4. Telecommunication, radio and television exchanges, stations and transmission towers and related structures to be placed on sites in connection with such equipment.

5. Auto repair/body shop.

6. Nursery schools and child care centers.

7. Farm Animals as set forth under Article III, Section 400.325.



D. *Area Regulations.*

1. *Front yard.*

- a. The minimum depth of the front yard shall be forty (40) feet to the structure and twenty (20) feet to the parking surface or service area.
- b. When a lot has double frontage, the front yard requirements shall be provided on both streets.

2. *Side yard.*

- a. For buildings located on lots adjoining an agricultural or residential district, there shall be a side yard on the side of any building adjoining such district of not less than thirty (30) feet or twenty-five (25) feet to the parking surface, loading dock or service area.
- b. For buildings located on corner lots, there shall be a side yard setback from the intersecting street of not less than thirty (30) feet to the building or twenty (20) feet to the parking surface, loading dock or service area.
- c. In all other cases, there shall be provided a side depth of not less than twenty-five (25) feet to any structure or twenty (20) feet to surface parking, loading dock or service area.

3. *Rear yard.* There shall be a rear yard for buildings of not less than twenty-five (25) feet or twenty (20) feet to the parking surface, loading dock or service area.

4. *Lot width.* For buildings in District "BP", there shall be a minimum lot width of one hundred fifty (150) feet at the front building line and a minimum street frontage of one hundred (100) feet.

5. *Intensity of use.*

- a. The minimum size of a business park development shall be twenty (20) acres.
- b. Lots within a business park shall be not less than one (1) acre.
- c. The floor area ratio in District "BP" shall not exceed six-tenths (0.60).

6. *Coverage.* Buildings and required parking shall cover not more than seventy-five percent (75%) of the lot area.

E. *Height Regulations.* No building shall exceed three (3) stories or forty-five (45) feet in height except as provided in Article III, Section 400.340.

F. *Performance Standards.*

1. Convenience stores, restaurants and service stations are also permitted uses in a Planned Business Park, however, each of these uses is limited such that there may only be one (1) of each such use for every nine (9), or fraction thereof, other permitted uses.

2. Direct access available to at least one (1) primary or secondary arterial. Direct access includes connection(s) directly to the thoroughfare at the boundary of the project.
3. All products that are stored or sold and materials used in production shall be kept inside a building or, if stored outside, screened from public streets by a solid wall, fence or evergreen planting and all services shall be rendered inside a building with the exception of outdoor play areas for licensed child care facilities.
4. All company service vehicles, fleet trucks, etc., used in conjunction with a permitted use that shall be stored overnight shall not be visible from a public street. Such vehicles shall be stored inside of a structure or screened with a landscape buffer.
5. Each occupancy shall be of a type that has limited contact with the general public (except permitted retail establishments), does not produce unusually high traffic volumes, and involves a low incidence of heavy truck traffic.
6. Service businesses shall be allowed to occupy the entire gross floor area of a building.
7. No smoke or radioactive emission shall be produced that is perceptible outside a building and no fly ash or gas that is toxic, caustic or injurious to humans or property shall be produced.
8. A business park shall be developed by a single owner. Protective covenants assuring a high level of architecture for all lots within the development, site improvements and their continued maintenance shall be submitted to the Planning and Zoning Department. Covenants shall include, at a minimum, maintenance of individual sites and common areas, standards for the exterior finishing of buildings and design standards for signs. Such standards shall be submitted with the site plan.
9. Common brick, common concrete blocks without architectural finish, corrugated metal or pre-engineered metal components installed with exposed fasteners, and precast "T" shaped concrete wall sections are prohibited on any building exterior wall.
10. Architectural quality of the buildings must be equal on all sides of the structure such that all sides of the building are "finished".
11. Any loading dock or loading area shall be completely screened from public streets by a solid wall, fence or evergreen planting.
12. All utility distribution lines shall be installed underground within the project. Existing distribution lines which serve a regional area are excluded from this requirement.
13. All trash must be stored inside of a structure that is compatible with the building design. The structure must be of materials that are comparable to the materials used in the buildings in the park. The design of the trash enclosures must be shown on the site plan.
14. All sidewalks, where provided, shall be a minimum of four (4) feet wide.

G. *Landscaping And Screening Requirements.*

1. All required setback areas and open space shall be landscaped with grass, trees, shrubs, berms and other appropriate materials in such a manner as to provide a park-like setting for the building(s). These areas shall be kept free of debris and refuse and shall be maintained by the owner, occupant or developer.
2. All parking areas greater than sixty-five (65) feet in width or wider than a double-loaded aisle are required to have no less than six percent (6%) of the interior of the parking lot landscaped in grouped planting areas. The interior of a parking lot shall be calculated by multiplying the number of parking spaces by two hundred eighty (280) square feet. Planting which is required along the perimeter of a parking lot shall not be considered as part of the interior landscaping requirement.
3. The minimum width of landscaped islands or planting strips where provided is eight (8) feet. If a sidewalk is included in the planting strip, the landscaped area may be reduced to six (6) feet.

H. *Additional Requirements.* Property and buildings in District "BP" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions. (County Order of 1990)

**SECTION 400.290: "OSP" OPEN SPACE PRESERVATION DISTRICT**

- A. *General Description.* This district is intended to provide for uses that are conducted primarily in the open and that help to preserve open space and the unique natural features of an area.
- B. *Permitted Uses.* The following uses are permitted as a matter of right in an "OSP" Open Space Preservation District:
1. All agricultural crops, including plant nurseries and forests.
  2. Farm animals on tracts of land that are over five (5) acres in size.
  3. Public or private parks, playgrounds or picnic grounds.
  4. Public utility substations or pumping stations.
  5. Railroad and public utility rights-of-way.
  6. Wildlife and nature preserves.
  7. Accessory uses.
  8. Accessory signs (see Article III, Section 400.370).

C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:

1. Recreation facilities such as archery ranges, country clubs, golf courses, golf driving ranges, tennis clubs, swimming clubs, commercial boat docking facilities, shooting ranges and ski areas.
2. Airports and heliports, including landing fields and any buildings such as hangers, terminal buildings and auxiliary facilities.
3. Public and private camping and cabin facilities.
4. Farmers' market.
5. Single-family dwellings.

D. *Area Regulations.*

1. *Front yard.* All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements:
  - a. The minimum depth of the front yard shall not be less than thirty percent (30%) of the full depth of the lot but in no case shall be less than thirty (30) feet nor more than one hundred (100) feet.
  - b. When a lot has double frontage, the front yard requirements shall be provided on both streets.
2. *Side yard.*
  - a. The minimum depth of the side yard on an interior lot shall not be less than five percent (5%) of the total lot width but in no case shall be less than six and one-half (6½) feet nor more than fifty (50) feet, except as hereinafter provided in Article III, Section 400.330.
  - b. On corner lots, there shall be a side yard setback from the intersecting street of not less than twenty-five percent (25%) of the total lot width but in no case shall be less than twenty (20) feet nor more than seventy-five (75) feet.
3. *Rear yard.* There shall be a rear yard setback of not less than twenty percent (20%) of the full depth of the lot but in no case shall be less than twenty (20) feet nor more than fifty (50) feet.
4. *Lot width.* No minimum lot width shall be required.
5. *Coverage.* Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area. Accessory buildings shall not cover more than thirty percent (30%) of the rear yard. Buildings and required parking shall not cover more than forty percent (40%) of the lot area.

E. *Height Regulations.* No building or structure shall exceed twenty (20) feet in height or one (1) story in height, whichever is less, except as provided in Article III, Section 400.340.

- F. *Additional Requirements.* Property and buildings in District "OSP" are subject to off-street automobile and vehicle parking and loading requirements as set forth in Article V and may be subject to various additional requirements as set forth in Article III. (County Order of 1990)

**SECTION 400.300: CONSERVATION DISTRICT**

A. *General Description.* This district's purpose is to allow for an alternative to conventional rural subdivision design in order to preserve and maintain the natural features and rural amenities in the County by allowing cluster style development. It is not the intent of this district to allow non-buildable land to be developed by circumventing rural district area regulations.

B. *Permitted Uses.*

1. Agricultural crops.
2. Detached single-family dwelling units.
3. Two-family dwelling units.
4. Churches and similar places of worship and associated schools.
5. Public parks and playgrounds.
6. Public service or utility uses.
7. Railroad and public utility rights-of-way.
8. Home occupations.
9. Model home.
10. Accessory structures.
11. Accessory signs (see Article III, Section 400.370).

C. *Special Uses.*

1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming pools.
2. Telecommunication, radio and television exchanges, stations and communications towers.
3. Public and private hospitals and sanitariums for general medical care.
4. Cemeteries and/or mortuaries.
5. Airports.
6. Day camp.
7. Schools of special instruction.
8. Schools of general instruction.
9. Libraries, museums and public art galleries.
10. Bed and breakfast facilities.

- 11. Nursery schools and child care centers.
- 12. Retail garden center.
- 13. Country Store.
- 14. Farm-Related Entertainment.
- 15. Animal Husbandry.
- 16. Farm Animals as set for under Article III, Section 400.325.

Any special uses that are proposed to be conducted on the common area must first have approval of the existing homeowners' association.

D. *Conservation District Subdivision Design.* A Conservation District subdivision shall require a minimum of thirty percent (30%) of the total acreage of the proposed development to be designated as common area. The common area shall consist of areas that contain natural growth or other areas approved by the Planning Commission. The common area within the subdivision shall be placed on the perimeter of the entire property and along the road from which the subdivision is accessed. All common area must be contiguous or easily accessed by residents of the development.

E. *Area Regulations.*

- 1. The conservation subdivision design may provide for modification of setbacks, frontage and lot width requirements.
- 2. The minimum recommended size of the site upon which a Conservation District shall be located shall not be less than ten (10) acres.
- 3. No lot in a Conservation District shall be less than ten thousand (10,000) square feet in lot area.

F. *Number Of Permitted Dwelling Units.* The table below is a sliding scale that designates the number of dwelling units allowed in the development compared to the amount of common area designated on the plan. The "total acreage of development" shall be the total acreage of a tract of land prior to the dedication of right-of-way. If the sliding scale produces a number of dwelling units which is not a whole number, for example thirty-three and one-third (33.3), the number will be rounded up to the nearest whole number. For the purpose of this Section, a duplex will be considered two (2) dwelling units.

<b>% Common Area</b>	<b>Maximum Number of Dwelling Units Allowed</b>
30%–49%	1 per 3 acres of total acreage of development
50%–59%	1 per 2.5 acres of total acreage of development
60%–69%	1 per 2 acres of total acreage of development
70% +	1 per 1.5 acres of total acreage of development

G. *Perimeter Requirements.* No portion of a building or structure shall be closer than fifty (50) feet from a perimeter property line.

- H. *Conservation District Plan.* The applicant shall submit a Conservation District Plan in support of the Conservation District application. The Conservation District Plan shall contain all the requirements as a preliminary plat as mandated by the Platte County Subdivision Regulations. The plan shall also include a general wastewater treatment plan. Said plan and application shall be considered the same as a rezoning request and the same procedures shall be followed concerning application, Planning Commission review, public hearings and legal protest. Approval of the Conservation District Plan by the Planning Commission and the County Commission shall also constitute approval of a preliminary plat for the Conservation District as required under the Platte County Subdivision Regulations. Upon such approval, the letters "CD" shall be affixed to the appropriate part of the county's official zoning district map.
- I. *Final Plat Required.* A final plat of the Conservation District Plan shall be required and shall be in compliance with the Platte County Subdivision Regulations. The final plat shall indicate the location of the common areas. Additionally, a landscaping and dwelling location plan shall also be submitted at the time the final plat is submitted.
- J. *Home Association.* The developer shall provide for a homes (or property owners') association or such other private, governmental, quasi-governmental or political subdivision as may be approved by the Planning Commission for the maintenance of the common area. The Bylaws, Charter, Articles of Incorporation, Declaration and other instruments which govern the right, duties, obligations and operation of the homes association or other approved body shall be subject to approval by the counsel for the Planning Commission. The applicable documentation of the homes association shall grant to each person who is a member of the homes association the right to personally and individually enforce the homeowners' association rights, obligations and duties for maintenance and upkeep of the common areas within the subdivision. Additionally, the applicable documentation of the homes association shall include the following provisions unless the inclusion of such provision is waived by the Planning Commission:
1. The homes association shall be organized by the applicant and shall be fully organized prior to the sale of any lots within the subdivision.
  2. Membership in the homes association is automatic (mandatory) for all purchasers of dwelling units and/or lots therein and their successors. The conditions and timing of transferring control of the association from applicant to homeowners shall be identified.
  3. The homes association shall be responsible for maintenance of insurance and taxes on all common areas, enforceable by liens placed by the County on the homes association property. The homes association may place liens on the homes or lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty and interest charges and require that the defaulting homeowner pay all cost of enforcement including attorney fees.
  4. The members of the homes association shall share equitably the costs of maintaining and developing the common area. Shares shall be defined within its bylaws.



5. The homes association shall be required to provide maintenance and upkeep for the common area on a basis which is consistent with the "Maintenance and Upkeep Standards" approved according to the terms of Subsection (K) of this Section 400.300. Failure by the homes association to maintain and provide upkeep of the common area shall constitute a violation of this Zoning Order and the violating party shall be guilty of a misdemeanor and be subject to the penalties imposed by Article VIII, Section 400.790 of this Zoning Order and shall also be subject to such other criminal or civil actions as deemed appropriate by the Enforcement Officer.
  6. In the event of a proposed transfer of common area by the homes association or of the assumption of maintenance of the common area by any third (3rd) party, notice of such action shall be given to all property owners within the subdivision.
  7. The homes association shall make adequate provision to administer common facilities and properly and continually maintain the common area.
  8. The homes association may lease common area to any other qualified person or corporation for operation and maintenance thereof, but such a lease agreement shall provide:
    - a. That the residents of the subdivision shall at all times have access to the common area contained therein (except croplands during the growing season);
    - b. That the common area to be leased shall be maintained for the purposes set forth in this Chapter; and
    - c. That the operation of common area facilities may be for the benefit of the residents only or may be open to the residents of the County, at the election of the applicant and/or homes association, as the case may be.
  9. The lease and any transfer or assignment of the lease shall be subject to the approval of the homes association's board of directors. All residents of the subdivision shall have prior written notice of such an issue being taken up for consideration or vote by the board of directors. Lease agreements so entered shall be recorded with the County Recorder of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the County.
- K. *Maintenance And Upkeep Standards.* The applicant shall submit to the Planning Commission for approval Maintenance and Upkeep Standards which, when approved, shall be incorporated into the applicable document (bylaws, declaration, etc.). In submitting the Maintenance and Upkeep Standards, the applicant shall give consideration to the need to trim and prune trees and bushes, fertilize, seed and mow meadows, maintain or improve existing wildlife habitat, maintain walking or riding paths, prohibit the introduction of waste, litter, refuse, abandoned property, debris or other materials which are offensive to the maintenance of the natural state of the particular common area and shall require inspections of the common area by the representatives of the homes association at least annually. (County Order of 1990)

**SECTION 400.310: PLANNED RESIDENTIAL**

A. *General Description.* It is the intent of this Section to provide flexibility for creative residential developments that provide harmony of design and variety of housing types, together with an opportunity for the residents to control the level of exterior and landscape maintenance. This district will allow for maintenance-free communities that allow ownership of a footprint of a house or around a house or multi-family unit, as opposed to ownership of a traditional lot. The remainder of land not within a footprint will be preserved as common open space that will be maintained through a property owners association. Planned Residential ("PR") developments are intended to provide for a greater flexibility in the design and location of buildings, yards, courts and circulation than would otherwise be possible through the strict application of district regulations and to produce:

1. A maximum choice in the type of environment and living units available to the public.
2. An effective way to in-fill mixed income developments.
3. More open space and recreation areas.
4. An effective way to assure a well maintained neighborhood.
5. A pattern of development that preserves trees, outstanding natural topography and geological features and prevents soil erosion.
6. A creative approach to the use of land and related physical development.
7. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
8. A more desirable environment than would be possible through the strict application of other sections of this Order.
9. Common control and maintenance of more area.

The Planned Residential District is designed to provide for small and large scale developments incorporating a single type or a variety of residential uses that are planned and developed as a unit. Planned Residential zoning must be accompanied by a Planned Residential District Plan (as such term is defined hereinafter) approved by the Planning Commission. Such developments may consist of traditional individual lots or multi-family units which may be owned individually. Common land and maintenance thereof must be an essential and major element of the plan, which is related to and affects the long-term value of the homes and other development.

B. *Permitted Uses.* The following uses are permitted as a matter of right in a "PR" Planned Residential District:

1. Agricultural crops.
2. Detached single-family dwelling.
3. Attached two-family dwelling.
4. Town houses.

5. Multiple-family dwellings (limited to four (4) dwelling units per building). Buildings containing more than four (4) dwelling units each may be approved by the Planning Commission.
  6. Churches and similar places of worship.
  7. Public and private parks and playgrounds.
  8. Public service or utility uses.
  9. Railroad and public utility rights-of-way.
  10. Home occupations.
  11. Model home.
  12. Accessory uses.
  13. Accessory signs (see Article III, Section 400.370).
- C. *Special Uses.* The following special uses may be approved by the Planning Commission in accordance with the provisions of Article VIII, Section 400.760:
1. Recreation facilities such as country clubs, golf courses, golf driving ranges, tennis clubs and swimming clubs.
  2. Cemeteries and/or mortuaries.
  3. Nursery schools and child care centers.
  4. Schools of general instruction.
  5. Libraries, museums and public art galleries.
  6. Farm Animals as set forth under Article III, Section 400.325.
- D. *Area Regulations.*
1. The lot width, front yard, side yard and rear yard setbacks are to be negotiated and established before final plat approval. The area regulations must be recorded on the final plat. Once the setbacks for a Planned Residential Development are recorded, they will be enforced.
  2. The Planned Residential District allows for ownership of individual units within a multi-family structure, such as duplexes, town houses and condominiums. In such instances there may be a side lot line of zero (0) feet with a common party wall in compliance with fire requirements.
- E. *Perimeter Requirements.* No portion of a building or structure shall be closer than fifty (50) feet from a perimeter property line. This does not preclude the use of this area for trails.

F. *Declaration Of Ownership.*

1. If the Planned Residential Development provides for ownership of only the footprint around a single-family dwelling or living unit within a multi-family dwelling, a Declaration of Ownership must be recorded in the Recorder's office within thirty (30) days after the approval of the footing inspection by the Platte County Building Inspector. The declaration of ownership shall set forth the following particulars:
  - a. A site plan and legal description of each unit to be owned, which may consist of the identifying number or symbol of the unit as shown on the final plat.
  - b. Survey plat sealed by a surveyor registered in the State of Missouri which shows the ownership boundary as well as identifying the common ground and exterior lot lines.
2. The Declaration of Ownership survey must substantially conform to the final plat as well as the required site plan for the issuance of the building permit. Any declaration of ownership, which does not substantially conform to the final plat and building permit site plan, will be considered a violation of this Order.

G. *Minimum Site Size.* The minimum recommended size of the site upon which a Planned Residential Development shall be located shall not be less than five (5) acres for residential developments. The Planning Commission may vary said minimum site size where such an alteration is in the best interest of the community and where the public health, safety and welfare will be preserved.

H. *Planned Residential District Plan Requirement.*

1. The applicant shall submit a Planned Residential District Plan which will be considered the same as a preliminary plat and a rezoning application and, where applicable, shall be in lieu of a site development plan. In addition to the plat requirements listed in Article III, Section 405.140 of the Platte County Subdivision Regulations, the Planned Residential District Plan must also contain the following:
  - a. Landscaping plan.
  - b. Proposed lighting plan.
  - c. Building type and design.
  - d. Typical elevation views of structures and identification of building materials.
  - e. Additional site plans for proposed common use amenities such as playgrounds, swimming pools and clubhouses.
  - f. The location of public or private parks and trails.
2. Said plan and application shall be considered the same as a rezoning request and the same procedures shall be followed concerning application, Planning Commission review, public hearings and legal protest. Approval of the plan by the Planning Commission and the County Commission shall also constitute approval of a preliminary plat for the Planned Residential Development as required under the Platte County Subdivision Regulations. Upon such approval, the letters "PR" shall be affixed to the appropriate part of the county's official zoning district map.
3. The plan may provide for staged development of the project and, if so, shall be indicated on the plan.

- I. *Common Area.* The common area shall be owned and maintained by the property owners or homeowners' association. As long as the property is subject to the provisions of this Section, the common elements or area shall remain undivided and no unit owner shall bring any action for partition or division of the common elements or area. Any covenant or agreement to the contrary shall be null and void.
- J. *Number Of Permitted Dwelling Units.* The overall density for which a ("PR") Planned Residential subdivision shall not exceed is one (1) dwelling unit per five thousand (5,000) square feet for multi-family. The overall density shall not exceed a density of seven thousand five hundred (7,500) square feet per single-family dwellings.
- K. *Height Limitation.* Within any Planned Residential Development, the maximum height of any multi-family building shall not exceed three (3) stories or forty-five (45) feet except as provided in Article III, Section 400.340 of the Zoning Order. The maximum height for any single-family dwelling shall not exceed thirty-five (35) feet in height, except as provided in Article III, Section 400.340 of the Zoning Order. The Planning Commission has the authority to extend the height limitations upon a request to do so as shown on a Planned Residential Plan.
- L. *Additional Requirements.* Property and buildings in District "RMD" are subject to off-street automobile and vehicle parking and loading requirements set forth in Article V and may be subject to various additional requirements set forth in Article III, Additional District Provisions.
- M. *Final Plat Required.* A final plat shall be required and shall be in compliance with the Platte County Subdivision Regulations. The final plat shall show proposed ownership lines with a dashed line. Finalized ownership lines will be shown on the Declaration of Ownership. The final plat must also show and identify the common area.
- N. *Time Limit.* Construction of the Planned Residential Development shall begin within twelve (12) months of the effective date of approval of the plan by the County Commission. Failure to begin the development of the plan within said twelve (12) months shall automatically void the Planned Residential District Plan, provided however, that upon reasonable grounds being shown therefore and when so requested in writing and by personal appearance, the Planning Commission may extend the twelve (12) months for one (1) additional twelve (12) month period.
- O. *Home Association.*
1. The developer shall provide for a homes (or property owners') association or such other private, governmental, quasi-governmental or political subdivision as may be approved by the Planning Commission for the maintenance of the common area. The Bylaws, Charter, Articles of Incorporation, Declaration and other instruments which govern the right, duties, obligations and operation of the homes association or other approved body shall be subject to approval by the counsel for the Planning Commission.
  2. The applicable documentation of the homes association shall grant to each person who is a member of the homes association the right to personally and individually enforce the homeowners' association rights, obligations and duties for maintenance and upkeep of the common areas within the subdivision. Additionally, the applicable documentation of the homes association shall include the following provisions unless the inclusion of such provision is waived by the Planning Commission:

- a. The homes association shall be organized by the applicant and shall be fully organized prior to the sale of any lots within the subdivision.
- b. Membership in the homes association is automatic (mandatory) for all purchasers of dwelling units and/or lots therein and their successors. The conditions and timing of transferring control of the association from applicant to homeowners shall be identified.
- c. The homes association shall be responsible for maintenance of insurance and taxes on all common areas, enforceable by liens placed by the County on the homes association property. The homes association may place liens on the homes or lots of its members who fail to pay any association dues in a timely manner. Such liens may require the imposition of penalty and interest charges and require that the defaulting homeowner pay all cost of enforcement including attorneys' fees.
- d. The members of the homes association shall share equitably the costs of maintaining and developing the common area. Shares shall be defined within its bylaws.
- e. The homes association shall be required to provide maintenance and upkeep for the common area on a basis which is consistent with the "Maintenance and Upkeep Standards" approved according to the terms of Subsection (O) of this Section 400.310. Failure by the homes association to maintain and provide upkeep of the common area shall constitute a violation of this Zoning Order and the violating party shall be guilty of a misdemeanor and be subject to the penalties imposed by Article VIII, 400.790 of this Zoning Order and shall also be subject to such other criminal or civil actions as deemed appropriate by the Enforcement Officer.
- f. In the event of a proposed transfer of common area by the homes association or of the assumption of maintenance of the common area by any third (3rd) party, notice of such action shall be given to all property owners within the subdivision.
- g. The homes association shall make adequate provision to administer common facilities and properly and continually maintain the common area.
- h. The homes association may lease common area to any other qualified person or corporation for operation and maintenance thereof, but such a lease agreement shall provide:
  - (1) That the residents of the subdivision shall at all times have access to the common area contained therein (except croplands during the growing season);
  - (2) That the common area to be leased shall be maintained for the purposes set forth in this Chapter; and
  - (3) That the operation of common area facilities may be for the benefit of the residents only or may be open to the residents of the County, at the election of the applicant and/or homes association, as the case may be.
- i. The lease and any transfer or assignment of the lease shall be subject to the approval of the homes association's board of directors. All residents of the subdivision shall have prior written notice of such an issue being taken up for consideration or vote by the board of directors. Lease agreements so entered shall be recorded with the County Recorder of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the County.

- P. *Maintenance And Upkeep Standards.* The applicant shall submit to the Planning Commission for approval Maintenance and Upkeep Standards which, when approved, shall be incorporated into the applicable document (bylaws, declaration, etc.). In submitting the Maintenance and Upkeep Standards, the applicant shall give consideration to the need to trim and prune trees and bushes, fertilize, seed and mow meadows, maintain or improve existing wildlife habitat, maintain walking or riding paths, prohibit the introduction of waste, litter, refuse, abandoned property, debris or other materials which are offensive to the maintenance of the natural state of the particular common area and shall require inspections of the common area by the representatives of the homes association at least annually. (County Order of 1990)

### ARTICLE III. ADDITIONAL DISTRICT PROVISIONS

#### SECTION 400.320: PURPOSE AND INTENT

It is the purpose and intent of Additional District Provisions to augment and supplement the provisions set forth in the Specific District Regulations contained in Article II. Both exceptions and additional requirements are set forth which, in certain circumstances, override the provisions of Article II. (County Order of 1990)

#### SECTION 400.325: FARM ANIMALS

##### A. *Definition.*

For the purposes of this Section, Farm Animals shall be defined as cattle, horses, goats, sheep, chickens, ducks and rabbits.

##### B. *Applicability.*

1. *District limitations.* The requirements set forth in this Section shall govern the allowing of Farm Animals, as defined by this Section, and all matters thereto by Special Use Permit in all zoning districts, excluding the "AG" (Agricultural) and "RE" (Rural Estates), "R-80" (Rural Single-Family) and "OSP" (Open Space Preservation) zoning districts.
2. *Size.* The minimum lot size required for cattle, horses, goats and sheep shall be five (5) acres with at least two (2) acres of continuous pasture present to allow for grazing and roaming. Barns, storage sheds and other structures do not constitute pasture. The minimum lot size required for chickens, ducks and rabbits shall be 15,000 square feet. Chickens, ducks and rabbits shall be confined within the rear yard only. Roosters shall be prohibited on lots less than five (5) acres in size.
3. *Intensity of Use.* The total number of Farm Animals allowed shall be considered by the Planning and Zoning Commission on a case by case basis based on the type of Farm Animal and the size of the property.
4. *Accessory Structures:* All Accessory Structures requiring a building permit associated with the keeping of Farm Animals on a lot shall meet the minimum building setback requirements for the applicable zoning district.

5. *Fencing*. Fencing shall be installed to contain all Farm Animals. Fencing requirements shall conform to Article III, Section 400.360, Subsection C of the Platte County Zoning Order of 1990.
6. *Homeowners Association Approval/Covenants & Restrictions*. The Planning and Zoning Director shall require one of the following, where applicable: 1) a letter of approval from an individual Homeowners Association Board providing proof that Farm Animals are permitted on a lot within the subdivision, or 2) where an active individual Homeowners Association is not present, a copy of individual subdivision Covenants and Restrictions providing proof that Farm Animals are permitted on a lot within the subdivision.
7. *Nuisances*. It shall be deemed a violation of the Platte County Zoning Order of 1990 to keep Farm Animals governed by this Section in such a manner that it creates a nuisance by reason of excessive odors, noise, flies, disease or unsightly appearance as determined by the Planning and Zoning Director or his/her duly designated alternate.

#### **SECTION 400.330: OPEN SPACE REQUIREMENTS**

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Article II herein.

1. *Open space to serve one (1) building*. No open space or lot area required for a building or structure shall, during its life, be occupied by or counted as open space for any other building or structure.
2. *Projections into yards*. Open eaves, cornices, window sills and belt courses may project into any required yard a distance not to exceed two (2) feet. Open porches may project into a required front or rear yard a distance not to exceed five (5) feet.
3. *Street right-of-way width*. Where the dedicated street right-of-way is less than fifty (50) feet, the depth of the front yard shall be measured at a starting point twenty-five (25) feet from the centerline of the street easement, except that the depth of the front yard shall be measured from a starting point on the future right-of-way line for all major thoroughfares designated in the Major Street Plan element of the Master Plan.
4. *Street access for dwellings*. No dwelling shall be erected on a lot which does not abut on at least one (1) existing public or private street. A street shall form the direct and primary means of ingress and egress for all dwelling units. Alleys, where they exist, shall form only a secondary means of ingress and egress.
5. *Sight lines at intersections*. On any corner lot on which a front and side yard is required, no wall, fence, sign or structure or any plant growth which obstructs sight lines at elevations between two (2) and six (6) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior side lot lines a distance of twenty-five (25) feet along said front and side lot lines and connecting the points so established to form a sight triangle on the area of the lot adjacent to the street intersection.



6. *Time for accessory building construction.* No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced and no accessory building shall be used unless the main building on the lot is also being used.
7. *Solar collectors and satellite dishes.* Detached solar collectors and satellite dishes, windmills and other similar structures shall be confined in location to side and rear yards and shall not project into the required setback areas.
8. *Required landscape buffers.* Along any non-residential property line adjacent to an area zoned for or developed with residential structures, a wall, fence or landscape buffer strip shall be provided of sufficient height and density to serve the purpose of a solid screen such that the projection of a horizontal line of sight originating six (6) feet off the existing terrain at the adjacent residential lot line will be cut off by the buffering. In no case shall the buffering strip be less than six (6) feet in height nor less than ten (10) feet in width. At street intersections, this required screen or buffer shall be set back in conformance with Article III, Section 400.330(5) above. All fences and buffer areas shall be included on the site plan. (County Order of 1990)

#### **SECTION 400.335: ACCESSORY DWELLING**

##### **A. Definition.**

*ACCESSORY DWELLING:* An accessory structure with complete housekeeping facilities for single-family occupancy for use by only immediate family members or guests of the occupants of the principal single-family dwelling on the lot. Also known as mother-in-law quarters, guest house or carriage house.

##### **B. Applicability.**

1. *District limitations.* The requirements set forth in this Chapter shall govern the location of an Accessory Dwelling and all matters thereto that are constructed in all zoning districts in which they are permitted. An Accessory Dwelling shall be a Permitted Use in the following zoning classifications: “AG” (Agricultural) and “RE” (Rural Estates).
2. *Intensity of Use.* One (1) Accessory Dwelling shall be permitted on a parcel of ground in addition to the existing principal single-family dwelling.
3. *Size.* In the AG and RE zoning districts, the minimum lot size required for an Accessory Dwelling shall be five (5) acres and said Accessory Dwelling shall not exceed the square footage of the existing principal single-family dwelling, excluding an attached garage.
4. *Setbacks.* An Accessory Dwelling shall meet the minimum building setback requirements for a single-family dwelling as outlined in the applicable zoning district.
5. *Access.* An Accessory Dwelling shall share a single driveway access to a public road with the principal single-family dwelling. Access to an Accessory Dwelling by a second driveway accessing a public road shall be prohibited.

6. *Homeowners Association Approval.* The Planning and Zoning Director shall require a letter of approval from an individual Homeowners Association Board and/or a copy of individual Homeowners Association Declarations of Covenants and Restrictions providing proof that construction of an Accessory Dwelling on a lot within the subdivision is permitted, where applicable.

#### **SECTION 400.340: HEIGHT**

The regulations herein set forth qualify or supplement, as the case may be, the specific height regulations set forth in Article II.

1. *District "PI".* Buildings shall not exceed sixty (60) feet in District "PI" except that chimneys, ventilators, skylights, water tanks and other necessary mechanical appurtenances usually carried upon the roof may be erected to a greater height, provided that the total area covered by such features does not exceed fifteen percent (15%) of the area of the roof on which they are located and if more than five (5) feet in height above said roof, they shall be set back from the edge of the roof one (1) foot for each foot of additional height. In no case shall they exceed the height of twenty (20) feet above said roof level except for communication antennas exceeding the additional twenty (20) feet which may be permitted by the Planning Commission under site development plan approval.
2. *All other districts.* In all other districts, the following height exceptions are permitted: the height limitations of the regulations shall not apply to a flagpole, radio or television aerial, transmission tower or cable; spire or cupola, nor to a chimney (except a smokestack for a greenhouse in any residential district); elevator or stair bulkhead; penthouse; water tank and cooling tower or any or all of which occupy in the aggregate not more than ten percent (10%) of the area of the roof of the building and shall not in any event exceed fifteen (15) feet above roof level.
3. *Public and quasi-public buildings.* Churches, schools, hospitals, sanitariums and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of rear yards and the minimum width of the side yards required in the district are increased one (1) foot for each two (2) feet by which the height of such public or semi-public structure exceeds the prescribed height limit. (County Order of 1990)

**SECTION 400.350: SITE DEVELOPMENT PLAN****A. *Site Development Plan Required.***

1. No building permit shall be issued, other than for a detached single-family or two-family residence or for structures accessory thereto, for construction or use in any district, except for a building or use that is in conformity with a site development plan approved by the Planning Commission. No certificate of occupancy shall be issued until all of the requirements of this Section and all other applicable provisions of this Order have been met.
2. The Planning and Zoning Department shall issue no building permits, other than for a detached single-family or a two-family residence or for structures accessory thereto, until building plans and a site development plan have been reviewed and approved by the Director of Planning and Zoning and County Engineer.

**B. *Application For Site Development Plan Approval.***

1. An application for a building permit, other than for a detached single-family or two-family residence or for structures accessory thereto, shall be scheduled on the next available Planning Commission agenda by the Planning and Zoning Department within eighteen (18) days after the application and the site development plan have been reviewed and approved by the Director of Planning and Zoning and County Engineer. No site development plan shall be placed on the agenda of the Planning Commission for review until that site development plan has been reviewed and approved by the Director of Planning and Zoning and County Engineer.
2. When the site development plan has been placed on the agenda of the Planning Commission, the applicant shall be furnished with distinctive signs giving notice of the Planning Commission meeting and that approval of a site development plan is being requested. In addition, the sign shall also indicate the type of building or use that the applicant is wishing to locate on the property. The applicant shall be provided with a minimum of two (2) signs. However, an additional sign shall be provided for each five hundred (500) feet of street frontage over and above the first one thousand (1,000) feet of street frontage of the subject property. The applicant shall post the signs in a conspicuous place visible from every street along the frontage of the subject property no less than fifteen (15) days prior to the public hearing. The signs shall remain posted on the property until after the public hearing.
3. The site development plan and application shall include all the information necessary for a preliminary plat, plus the following:
  - a. A site development plan map of the entire parcel showing the location, dimensions and proposed use of all buildings, parking and loading areas and access and egress thereto.
  - b. Existing and recorded public streets, easements or other reservations of land.
  - c. A copy of any covenants or deed restrictions of record that are intended to cover all or any part of the tract.
  - d. The approximate location of any use not requiring a structure, including walkways, benches, fences, recreational facilities, driveway, parking and loading areas.

- e. Proposed location, direction and type of outdoor lighting.
  - f. Location and general description of all landscaping and the height and trunk caliper (at thirty-six (36) inches above grade) of all proposed trees.
4. All Site Development Plans shall be subject to the regulations outlined in the Platte County Subdivision Regulations of 1992, as amended, Article IV, Section 405.225.
  5. All Site Development Plans shall be subject to the regulations outlined in the Platte County Subdivision Regulations of 1992, as amended, Article IV, Section 405.175.
- C. *Preliminary Site Plan Approval.* An applicant may submit at his discretion, prior to a formal submission for a site development plan, an application to the Planning and Zoning Department for preliminary site plan review. The applicant shall submit all items required in Subsection (B) above but need not submit complete building plans and specifications as required for application for building permit. If the Planning and Zoning Department shall deny preliminary site plan approval, the applicant shall not apply for a site development plan until a revised preliminary site plan has been approved by the Planning and Zoning Department. Subsequent to preliminary site plan approval, the Planning and Zoning Department shall refer the complete application to the Planning Commission for site development plan approval.
- D. *Planning Commission Action and Standards To Be Considered.*
1. Within sixty (60) days after the completion of the review and approval of a site development plan by the Director of Planning and Zoning and County Engineer, as required under Article III, Section 400.350(B), the Planning Commission shall hold a public hearing on the site plan and approve or deny the site plan. Accompanying the Planning Commission's decision shall be its finding of facts and conclusions of law. If no action, including tabling, is made by the Planning Commission within said sixty (60) day period, the site development plan shall be considered approved. When acting upon said application, the Planning Commission shall consider the site plan in relation to: the provisions and intent of this Section of the Zoning Order and of the Comprehensive Plan as adopted by the Planning Commission and County Commission; the relationship between the principal buildings and structures and uses; the convenience and safety of the parking and loading areas and the interior circulation systems and the access to public streets; the adequacy of walkways between principal buildings and accessory structures and uses, including parking areas; the adequacy of landscaping and lighting features to screen adjacent residential areas and streets from any potential nuisance features of the use of the parcel; and such other criteria as directly relate to the health, safety and general welfare of the surrounding community.
  2. The Planning Commission may require that on- or off-site improvements be installed. The Planning Commission may further require that all such off-site improvements be installed on easements to be granted to the County.
  3. Where improvements are required as set forth in Subsection (D)(2) above, a financial guarantee as required in the Subdivision Regulations for public improvements shall be furnished to the County by the owner. Such financial guarantee shall be issued in such form as acceptable to the County Commission.

4. No certificate of occupancy shall be issued for the property until the improvements shown upon the site plan and the off-site improvements, as required by the Planning Commission, have been duly installed and all easements and property interests granted or dedicated to the County except that where a financial guarantee has been required, a certificate of occupancy may be issued where the financial guarantee has been duly approved and filed.
  5. Prior to the granting of any site development plan, the Planning Commission may recommend and stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, operation, architectural design and aesthetics of the site development plan as are deemed necessary for the protection of the public interest. In all cases in which site development plans are granted, the Planning Commission may require proof of compliance with the conditions previously stipulated. Violation of the conditions of a site development plan shall be considered a violation of this Zoning Order.
  6. The applicant may appeal the denial of any site development plan or any conditions imposed upon the approval of a site development plan to the Board of Zoning Adjustment. The owner or lessee of any land aggrieved by the approval of a site development plan may appeal to the Board of Zoning Adjustment. All such appeals must be filed within thirty (30) days of the issuance of the Planning Commission's decision. (County Order of 1990)
- E. *Stormwater Management.* All Site Development Plans shall include a Stormwater Management Plan submitted by the applicant, unless waived by the Director, if there is an increase of impervious surface on the site in excess of ten (10%) percent of that previously existing or if the total impervious area of the site is greater than twenty (20%) percent of the total land area of the site post construction. In addition, a Stormwater Management Plan and/or study may be required to be submitted by the applicant when it is determined by the Director, in his sole discretion, that one is needed.

The Stormwater Management Plan should identify measures to limit runoff from the site to minimize flood damage; prevent erosion; protect neighboring properties; and/or minimize impacts to the ecology and water quality of the downstream drainage system. Runoff shall be controlled by limiting the stormwater release rates for the 1%, 10%, and 100% storms to the predevelopment peak flow rates for the 1%, 10%, and 100% storms respectively, unless waived by the Director. Stormwater management shall conform to the most recent published guidelines of the Kansas City Metropolitan Chapter of the American Public Works Association (KC-APWA) and may include structural facilities and/or non-structural solutions.

The Stormwater Management Plan shall identify maintenance and upkeep standards. Failure of the owner to abide by these maintenance and upkeep standards shall constitute a violation of this Zoning Order and shall be subject to the penalties imposed by Article VIII, 400.790 of this Zoning Order.

**SECTION 400.360: LANDSCAPING AND SCREENING**

- A. *Maintenance Of Landscaping And Screening Facilities.* It is the duty of each owner of property within the County to erect, maintain, repair and replace all landscaping and screening facilities which were required to be placed on the property pursuant to the conditions or requirements of any site development plan, building permit, certificate of occupancy, site plan, subdivision approval, special permit approval, variance, zone change or other requirement pursuant to the Zoning Order. The voluntary inclusion of landscaping and screening facilities in any application, plans, specifications, statements or representations by an applicant shall be deemed to be a condition or requirement of the official approval of the application.
- B. *Notice Of Violation.* Whenever the Enforcement Officer determines that landscaping or screening facilities are not being properly erected, maintained, repaired or replaced as required by Subsection (A) above, the Planning and Zoning Department shall include such determination in a notice of violation to be sent by the Enforcement Officer by registered mail addressed to the owner of record of such land at the address shown on the last preceding assessment roll of the County. Said notice shall direct the owner to remove the violation within thirty (30) days of mailing of the notice. The notice of violation shall specify:
1. The manner in which the landscaping or screening facilities do not comply with requirements.
  2. The correction that is required to be made.
  3. A statement that in the event that the owner fails to comply within such thirty (30) days, a violation of the Zoning Order, subject to the penalties and relief set forth in Article VIII, Section 400.790, shall be deemed to exist.
- C. *Fences And Walls.*
1. Fences and freestanding walls shall not exceed six (6) feet in height in Districts "AG", "RE", "R-80", "R-40", "R-25", "R-15", "R-12", "R-10", "R-7", "RTD" and "RMD".
  2. Fences and freestanding walls shall not exceed eight (8) feet in height and shall be constructed in accordance with a site development plan in Districts "PO", "CN" and "CH".
  3. Fences and freestanding walls shall not exceed eight (8) feet in height in District "PI" unless special conditions warrant extra screening or buffering to protect adjacent areas in which case fences shall not exceed ten (10) feet in height and must be set back at least two-thirds ( $\frac{2}{3}$ ) of the fence height from the property line and be constructed in accordance with a site development plan.
  4. Fences and freestanding walls shall be constructed in accordance with applicable front yard setbacks in Districts "R-25", "R-15", "R-12", "R-10", "R-7", "RTD" and "RMD". Fences in Districts "AG", "RE", "R-80", "R-40", "CH" and "PI" are allowed to encroach into front yard setbacks.
  5. Fences shall be constructed so as to have the face of the fence toward the exterior of the lot.

*D. Retaining Walls.*

1. These regulations shall apply to all uses.
2. Retaining walls shall be constructed in accordance with acceptable engineering standards. Terracing of retaining walls shall be used whenever possible.
3. Retaining walls which are more than thirty (30) inches above grade level shall have a safety barrier, such as guardrails or shrubbery.
4. If shrubbery is used as a safety barrier, it shall meet the following requirements:
  - a. The shrubbery is a minimum of thirty-six (36) inches in height.
  - b. The shrubbery has foliage on it twelve (12) months of the year.
  - c. The shrubbery is of a dense enough quality to act as a safety barrier according to the Platte County Enforcement Officer.
5. A retaining wall which is more than thirty (30) inches above grade level shall not have a fence, freestanding wall or guardrail constructed on top of it that is more than four (4) feet in height.
6. A fence or freestanding wall shall be considered to be on top of a retaining wall if it is within three (3) feet of the retaining wall. (County Order of 1990)

**SECTION 400.361    TRANSITION AND LANDSCAPE BUFFERS**

For the purposes of this section the term “Development Plan” shall include any Preliminary Plat, Site Development Plan, or Special Use Permit.

- A. *Purpose.* The purpose of this section is to establish Transition requirements that enhance the aesthetics, character and environment of areas between new and existing development in order to maintain the character and quality of life of existing adjacent residents. It is the purpose of this Section to enhance new development, not to restrict new development.
- B. *Applicability.* These requirements shall apply to the following:
1. Any Preliminary Plat request, which is subject to the Transition requirements in this Section shall include a Transition Area upon the Preliminary Plat unless, waived by the Planning and Zoning Commission.
  2. Any Site Development Plan request, which is subject to the Transition requirements in this Section, shall include a Transition Area upon the Site Development Plan, unless waived by the Planning and Zoning Commission.
  3. Any Special Use Permit request, which is subject to the Transition requirements in this Section, shall include a Transition Area upon the Special Use Permit Site Plan, unless waived by the Planning and Zoning Commission.
  4. All Final Plat requests must substantially conform to the approved Preliminary Plat, including all Transition Area requirements, unless waived by the Planning and Zoning Commission.
- C. *Standards for Inclusion of a Transition Plan.* The Planning and Zoning Commission may require the establishment of a Transition Area upon the approval of any Development Plan.

A Transition Area shall be required when a Development Plan is proposed for an area that is adjacent to a different land use type or a different major density category. The chart below describes the circumstances when a Transition Area shall be deemed necessary. For the purposes of this Section, six general land use types and major density categories have been established below.

1. *Agricultural* – Undeveloped tracts of ground 10 acres or greater, generally zoned AG or RE.
2. *Low Density Residential* – Lots ½ acre to 10 acres in size, generally zoned RE, R-80, R-40, or R-25.
3. *Single-Family Residential* – Lots ranging in size from ½ acre or less for single-family development, generally zoned R-15, R-12, R-10, R-7.
4. *Multi-Family* – Lots containing multi-family development, generally zoned RMD.
5. *Institutional* – Lots containing uses such as churches, hospitals, schools, and governmental buildings.
6. *Commercial* – Lots developed for retail and office development, generally zoned CH, CN, PO or BP.



7. *Industrial* – Lots developed for industrial uses, generally zoned PI.

<b>Land Use Type</b>	<b>Agricultural</b>	<b>Low Density Residential</b>	<b>Single Family</b>	<b>Multi-Family</b>	<b>Institutional</b>	<b>Commercial</b>	<b>Industrial</b>
<b>Agricultural</b>	N	N	N	N	N	N	N
<b>Low Density Residential</b>	N	N	T	T	T	T	T
<b>Single Family</b>	N	T	N	T	T	T	T
<b>Multi-Family</b>	N	T	T	N	T	T	T
<b>Institutional</b>	N	T	T	T	T	T	T
<b>Commercial</b>	N	T	T	T	T	N	T
<b>Industrial</b>	N	T	T	T	T	T	N

N – NO TRANSITION REQUIRED

T – TRANSITION REQUIRED

D. *Plan Requirements*

1. All Development Plans that are required to establish and include a Transition Area under the terms of this Section shall include the following:
  - a. The Development Plan shall include a note or illustration indicating what method of Transition to be included in the proposed development.
  - b. The Development Plan shall indicate the location of all Transition Areas.
  
2. The Planning and Zoning Commission may require the inclusion of a Transition Area as a condition for the approval of a Development Plan. A Transition can be achieved by one or a combination of the methods described below. The developer shall select and incorporate a Transition method(s) that is appropriate to the type, density, and scale of the development proposed. The Planning and Zoning Commission shall determine whether or not the proposed Transition method is appropriate and adequate. The Transition methods are described below. The Transition methods are ranked from most effective to least effective.
  - a. Existing vegetation and trees - The preservation of existing vegetation and trees of significant width and density to create a natural screen.
  - b. Gradual Change in Density - A gradual step down in lot sizes from adjoining lots.
  - c. Existing man-made or natural feature – An area of separation created by a significant roadway, railway, or other man-made feature. Also an area of separation created by a natural feature such as a waterway, major elevation change, forest, or other natural feature.

- d. Landscape Buffer – See definitions set forth in Article I, Section 400.090 of the Platte County Zoning Order of 1990 and Article I, Section 405.090 of the Platte County Subdivision Regulations of 1992.
  - e. Open Space - Land established as permanent open space, generally remaining in a natural state or maintained by the Home Owners Associations and of significant depth.
  - f. Cluster Style Development – A type of development that seeks to preserve natural areas and buffer areas by clustering development and providing open space.
  - g. Perimeter Setbacks – A platted building setback line around the perimeter of a development that restricts construction within the boundary.
  - h. Berms – Natural or man-made elevations changes that block or partially block the view from adjoining properties.
  - i. Fencing – Fencing generally six (6) feet in height that creates a solid barrier from adjoining properties.
  - j. Other – The use of other creative techniques that results in a visual buffer from adjoining property owners.
- D. *Waiver.* The Planning and Zoning Commission may waive the requirements of this Section for any reason.
- E. *Maintenance of Landscaping and Screening Facilities.* It is the duty of each owner of property to erect, maintain, repair and replace all landscaping and screening facilities which were required to be placed on the property pursuant to the conditions or requirements of any Site Development Plan, building permit, certificate of occupancy, site plan, subdivision approval, Special Use Permit approval, variance, zone change or other requirement pursuant to the Zoning Order. The voluntary inclusion of landscaping and screening facilities in any application, plans, specifications, statements or representations by an applicant shall be deemed to be a condition or requirement of the official approval of the application.
- F. *Notice of Violation.* Whenever the Enforcement Officer determines that landscaping or screening facilities are not being properly erected, maintained, repaired or replaced, as required by this Section, the Planning and Zoning Department shall include such determination in a Notice of Violation to be sent by the Enforcement Officer by registered mail addressed to the owner of record of such land at the address shown on the last preceding assessment roll of the County. Said notice shall direct the owner to correct the violation within thirty (30) days of mailing of the notice. The notice of violation shall specify:
- 1. The manner in which the landscaping or screening facilities do not comply with requirements.
  - 2. The correction that is required to be made.
  - 3. A statement that in the event that the owner fails to comply within such thirty (30) days, a violation of the Zoning Order, subject to the penalties and relief set forth in Article VIII, Section 400.790, shall be deemed to exist.

**SECTION 400.370: SIGNS****A. Title, Scope And Enforcement.**

1. *Title.* These regulations shall be known by short title as the "Platte County Sign Order", may be cited as such and will be referred to herein as "this Section".
2. *Purpose and scope.*
  - a. The purpose of this Section is to:
    - (1) Preserve and promote the public health, safety and welfare of the citizens of Platte County;
    - (2) To maintain and enhance the visual environment and to preserve the right of citizens to enjoy the County's scenic beauty;
    - (3) To improve pedestrian and traffic safety; and
    - (4) To minimize the possible adverse effects that signs may have on nearby public and private property.
  - b. The provisions of this Section shall govern the construction, erection, alteration, repair and maintenance of all signs.
  - c. The regulations of this Section are not intended to permit any violation of the provisions of any other lawful ordinance.
3. *Enforcement.*
  - a. *Authority.* The Director of Planning and Zoning or his duly designated alternate are hereby authorized and directed to enforce all the provisions of this Section.
  - b. *Right of entry.* Upon presentation of proper credentials, the Director of Planning and Zoning or duly designated alternate may enter at reasonable times any building, structure or premises in the County to perform any duty or inspection imposed upon them by this Section. If they are denied or refused entry, they may take any permitted or authorized legal action necessary to gain said entry.
  - c. *Violations.* It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, improve, remove, convert or demolish, equip, use or maintain any sign or sign structure in this jurisdiction or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Section.

- B. *Definitions.* For the purpose of this Section 400.370, certain terms, phrases, words and their derivatives shall be defined as specified in this Section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. The following terms shall have the following meanings in this Section 400.370. In the event of a conflict between defined terms in Article I, Section 400.090 and the terms defined herein, this Section 400.370 shall control.

*ABANDONED SIGN:* A sign which has carried no message for more than one hundred eighty (180) days or which no longer identifies a bona fide business, lessor, service, owner, product or activity, or date or time of past event and/or for which no legal owner can be found. This definition shall also include any billboard structure which no longer supports the billboard for which it was designed.

*ACCESSORY SIGN:* Any sign which is clearly incidental or subordinate to, and customary in connection with, the principal building, structure or use and which is located on the same lot with the principal building, structure or use.

*ADVERTISING SIGN:* A sign which directs the attention of the public to any goods, merchandise, property, business, services, entertainment or amusement conducted or produce which is bought or sold, furnished, offered or dealt in.

*AWNING, CANOPY OR MARQUEE SIGN:* A sign that is mounted on, painted on or attached to an awning, canopy or marquee. No such sign shall project above, below or beyond the awning, canopy or marquee.

*AWNINGS AND CANOPIES:* A structure made of cloth, metal, plastic or like material attached to a building and projecting over a thoroughfare.

*BANNER SIGN:* Any sign made of fabric, non-rigid material such as, but not limited to, vinyl or any other non-rigid material and secured to a permanent fixture or the ground on at least two (2) sides.

*BILLBOARD SIGN (OUTDOOR ADVERTISEMENT SIGN):* A billboard is an off-premises object, device, display, sign or structure or part thereof displayed outdoors or visible from a public way which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location or to express a point of view by any means, including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on-premises business sign or small business or non-business signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.

*BUSINESS SIGN:* A sign which directs attention to a business, commodity, service, entertainment or attraction conducted, sold or offered upon the same plot where such sign is displayed.

*CONSTRUCTION SIGN:* A temporary sign indicating the names of the architects, engineers, landscape architects, contractor and similar artisan involved in the design and construction of a structure, complex or project located on the premises on which the construction is taking place.

*DIRECTIONAL SIGN:* A sign indicating the direction or route to an establishment.

***DIRECTLY ILLUMINATED SIGN:*** Any sign designed to give forth any artificial light directly (or through transparent or translucent material) from a source of light connected with such sign. In computing total sign area, the area of the faces of all signs shall be counted; any neon tubes, string of incandescent lights or similar device shall be considered as having a minimum dimension of three (3) inches.

***DISPLAY SURFACE:*** The area made available by the sign structure for the purpose of displaying an advertising message.

***ERECT:*** To build, construct, attach, suspend, affix or relocate; shall also include the painting of wall signs or window signs. This term shall include the term erecting, erection and to the form of the word erect.

***FLASHING SIGN:*** Any directly or indirectly illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when in use.

***FREEWAY PRIMARY HIGHWAY:*** That part of a federal-aid primary highway system, as of June 1, 1991, which has been constructed as a divided, dual lane fully controlled access facilities with no access to the throughways except the established interchanges. When existing two-lane highways are being upgraded to four-lane limited access, the regulations for Freeway Primary Highways shall apply as of the date the state highways and transportation commission acquires all access rights on the adjoining right-of-way.

***GARAGE SALE SIGN:*** A temporary sign advertising goods for sale by a private citizen, group of private citizens or not-for-profit organization for a limited amount of times. Such sales include garage sales, yard sales, etc.

***GROUND SIGN:*** A sign placed at or near ground level which is supported by one (1) or more uprights, poles or braces in or upon the ground.

***IDENTIFICATION SIGN:*** A sign that contains the street address and business or company name only.

***ILLUMINATED SIGN:*** A sign designed to give forth artificial light or designed to reflect light from any source.

***INCIDENTAL SIGN:*** Small signs not containing any advertising displayed on private property for the convenience of the public, such as signs to identify rest rooms, freight entrances, directional signs, warning signs and name plate signs indicating name, address and profession only.

***INDIRECTLY ILLUMINATED SIGN:*** A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere than on the plot where such illumination occurs. If such illumination is thus visible, such sign shall be deemed to be a directly illuminated sign.

***INFORMATIONAL SIGN:*** A sign which provides direction, instruction, historical data, an announcement of activities, greetings and information displayed for other than sales, product, services or advertising purposes.

***INTERSTATE SYSTEM:*** That portion of the national system of interstate highways located within the boundaries of Missouri, as officially designated or may be hereafter designated by the state highways and transportation commission with the approval of the Secretary of Transportation, pursuant to Title 23, United States Code, as amended.

*MARQUEE:* A permanent roofed structure attached to and supported by a building and projecting over public property.

*MONUMENT SIGN:* A freestanding sign with the entire bottom generally being in contact with or in close proximity to the ground. The exterior finish around the face shall be made of stone, concrete, metal, routed wood planks, beams, brick or similar materials which repeat or harmonize with the architecture of the building it serves and exposes no more than six (6) inches of a supporting pole. A monument sign shall not exceed eight (8) feet in height above grade and the sign face shall not exceed eighty (80) square feet in area per face.

*MOVING SIGN:* Any sign which moves or rotates or simulates movement or rotation.

*NAME PLATE SIGN:* A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located and, where applicable, a professional status either on or off the premises where such sign is located or affixed.

*NON-CONFORMING SIGN, ILLEGAL:* Any sign which existed as of the date of passage of this Chapter and was not within full compliance of the County ordinances and for which a permit was not issued by the County.

*NON-CONFORMING SIGN, LEGAL:* A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

*NON-ILLUMINATED SIGN:* A sign which does not give forth artificial light nor does it reflect light from any source.

*OFF-PREMISES SIGN:* A sign, including billboards and poster panels, which directs attention to a business, commodity, service activity or product sold, conducted or offered off the premises where such sign is located.

*ON-PREMISES SIGN:* A sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered on the premises where such sign is located.

*OPEN HOUSE SIGN:* Any ground sign announcing an open house for inspection of real estate.

*POLE SIGN:* A sign wholly supported by a sign structure in the ground. This shall include outdoor advertising (billboard type) signs.

*POLITICAL SIGN:* A sign promoting, supporting or opposing any candidate, office, issue or proposition to be voted upon at any public election.

*PORTABLE CHANGEABLE COPY SIGN:* A portable sign with copy, illuminated or unilluminated, regardless of method of attachment that is designed to be easily changed. Such signs may be on steel ground stand and may be portable.

*PRIMARY SYSTEM:* The federal-aid primary highways as of June 1, 1991, and all highways designated as part of the National Highway System by the National Highway System Designation Act of 1995 and those highways subsequently designated as part of the National Highway System.

*PROJECTING SIGN:* A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

*PROJECTION:* The distance by which a sign extends beyond the building line.

*REAL ESTATE SIGN:* A sign pertaining to the sale, lease or rental of a lot or tract of land on which the sign is located.

*SIGN:* Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

*SIGN AREA:* The area within the shortest line that can be drawn around the outside perimeter of the face of a sign, including all decoration but excluding supports, unless the same is illuminated.

*SIGN STRUCTURE:* Any structure which supports or is capable of supporting any sign as defined in this Chapter. A sign structure may be a single pole and may or may not be an integral part of the building.

*SIGN WALL AREA:* The area of a building wall (below twenty (20) feet above ground level in "CN" and thirty (30) feet in "CH" and "PI") fronting on a street, including windows and doors.

*TEMPORARY SIGN:* Any sign or advertising display intended to be displayed for a period of thirty (30) days.

*WALL SIGN:* Any sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of said wall; to include any sign that might be placed at an angle upon said wall or structure.

C. *Permits, Fees, Application And Inspections.*

1. *Permits required.* No sign, including billboards, shall be erected, enlarged, constructed or otherwise installed unless a sign permit has been obtained from the Director of Planning and Zoning or duly designated alternate. The Director of Planning and Zoning or duly designated alternate shall issue a sign permit only when the proposed sign is in compliance with the provisions of this Section.
2. *Application for permit.*
  - a. Application for a sign permit shall be made in writing by the owner, occupant, tenant or lessee of the property on which the sign stands or will stand upon forms furnished by the Director of Planning and Zoning or duly designated alternate. The application shall contain the location by street and number of the proposed sign structure, the name and address of the property owner, the name and address of any tenant or lessee of the property, and the name and address of the sign contractor or erector. The application must include the specific approval and acknowledgment by the property owner that he is aware of the application and is familiar with the provisions of this Section regarding the responsibilities of the property owner.
  - b. The application shall include a survey with sufficient information to allow the Director of Planning and Zoning or duly designated alternate to ensure compliance with this Section. The survey must show, at a minimum, the distance of the sign from the right-of-way line, the distance of the sign from the curb, the location of the building or structure where the sign itself is to be erected, the location of any other buildings or structures on the property, the height of the sign above ground level and the dimensions of the sign itself.

- c. The application shall include a permit fee as ordered by the County Commission.
- d. If the Director of Planning and Zoning or duly designated alternate is satisfied that the proposed sign fills all the conditions of this Section, the Planning and Zoning Department shall issue a numbered sign permit which shall be prominently affixed to the sign and visible from the street on which the plot abuts.

3. *Exemptions.*

- a. The following signs shall not require a sign permit. These exemptions shall not be construed as relieving the owner of the signs from the responsibility of its erection and maintenance and its compliance with the provisions of this Section or any other law or ordinance regulating the same.
  - (1) Painting, repainting or cleaning of a sign structure or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made. Once a portable changeable copy sign is approved, the owner may change the advertising copy thereon at any time.
  - (2) The replacing or altering of changeable copy on theater marquees and similar signs designed for use of changeable copy.
  - (3) Any sign located within a building unless otherwise restricted by this Section.
  - (4) Political signs, excluding billboard signs.
  - (5) For any property or structure for sale or rent, one (1) temporary, non-illuminated sign advertising the property for sale or rent, with the face of the sign to be not greater than five (5) square feet. The sign shall be located at least fifteen (15) feet from the designated right-of-way line and shall be removed within thirty (30) days after sale or rent of the property is concluded.
  - (6) For any commercial property or structure for sale or rent, one (1) temporary, non-illuminated sign advertising the property for sale or rent, with the face of the sign to be not greater than sixteen (16) square feet. A sign with a sign area greater than sixteen (16) square feet may be allowed upon issuance of a variance by the Platte County Board of Zoning Adjustment. The sign shall be located at least fifteen (15) feet from the designated right-of-way line and shall be removed within thirty (30) days after sale or rent of the property is concluded.
  - (7) Construction signs.
  - (8) Informational and directional signs containing no advertising copy.
  - (9) Certain types of temporary signs are excluded from permit fees but still require permit applications as described elsewhere in this Section.
  - (10) Governmental signs, legal notices, trespassing signs and signs to aid safety.



- (11) Open or closed signs for the business establishment.
  - (12) Credit card and burglar alarm signs or decals.
  - (13) Temporary garage sale and other similar temporary signs which are clearly temporary and incidental to surrounding property as determined by the Director of Planning and Zoning or a duly designated alternate.
  - (14) Accessory signs permitted in District "AG".
  - (15) Name plates or professional signs attached directly to a wall of a building or other structure.
  - (16) One (1) monument sign or entry marker on each side of the entryway at each street entering into the development or subdivision.
- b. The signs described in these exemptions shall be allowed in all zoning districts as a matter of right.
4. *Permit fees.* A sign permit fee shall be paid in accordance with the schedule established by the County Commission.
5. *Inspections.*
- a. All signs for which a permit is required shall be subject to inspection by the Director of Planning and Zoning or his duly designated alternate.
  - b. Footing inspections may be required by the Director of Planning and Zoning or his duly designated alternate for all signs having footings.
  - c. All signs containing electrical wiring shall be kept in safe working order and bear the label of an approved testing agency.
  - d. The Director of Planning and Zoning or his duly designated alternate may order the removal of any sign that is not maintained in accordance with the provisions of this Section.
  - e. All signs may be reinspected at the discretion of the Director of Planning and Zoning or his duly designated alternate.
6. *Revocation of sign permits.*
- a. The Director of Planning and Zoning or his duly designated alternate will consider to be legal only those signs which are compliant with this Section, appropriate to the type of activity to which they pertain, legible in the circumstances in which they are seen and those which are not neglected or have not been allowed to deteriorate. Any sign not satisfying these rules and those described by this Section is subject to being removed and/or having the sign permit revoked.
  - b. The Director of Planning and Zoning or his duly designated alternate shall have the power to revoke any sign permit and may order the removal of any sign which violates any provision of this Chapter, which is habitually unused or which is secured by subterfuge or which has been issued by mistake, misunderstanding or error by the County.

c. When a business officially terminates operation or goes out of business, the holder of the sign permit shall have thirty (30) days from the date that the business was last open to the public to perform the following tasks:

- (1) Take the sign down;
- (2) Remove all sign structures; and
- (3) Fill in any excavations.

7. *Abandonment.* All abandoned signs shall be removed within sixty (60) days.

8. *Penalty.* Failure to comply with the provisions of this Section shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790.

D. *Prohibited Signs.* The following types of signs or artificial lights are prohibited:

1. Flashing signs.
2. Signs which project over a street, except signs painted on awnings or signs on theater marquees.
3. Illuminated signs outlining any part of a building such as a gable, roof, sidewall or corner.
4. Artificial lights or reflective devices connected or used with a sign or otherwise located or displayed where the light or reflective device interferes with, competes for attention with or may be mistaken for a traffic signal.
5. Signs which obstruct traffic visibility at intersections. No freestanding sign shall be erected or maintained on any corner lot within twenty (20) feet of the property line corner which may interfere with traffic visibility across that corner. No sign may be located within twenty (20) feet of any railroad crossing.

E. *Temporary Signs.*

1. *Permits.* The Director of Planning and Zoning or duly designated alternate may issue temporary sign permits which shall be valid for a period of thirty (30) days. The Director of Planning and Zoning or duly designated alternate may issue a temporary permit for a sign. A temporary sign permit may be renewed for only one (1) additional thirty (30) day period.
2. *Size.* No temporary sign shall exceed thirty-two (32) square feet in sign area or five (5) feet in height above the ground on which it is placed, excluding Banner signs or vinyl-canvas signs attached to a building wall or above a street.
3. *Maintenance.* All temporary signs shall be of sound structural quality, be maintained in good repair, have a clean, neat and legible appearance and remain free from fading or tears.
4. *Safety.* No temporary sign shall be erected or placed so as to present an immediate hazard of toppling, breaking or falling or blowing in such a manner as to cause injury to persons or property or to become litter. Temporary signs shall not present traffic hazards by blocking the field of vision or sight distance of pedestrians and/or motorists.

5. *Exclusions.*

- a. No permit fee shall be charged for the use of a temporary sign or Banner sign erected by any non-profit civic, fraternal or charitable organization.
  - b. The following types of signs shall be excluded from permit fees and permit application requirements: real estate signs; garage sale signs; auction signs; directional signs for parties, reunions, weddings, club meetings or gatherings and sports tournaments; open house signs and holiday signs and decorations. An exclusionary sign does not relieve the person installing the same from the responsibility of removing it promptly when the event is concluded. Penalties may be assessed for failure to comply with the provisions of this Section.
6. *Review.* Application for temporary signs of types other than those set forth in this Section will be reviewed by the Director of Planning and Zoning or his duly designated alternate on a case-by-case basis with consideration to safety, aesthetics and existing regulations used as his standards for approval or denial and approved or denied as he deems appropriate.

F. *Political Signs.*

7. *General.* Political signs shall be classified as "temporary signs" and shall comply with all regulations for temporary signs with the following exceptions:
- a. *Fees and permits.* Political signs shall be excluded from fees and permits.
  - b. *Polling place display.* All signs promoting, supporting or opposing any candidate, office, issue or proposition to be voted upon at any public election shall be removed within seven (7) days following such election. The candidate on whose behalf any such Political sign is displayed, the chairman of any political committee for any such candidate, or the chairman of any committee supporting or opposing any issue or proposition in any election concerning which a Political sign is displayed shall be deemed prima facie responsible for the removal of any such Political sign as required by this Subsection.
  - c. *Clear vision.* No Political sign shall be placed in or on any public property or within the public right-of-way in any manner which obscures or interferes with clear visibility along public streets, highways or intersections.
  - d. *Unlawful display.* It shall be unlawful to display or affix for display any Political sign to any utility pole or light standard at any time.

G. *Signs And Traffic Safety.*

1. *Placement.* No sign shall be maintained at any location where by reason of its position, size, shape or color it may obstruct, impair, obscure, interfere with the view or be confused with any traffic control sign, signal or device or where it may interfere with, mislead or confuse traffic.
2. *Limitations.* No person shall place, maintain or display upon or in view of any roadway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

3. *Penalty.* Failure to comply with the provisions of this Section shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790.

#### H. *Dangerous Signs.*

1. Should any sign become insecure, in danger of falling or otherwise unsafe in the opinion of the Director of Planning and Zoning or duly designated alternate, the Director of Planning and Zoning or duly designated alternate shall send written notice to the owner or occupant of the premises on which the sign is located, the owner of the sign or permit holder. The notice shall describe the dangerous condition of the sign and shall order the condition to be remedied in a manner to be approved by the Director of Planning and Zoning or duly designated alternate within five (5) days.
2. If any sign is in such a dangerous condition as to be immediately dangerous to the safety of the public, the Director of Planning and Zoning or duly designated alternate shall be authorized to take such action as in his opinion shall be necessary to protect the public or property.

#### I. *Non-Conforming Signs.*

1. *General.* Any sign which legally existed as of the date of passage of this Chapter and was then in compliance of the County ordinances or for which a permit was issued prior to such date may continue to exist as a legal non-conforming sign subject to the following conditions. Any sign which existed as of the date of the passage of this Section and was not within full compliance with the County Ordinances and for which no permit was issued shall be in violation of this Section and shall be an illegal non-conforming sign.
2. *Permits.* No permit for the erection of an additional sign shall be issued for property upon which a non-conforming sign currently exists unless:
  - a. The owner of a non-conforming sign brings said sign into compliance within sixty (60) days from the date of notification of non-compliance in which case the owner may obtain a permit for the sign made conforming from the County at no charge.
  - b. Permits for additional signs may be allowed by the Director of Planning and Zoning or his duly designated alternate if compliance is unreasonable or impractical.
3. *Damage replacement.* Should any legal non-conforming sign be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at a time of damage, it shall not be reconstructed except in conformity with the provisions of this Chapter.
4. *Maintenance.* Normal maintenance of legal non-conforming signs, including making necessary non-structural repairs or incidental alterations, which do not extend or intensify the non-conforming features of the sign shall be allowed.
5. *Traffic hazard.* All existing signs deemed to be a traffic hazard shall be inspected by the Director of Planning and Zoning or his designee and a determination made as to their removal or relocation. If found to be a traffic hazard, such signs shall be removed.

J. *Billboards.*

1. *New billboards.* No new billboards shall be erected except as provided for in this Section. Such new billboards as may be permitted by this Section shall conform to the height, size, lighting, spacing and setback requirements prescribed by this Section. Billboards are only allowed by special use permit in the "PI" (Planned Industrial) and "CH" (Highway Commercial) Zoning Districts.
2. In addition to the requirements contained herein for billboards, billboards shall be subject to the laws and regulations relating to billboards contained in Section 71.288, RSMo., Sections 226.500—226.600, RSMo., and 7 CSR 10-6.10—10-6.100 titled "Outdoor Advertising" as such laws and regulations are from time to time amended.
3. *Location.* No billboards shall be allowed except within six hundred sixty (660) feet of the nearest edge of the right-of-way of any interstate or Primary System by special use permit in areas zoned "PI" (Planned Industrial) and "CH" (Highway Commercial).
4. *Height.* The maximum height of any billboard shall be thirty (30) feet measured from the point where the sign structure comes into contact with the ground to the tallest point of the billboard or sign structure.
5. *Size.* All billboards shall not exceed seven hundred (700) square feet in sign area. Except for legally non-conforming billboards, only one (1) billboard shall be permitted on each billboard structure.
6. *Lighting.* In addition to the lighting restrictions provided by Section 226.540(1), RSMo., which shall apply to billboards, the additional lighting restrictions provided for in this Section shall also apply to billboards.
7. *Spacing.*
  - a. No billboard shall be erected within three (3) miles of an existing billboard.
  - b. No billboard shall be erected within one thousand five hundred (1,500) feet of an interchange, intersection at grade or safety rest area.
  - c. *Measurement.* All measurements shall be made parallel to the roadway between perpendiculars extended from the billboards locations in question.
8. *Setback.* In order to promote safety and prevent visibility problems or other hazards to traffic or surrounding property:
  - a. All billboards shall have a setback of at least one hundred (100) feet from the Right-of-Way and all other property lines of the lot on which the billboard is located.
  - b. All billboards shall have a setback of at least one hundred (100) feet from any existing building.
  - c. All billboards shall have a setback of at least one hundred (100) feet from an overhead power line.

- d. No billboards shall be located within five hundred (500) feet of any residentially zoned property.
  - e. No billboards shall be located within five hundred (500) feet of any park, playground, school, library, hospital or place of worship.
9. *Obstruction of official highway signs.* No sign shall be erected and positioned in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
10. *Prohibited billboards.* The following billboards are prohibited:
- a. *Billboards.* All billboards are prohibited except as specifically set forth herein.
  - b. *Animated and moving billboards.* Billboards employing movement, including, but not limited to, portable changeable copy signs, pennants, flags, banners, streamers, propellers, discs and searchlights.
  - c. *Flashing billboards.* Billboards that include lights that flash, blink or turn off intermittently.
  - d. *Glaring billboards.* Billboards that employ direct, indirect, internal, flashing or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground or air traffic or a nuisance as determined by the Administrator.
  - e. *Inflatable billboards and objects.* Including, but not limited to, balloons.
  - f. *Roof billboards.* Billboards which are erected or painted on a roof or which extend in height above the roofline of the building on which sign is erected.
  - g. *Simulated traffic signs and obstructions.* Any sign which may be confused with or obstruct authorized traffic signs or signals.
11. *Non-conforming billboards.*
- a. *General.* Any billboard which legally existed as of the date of passage of this Chapter and was then within full compliance of the County codes or for which a permit was issued prior to such date may continue to exist as a legal non-conforming sign subject to the conditions set forth below. Any sign which existed as of the date of the passage of this Section and was not within full compliance with the County ordinances and for which no permit was issued shall be in violation of this Section and shall be an illegal non-conforming sign.
  - b. *Permits.* See Subsection (J)(12) of this Section.
  - c. *Damage replacement.* Should any legal non-conforming sign be damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at a time of damage, it shall not be reconstructed except in conformity with the provisions of this Section.
  - d. *Maintenance.* Normal maintenance of legal non-conforming signs including making necessary non-structural repairs or incidental alterations which do not extend or intensify the non-conforming features of the sign shall be allowed.

- e. *Abandonment.* Non-conforming billboards shall be removed at the owner's, lessee's or lessor's expense if the billboard is abandoned.

12. *Permits.*

- a. *State permit.* No permit to allow a billboard to be newly erected shall be issued by the County unless and until the applicant has obtained a permit issued by the Missouri Highways and Transportation Commission.
- b. *Special use permit.* A special use permit is required.
- c. *Billboard plans.* An application for a sign permit for any billboard shall be submitted to the county engineer and shall include and be accompanied by plans that show the size and shape of the billboard, the location of the proposed billboard, the setbacks from surrounding properties, the type of illumination and proposed lighting, the colors to be used in the billboard, the materials used to construct and the method used to support the billboard.
- d. *Certification.* Before a permit is issued, the applicant shall submit the following certification for the appropriate license professional regarding the following:
  - (1) Certification from a licensed engineer that the soil and subsoil surface is capable of accepting the projected loads;
  - (2) Certification from an electrical engineer as to the electrical portion of the sign; and
  - (3) Certification from a structural engineer as to the structural strength of the billboard and certified outboundary survey of the site and its setback/clearance zone.
- e. *Construction time.* Permits to allow a billboard to be erected shall require construction to begin within three (3) months from date of issue and shall require construction to be completed within six (6) months from date of issue.
- f. *Fees and taxes.* The County shall charge a one-time inspection fee of five hundred dollars (\$500.00) when the billboard is first erected.
- g. *Annual inspection and certification.* Owners of all billboards erected after enactment of this Section shall be required to submit an annual inspection report from a Missouri licensed engineer as to the billboard structural integrity. Such certification shall be done on or before June first (1st) of each year. Failure to submit a report shall result in the immediate revocation of the permit.

K. *Maintenance.*

- 1. *General.* All signs and sign structures, together with all of their supports, braces, guys and anchors, shall be kept in repair and proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. All signs shall be maintained and/or removed such that the content of the sign remains accurate and current.

2. *Responsibility.* The owner of any property upon which any sign is placed and the person maintaining the sign shall be jointly and severally responsible, for the condition of the area in the vicinity of the sign and shall be required to keep it clean, sanitary and free from obnoxious or offensive substances, rubbish or weeds.
  3. *Hazardous endangerment.*
    - a. If any sign herein regulated is or becomes insecure or in danger of falling or otherwise unsafe or violates any provision of this Chapter, the Director of Planning and Zoning or his duly designated alternate shall notify the owner of the property on which the sign is situated or the owner of the sign or the permit holder or the person maintaining the sign by personal contact or serving a written notice or sending it by certified mail to one (1) of the above indicated people to remove the same within thirty (30) days or at the end of that thirty (30) days such sign or sign structure or device may be removed or altered by the County under the direction of the Director of Planning and Zoning or his duly designated alternate at the joint and several expense of the owner of the sign, permit holder, owner of the property and person maintaining the sign as determined by the Director of Planning and Zoning or his duly designated alternate.
    - b. When any sign is in such hazardous condition as to be immediately dangerous to the safety of the public, the Director of Planning and Zoning or his duly designated alternate are hereby authorized to take all necessary legal action to protect the public or property.
  4. *Nuisances.* Any sign which, because of lack of maintenance or upkeep, vandalism, accumulation of litter, refuse or debris, or general deterioration, becomes unsightly or unsafe is hereby declared to be a nuisance and shall be subject to abatement by the County in the same manner as all other nuisances on private property.
- L. *Signs Permitted/Zoning District Lot.* The following describes accessory signs permitted in the individual districts:
1. *For "AG" districts.*
    - a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
    - b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
    - c. For the purpose of advertising farm products produced, one (1) advertising or business sign, not over fifty (50) square feet in sign area, non-illuminated and set back at least ten (10) feet from the designated right-of-way line.
    - d. *Projection.* A sign attached to a building shall not project more than six (6) feet from the building wall nor more than one (1) foot from the roof of an arcade.



- e. *Setback.* All signs shall be set back at least ten (10) feet from the designated right-of-way line except where otherwise specified in this Section. Any accessory sign attached to a building need not be set back from the designated right-of-way line a distance greater than that of the setback of the building.
  - f. *Landscaping.* All yard areas within fifteen (15) feet of the sign not covered by sign structures or paved areas shall be landscaped with such landscaping continuously maintained. If the grade at the base of the sign is altered, proper drainage for surface water shall be provided.
  - g. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.
2. *For "RE" districts.*
- a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
  - b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
  - c. For the purpose of advertising farm products produced, one (1) advertising or business sign, not over twenty (20) square feet in sign area, non-illuminated and set back at least ten (10) feet from the designated right-of-way line.
  - d. Accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.
3. *For "R-80" districts.*
- a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
  - b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
  - c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

4. *For "R-40" districts.*

- a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
- b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
- c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

5. *For "R-25" districts.*

- a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
- b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
- c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

6. *For "R-15" districts.*

- a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
- b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
- c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

7. *For "R-12" districts.*

- a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.

- b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
      - c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.
8. *For "R-10" districts.*
  - a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
  - b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
  - c. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
  - d. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.
9. *For "R-7" districts.*
  - a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
  - b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
  - c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.
10. *For "RTD" districts.*
  - a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.

- b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
- c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

11. *For "RMD" districts.*

- a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
- b. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
- c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

12. *For "PO" districts.*

- a. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over thirty-two (32) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
- b. Business signs where total sign area per establishment does not exceed ten percent (10%) of the sign wall area and in no event more than sixty (60) feet.
- c. Signs for hotels and motels with total sign area per establishment not to exceed ten percent (10%) of the sign wall area and in no event more than eighty (80) square feet, except that no sign shall be erected which faces a school, park or residential property.
- d. Each building may have one (1) illuminated double-faced monument sign. If the lot on which the building or use is located has frontage on three (3) or more public or private road rights-of-way, one (1) additional double-faced monument sign shall be permitted. However, a minimum distance of two hundred fifty (250) feet shall be required between the two (2) signs and no more than one (1) monument sign shall be allowed along each public or private road right-of-way.

- e. In lieu of a monument sign, any lot containing a business or businesses located within six hundred sixty (660) feet of the right-of-way line of a Freeway Primary Highway may erect one (1) on-premises sign on said lot which projects toward freeway travelers. The maximum height of said sign shall be the lesser of three (3) feet above the roof level of the business structure or thirty (30) feet above ground level. Said on-premises sign must be set back at least ten (10) feet from the right-of-way line. Said on-premises signs may be either internally or externally illuminated and shall have a maximum sign area of eighty (80) square feet.
- f. *Prohibited on-premises signs.*
  - (1) *Animated or moving on-premises signs.* On-premises signs employing movement including, but not limited to, portable changeable copy signs, pennants, banners, streamers, propellers, discs and searchlights.
  - (2) *Flashing on-premises signs.* On-premises signs that include lights that flash, blink or turn off intermittently.
  - (3) *Glaring on-premises signs.* On-premises signs that employ direct, indirect, internal, flashing or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground to air traffic or a nuisance as determined by the Administrator.
  - (4) *Inflatable on-premises signs and objects.* Including, but not limited to, balloons.
  - (5) *Simulated traffic signs and obstructions.* Any sign which may be confused with or obstruct authorized traffic signs or signals.
  - (6) *Projection.* A sign attached to a building shall not project more than six (6) feet from the building wall nor more than one (1) foot from the roof of an arcade.
  - (7) *Setback.* All signs shall be set back at least ten (10) feet from the designated right-of-way line except where otherwise specified in this Section. Any accessory sign attached to a building need not be set back from the designated right-of-way line a distance greater than that of the setback of the building.
  - (8) *Landscaping.* All yard areas within fifteen (15) feet of the sign not covered by sign structures or paved areas shall be landscaped with such landscaping continuously maintained. If the grade at the base of the sign is altered, proper drainage for surface water shall be provided.
  - (9) *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

13. *For "CN" districts.*

- a. For any non-residential establishment or institution, one (1) indirectly illuminated advertising or business sign, not over ten (10) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.

- b. For any structure for sale or rent, one (1) temporary, non-illuminated sign "For Sale", "For Rent", not over three (3) square feet in sign area located at least fifteen (15) feet from the designated right-of-way line to cease thirty (30) days after sale or rent is concluded.
- c. Business signs with total sign area per establishment not to exceed ten percent (10%) of the sign wall area and in no event more than forty (40) square feet. For any business use conducted primarily in the open, the total sign area shall be not more than one (1) square foot for each foot of lot frontage, not to exceed forty (40) square feet. In addition, a sign consisting only of the name of an establishment painted directly on an awning, with a sign area not to exceed ten (10) square feet, is permitted. However, the sign area and illuminated portion of any one (1) sign shall not exceed one-half (½) the total permitted and the exterior angle between the exterior faces of all signs shall not exceed ninety degrees (90°).
- d. *Projection.* Signs attached to a building shall not project more than six (6) feet from the building wall nor more than one (1) foot from the roof of an arcade.
- e. *Setback.* All signs shall be set back at least ten (10) feet from the designated right-of-way line except where otherwise specified in this Section. Any accessory sign attached to a building need not be set back from the designated right-of-way line a distance greater than that of the setback of the building.
- f. *Landscaping.* All yard areas within fifteen (15) feet of the sign not covered by sign structures or paved areas shall be landscaped with such landscaping continuously maintained. If the grade at the base of the sign is altered, proper drainage for surface water shall be provided.
- g. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

14. *For "CH" districts.*

- a. Any business may have one (1) directly illuminated wall sign on each side of its building that has frontage on a public or private road right-of-way. The sign area of each wall sign shall not exceed ten percent (10%) of the total area of the wall on which the sign is located. The sign area for individual businesses within a multiple-tenant building shall not exceed ten percent (10%) of the wall area of that business. Wall signs shall not extend above the height of the wall upon which the sign is located.
- b. Each building may have one (1) illuminated double-faced monument sign. If the lot on which the building or use is located has frontage on three (3) or more public or private road rights-of-way, one (1) additional double-faced monument sign shall be permitted. However, a minimum distance of two hundred fifty (250) feet shall be required between the two (2) signs and no more than one (1) monument sign shall be allowed along each public or private road right-of-way.
- c. In lieu of a monument sign, any lot containing a business or businesses located within six hundred sixty (660) feet of the right-of-way line of a Freeway Primary Highway may erect one (1) on-premises sign on said lot which projects toward freeway travelers. The maximum height of said sign shall be the lesser of three (3) feet above the roof level of the business structure or thirty (30) feet above ground level. Said on-premises sign must be set back at least ten (10) feet from the right-of-way line. Said on-premises signs may be either internally or externally illuminated and shall have a maximum sign area of eighty (80) square feet.

- d. *Prohibited on-premises signs.*
- (1) *Animated or moving on-premises signs.* On-premises signs employing movement including, but not limited to, portable changeable copy signs, pennants, banners, streamers, propellers, discs and searchlights.
  - (2) *Flashing on-premises signs.* On-premises signs that include lights that flash, blink or turn off intermittently.
  - (3) *Glaring on-premises signs.* On-premises signs that employ direct, indirect, internal, flashing or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground to air traffic or a nuisance as determined by the Administrator.
  - (4) *Inflatable on-premises signs and objects.* Including, but not limited to, balloons.
  - (5) *Simulated traffic signs and obstructions.* Any sign which may be confused with or obstruct authorized traffic signs or signals.
- e. Drive-through restaurants may have two (2) menu boards located in conjunction with the drive-through lane. Such sign shall not exceed eight (8) feet in height and shall not exceed thirty-two (32) square feet in sign area per face.
- f. One (1) parking lot directional sign shall be permitted at each entrance to a building site from a public or private road right-of-way and at each entrance to a drive-through lane. Such signs shall not exceed four (4) square feet of sign area per face and shall not be greater than five (5) feet in height. Directional signs may be single-faced or double-faced and up to fifty percent (50%) of the sign face area may be used to display the name or logo of the developer, building or principal tenant.
- g. For any lot, building and/or tenant space that is for sale, rent or lease, one (1) temporary non-illuminated "For Sale", "For Rent" or "For Lease" sign shall be permitted. Such sign may be double-faced but shall not be over thirty-two (32) square feet in sign area per face, shall not exceed eight (8) feet in height per face, and shall be set back a minimum of fifteen (15) feet from the public road right-of-way. In addition, such sign shall be removed within seven (7) days after the sale, rent or lease of the lot, building or tenant space.
- h. *Projection.* Signs attached to a building shall not project more than six (6) feet from the building wall nor more than one (1) foot from the roof of an arcade.
- i. *Setback.* All signs shall be set back at least ten (10) feet from the designated right-of-way line except where otherwise specified in this Section. Any accessory sign attached to a building need not be set back from the designated right-of-way line a distance greater than that of the setback of the building.
- j. *Landscaping.* All yard areas within fifteen (15) feet of the sign not covered by sign structures or paved areas shall be landscaped with such landscaping continuously maintained. If the grade at the base of the sign is altered, proper drainage for surface water shall be provided.

- k. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

15. For "PI" districts.

- a. One (1) monument sign facing each street whether or not access to the lot is provided giving names of the occupant or occupants of the premises. Any such sign shall not have a sign area that exceeds forty (40) square feet and all such signs shall not have an aggregate sign area that exceeds sixty (60) square feet. The top of any sign shall not be more than twelve (12) feet above ground level, unless placed on the face of the building, in which case it shall not project above the roof of the buildings. Such sign may be illuminated but shall not be of the flashing type or lighted by exposed light sources.
- b. In lieu of a monument sign, any lot containing a business or businesses located within six hundred sixty (660) feet of the right-of-way line of a Freeway Primary Highway may erect one (1) on-premises sign on said lot which projects toward freeway travelers. The maximum height of said sign shall be the lesser of three (3) feet above the roof level of the business structure or thirty (30) feet above ground level. Said on-premises sign must be set back at least ten (10) feet from the right-of-way line. Said on-premises signs may be either internally or externally illuminated and shall have a maximum sign area of eighty (80) square feet.
- c. *Prohibited on-premises signs.*
  - (1) *Animated or moving on-premises signs.* On-premises signs employing movement including, but not limited to, portable changeable copy signs, pennants, banners, streamers, propellers, discs and searchlights.
  - (2) *Flashing on-premises signs.* On-premises signs that include lights that flash, blink or turn off intermittently.
  - (3) *Glaring on-premises signs.* On-premises signs that employ direct, indirect, internal, flashing or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground to air traffic or a nuisance as determined by the Administrator.
  - (4) *Inflatable on-premises signs and objects.* Including, but not limited to, balloons.
  - (5) *Simulated traffic signs and obstructions.* Any sign which may be confused with or obstruct authorized traffic signs or signals.
- d. Necessary directional signs, not exceeding five (5) square feet, shall be permitted.
- e. *Projection.* Signs attached to a building shall not project more than six (6) feet from the building wall nor more than one (1) foot from the roof of an arcade.
- f. *Setback.* All signs shall be set back at least ten (10) feet from the designated right-of-way line except where otherwise specified in this Section. Any accessory sign attached to a building need not be set back from the designated right-of-way line a distance greater than that of the setback of the building.



- g. *Landscaping.* All yard areas within fifteen (15) feet of the sign not covered by sign structures or paved areas shall be landscaped with such landscaping continuously maintained. If the grade at the base of the sign is altered, proper drainage for surface water shall be provided.
- h. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level

16. *For "BP" districts.*

- a. One (1) wall sign per establishment where the number of square feet in the total sign area does not exceed ten percent (10%) of the number of lineal footage along the front of the establishment and in no event more than sixty (60) square feet. However, where the front of the establishment faces an interstate, the number of square feet in the total sign area may not exceed fifteen percent (15%) of the number of lineal feet along the front of the establishment and in no event more than ninety (90) square feet. All wall signs shall have a minimum of one (1) foot between the top of the sign and the top of the wall on which the sign is located.
- b. One (1) directly or indirectly illuminated ground sign advertising the name of the business park that is not over forty (40) square feet in size and is no more than ten (10) feet in height. All such signs shall be set back from all property lines a minimum of twenty (20) feet, however, for each additional one (1) foot of setback beyond twenty (20) feet, the sign area may be increased by two (2) square feet up to a maximum of one hundred (100) square feet. In addition, for each additional five (5) feet setback, the maximum height of a ground sign may be increased by one (1) foot. All ground signs shall have an exterior finish around the face of the sign that is of the same materials as the exterior finish of the buildings in the business park.
- c. In lieu of a monument sign, any lot containing a business or businesses located within six hundred sixty (660) feet of the right-of-way line of a freeway primary highway may erect one (1) on-premises sign on said lot which projects toward freeway travelers. The maximum height of said sign shall be the lesser of three (3) feet above the roof level of the business structure or thirty (30) feet above ground level. Said on-premises sign must be set back at least ten (10) feet from the right-of-way line. Said on-premises signs may be either internally or externally illuminated and shall have a maximum sign area of eighty (80) square feet.
- d. *Prohibited on-premises signs.*
  - (1) *Animated or moving on-premises signs.* On-premises signs employing movement including, but not limited to, portable changeable copy signs, pennants, banners, streamers, propellers, discs and searchlights.
  - (2) *Flashing on-premises signs.* On-premises signs that include lights that flash, blink or turn off intermittently.
  - (3) *Glaring on-premises signs.* On-premises signs that employ direct, indirect, internal, flashing or other illumination with light sources or reflectivity of such brightness that constitute a hazard to ground to air traffic or a nuisance as determined by the Administrator.

- (4) *Inflatable on-premises signs and objects.* Including, but not limited to, balloons.
  - (5) *Simulated traffic signs and obstructions.* Any sign which may be confused with or obstruct authorized traffic signs or signals.
- e. Convenience stores, restaurants and service stations that are a part of the business park and have frontage on a primary arterial or a secondary arterial may have one (1) of the following type of signs:
- (1) One (1) directly or indirectly illuminated ground sign which has a sign area that is not over forty (40) square feet in size and is not more than five (5) feet in height. All such signs shall be set back a minimum of ten (10) feet from the property lines. All such ground signs shall have an exterior finish around the face of the sign that is of the same material as the exterior of the building in which the business is located.
  - (2) Each building may have one (1) illuminated double-faced monument sign. If the lot on which the building or use is located has frontage on three (3) or more public or private road rights-of-way, one (1) additional double-faced monument sign shall be permitted. However, a minimum distance of two hundred fifty (250) feet shall be required between the two (2) signs and no more than one (1) monument sign shall be allowed along each public or private road right-of-way.
  - (3) Two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
- f. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

17. *For "OSP" districts.*

- a. Any business may have one (1) directly illuminated wall sign on each side of its building that has frontage on a public or private road right-of-way. The sign area of each wall sign shall not exceed five percent (5%) of the total area of the wall on which the sign is located. Wall signs shall not extend above the height of the wall upon which the sign is located.
- b. For the purpose of advertising farm products produced, one (1) advertising or business sign, not over fifty (50) square feet in sign area, non-illuminated and set back at least ten (10) feet from the public road right-of-way.
- c. One (1) parking lot directional sign shall be permitted at each entrance to a building site from a public or private road right-of-way. Each such directional sign shall not exceed four (4) square feet of sign area per face and shall not be greater than five (5) feet in height. Directional signs may be single-faced or double-faced and up to fifty percent (50%) of the sign face area may be used to display the name or logo of the developer, building or principal tenant.
- d. For any lot, building and/or tenant space that is for sale, rent or lease, one (1) temporary non-illuminated "For Sale", "For Rent" or "For Lease" sign shall be permitted. Such sign shall not be over thirty-two (32) square feet in sign area per face, shall not exceed six (6) feet in height per face, and shall be set back a minimum of fifteen (15) feet from the public road right-of-way. In addition, such sign shall be removed within seven (7) days after the sale, rent or lease of the lot, building or tenant space.

- e. Accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

18. *For conservation districts.*

- a. For any dwelling unit and home occupation, one (1) identification, incidental or informational sign, not over two (2) square feet.
- b. One (1) directly illuminated monument sign at each entrance of the subdivision.
- c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

19. *For planned residential developments.*

- a. For any residence and home occupations, one (1) identification, incidental or informational sign, not over two (2) square feet in sign area, indirectly illuminated and set back at least ten (10) feet from the designated right-of-way line.
- b. For any non-residential establishment or institution such as parks or churches, one (1) indirect illuminated sign, not over ten (10) square feet in sign area, at least ten (10) feet from the designated right-of-way line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area and set back at least ten (10) feet from the designated right-of-way line.
- c. *Height.* All accessory signs permitted in this Section shall have a maximum height of eight (8) feet measured from ground level.

M. *Penalties And Fines.*

1. *Violation notices.*

- a. The Director of Planning and Zoning or duly designated alternate shall issue a violation notice in writing for any violation of this Section. The notice shall state the specific violation of this Section, shall order compliance with this Section and shall specify a date for compliance.
- b. The notice shall be served by the Director of Planning and Zoning or duly designated alternate by either of the following methods:
  - (1) By handing the notice to the owner or occupant of the premises on which the sign is located, the sign or the permit holder.
  - (2) By mailing the notice by certified mail, return receipt requested, to either or all of the persons listed in the previous subparagraph.
  - (3) By posting the notice on the sign, the sign structure or on the premises.
- c. No person shall remove any posted violation notice from any property without written permission from the Director of Planning and Zoning or duly designated alternate.

- d. Failure to comply with a notice of violation issued pursuant to this Subsection shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790.
2. If any Section, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
3. *Penalty.* Failure to comply with the provisions of this Section shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790. (County Order of 1990).

#### **SECTION 400.380: PERFORMANCE STANDARDS FOR ALL USES**

- A. *Applicability.* No building permit or certificate of occupancy shall be granted for any use unless the Enforcement Officer shall find that the use shall conform to the standards set forth in this Section.
- B. *Compliance Required.* No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazards, including possible potential hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.
- C. *Locations Where Determinations Are To Be Made For Enforcement Of Performance Standards.* The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any Point").
- D. *Performance Standards Required.* The following provisions, standards and specifications shall apply:
  1. All activities involving and all storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be prohibited at any point unless authorized by permit of the State or local agency having appropriate jurisdiction subject to such conditions as may be prescribed by such agency in each case. The relevant provisions of State and local laws and regulations shall also apply.
  2. *Radioactivity or electric disturbance.* No activities shall be permitted which violate the requirements and standards of the Radiation Protection Regulations of the Missouri State Board of Health and no airport electrical disturbance or any disturbance resulting from radio or television transmissions shall be tolerated which affects adversely the operation at any point of any equipment other than that of the creator of such disturbance.

3. *Noise limitations—"PI" district.*

- a. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the United States Standards Institute. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noise shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this Order, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises capable of being so measured shall be so muffled or otherwise controlled, as not to become objectionable, due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming, screeching, etc.) or shrillness. Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire, ambulance, Police and air raid warning sirens) shall be excluded from the above regulations.
- b. No industrial activity shall be responsible for the transmission of noise across any residential or business zoning district boundary line in excess of the levels established below:

<i>Octave Band (Preferred Center Frequency)</i>	<i>Sound Level in Decibels (RE .0002 Microbar)</i>	
	<u>8:01 A.M.—10:01 P.M.</u>	<u>10:00 P.M.—8:00 A.M.</u>
31.5	79	73
63	74	68
125	68	62
250	60	54
500	55	49
1,000	50	44
2,000	46	40
4,000	41	35
8,000	36	32

4. *Vibration limitations.*

- a. Earthborne vibrations from any industrial operation, equipment or process shall not constitute a nuisance nor exceed the displacement limits set forth herein. Vibrations shall be expressed as displacement in inches and shall be measured with a three-component measuring system.
- b. No industrial activity shall be responsible for the transmission of earthborne vibrations across any residence or business zoning district boundary line in excess of the displacement limits established through use of the following formula:

$$D = \frac{0.003}{f}$$

where D equals the maximum allowable displacement in inches, f equals the vibration frequency in cycles per second.

5. *Smoke and particulate matter limitations.*
  - a. *General limitations.* In addition to the performance standards specified hereinafter, the emission of smoke or particulate matter in such manner or quantity as to be detrimental to or endanger the public health, safety, comfort or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
  - b. *Permitted smoke emission.* Within one thousand (1,000) feet of a residence or business zoning district boundary line, the continuous emission of smoke from any vent, stack, chimney or combustion process shall have a density or equivalent opacity of less than Ringelmann No. 1. Smoke in excess of Ringelmann No. 1, but not exceeding Ringelmann No. 2, shall be permitted for five (5) minutes in any one (1) hour. Smoke not exceeding Ringelmann No. 3 shall be permitted for five (5) minutes during any eight (8) hour period for purposes of fire cleaning only. Smoke in excess of Ringelmann No. 3 is prohibited.
6. *Toxic matter limitations.* In any District toxic materials which are released shall not exceed ten percent (10%) of the maximum permissible airborne concentration allowed an industrial worker when measured at any point beyond the lot line either at ground level or habitable elevation, whichever is more restrictive. When maximum permissible airborne concentrations of toxic materials allowed an industrial worker are not contained in the most recent list of Threshold Limit Values published by the American Conference of Governmental Industrial Hygienists, the applicant shall satisfy the Health Officer that proposed levels will be safe to the general population.
7. *Odorous matter limitations.* The release of odorous matter from any District across Residence or business District boundary lines shall be so controlled that, at ground level or at habitable elevations, the concentration shall not exceed the odor threshold. Further, the release of odorous matter across lot lines shall not become a nuisance or source of discomfort to neighboring uses.
8. *Glare limitations.* In any District, any operation or activity producing intense glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half ( $\frac{1}{2}$ ) of one (1) foot-candle when measured at any Residence District boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any lot lines.
9. *Liquid or solid wastes.* No discharge, at any point, shall be permitted into any public sewer, private sewage disposal system or stream or into the ground, except in accord with standards approved by the Platte County Board of Health Center Trustees, the Missouri State Board of Health and the Department of Natural Resources, as the case may be, or standards equivalent to those approved by said authorities for similar uses of any materials of such nature or temperature as can contaminate any water supply, interfere with the orderly operation of public sewage collection and treatment systems, or otherwise cause the emission of dangerous or offensive elements.
10. *Other nuisance conditions.* Any condition conducive to the breeding of rodents or insects or any other dangerous, noxious, injurious or objectionable condition, substance or element which would create any hazard to the public health, peace or comfort or to hinder the appropriate use of land shall be prohibited. (County Order of 1990)

**SECTION 400.390: MINIMUM EXISTING INFRASTRUCTURE STANDARDS****A. Title, Purpose, and Intent.**

1. *Title.* These regulations shall be known by short title as the “Platte County Minimum Existing Infrastructure Standards”, may be cited as such and will be referred to herein as “this Section”.
2. *Purpose.* The purpose of these regulations is to ensure that the existing infrastructure surrounding a proposed Development meets certain minimum standards necessary to support said Development.
3. *Intent.* The intent of this Section is to establish the minimum standards necessary for existing infrastructure to support the impact of a proposed Development. This Section gives the County the authority to deny an application request if these minimum standards are not met. It is not the intent of this Section to supersede or replace the infrastructure standards and specifications outlined in Article IV of the Platte County Subdivision Regulations, other standards and specifications which may exist elsewhere in the County’s Codes, or standards and specification adopted by an applicable entity (i.e. road district, sewer district, water district, etc.), as those standards and specifications primarily relate to new infrastructure.

**B. Definitions.** For the purpose of this Section 400.390, certain terms, phrases, words and their derivatives shall be defined as specified in this Section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. The following terms shall have the following meanings in this Section 400.390. In the event of a conflict between terms defined in Article I, Section 400.090 and the terms defined herein, this Section 400.390 shall control.

**CENTRALIZED SANITARY SEWER SYSTEM:** A wastewater collection and treatment system that consists of collection sewers and a centralized treatment facility.

**CONTINUING AUTHORITY:** A wastewater treatment provider as defined by 10 CSR 20-6.010(3)(B)1 and 2. (2009 revision).

**DECENTRALIZED SANITARY SEWER SYSTEM:** Onsite and/or cluster wastewater systems used to treat and disperse or discharge small volumes of wastewater. Types of decentralized sanitary sewer systems include, but are not limited to, individual onsite septic systems, small lagoons, recirculating sand filters and package plants.

*DEVELOPMENT:* Altering the landscape in any number of ways such as:

- Changing landforms from a natural or semi-natural state for purpose such as housing
- Subdividing real estate into lots, typically for the purpose of building homes; rezoning property; seeking a special use permit; or taking other action requiring approval of a site development plan
- Developing property or changing its purpose, for example by converting an unused factory complex into condominiums.

*EXTERNAL ROAD:* A road that collects traffic to and from a site and distributes it to the existing roadway network.

*MAJOR OFF-SITE ROADWAY SEGMENTS:* External roadway segments that are projected to carry more than 15% of a proposed Development's traffic.

*PACKAGE PLANT:* Pre-manufactured sewage treatment facilities used to treat wastewater. Types of package plants include, but are not limited to, extended aeration plants, sequencing batch reactors, oxidation ditches, contact stabilization plants, rotating biological contactors and physical/chemical processes.

*PRIMARY IMPACT AREA:* The Area of Traffic Impact Study as defined by Article I, Section 405.175 of the Platte County Subdivision Regulations.

*STOPPING SIGHT DISTANCE:* The sum of the distance traversed by a vehicle from the instant a driver sights an object necessitating a stop to the instant the brakes are applied and the distance needed to stop the vehicle from the instant brake applications begins. Stopping sight distances shall be calculated in accordance with the latest edition of American Association of State Highway and Transportation Officials' (AASHTO) A Policy on Geometric Design of Highways and Streets.

C. *Applicability.* This Section shall apply to all proposed Development within the unincorporated area of Platte County, Missouri. Applications for a Rezoning, Preliminary Plat, Special Use Permit or Site Development Plan may be denied by the Planning and Zoning Commission if it determines that the minimum infrastructure necessary to support the proposed Development is not present.



D. *Exceptions.* It is not the intent of this Section to apply to Development requests deemed minor in nature. The following types of Development requests are exempt from this Section:

1. The rezoning of property not associated with Development such as:
  - a. Rezoning requests primarily for the purpose of addressing building setbacks, area requirements, or other unique site conditions.
  - b. Rezoning requests that are primarily intended to bring legal non-conforming structures and uses into conformance.
2. Expansion of a pre-existing use, or any change in use, requiring a Site Development Plan, that will not increase the amount of impervious surface (i.e. pavement, buildings, structures, etc.) more than 25%. The 25% standard shall be measured cumulatively if multiple expansions occur over time.
3. Any other Development request that the Planning and Zoning Commission deems to be minor may be exempt from this Section.

E. *Minimum Infrastructure Requirements by Zoning District.* The table below identifies the required minimum infrastructure for each zoning district.

		Zoning Districts																			
		AG	RE	R-80	R-40	R-25	R-15	R-12	R-10	R-7	RTD	RMD	PO	CN	CH	PI	BP	OSP	CD	PR	
Minimum Infrastructure Categories	External Roads (Category 1)	■	■															■			
	External Roads (Category 2)			■																	
	External Roads (Category 3)				■	■	■	■	■	■	■	■	■	■						■	■
	External Roads (Category 4)														■	■	■				
	Fire Station (Category 1)	■	■	■															■		
	Fire Station (Category 2)				■	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■
	Wastewater (Category 1)	■	■	■																	
	Wastewater (Category 2)				■	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■
	Water (Category 1)	■	■	■															■		
	Water (Category 2)				■	■	■	■	■	■	■	■								■	■
	Water (Category 3)													■	■	■		■			
	Water (Category 4)															■					

Required ■

F. *External Roads.* The minimum requirements for external roads in each category are as follows:

1. Category 1: Gravel road required to connect to nearest existing hard surface collector road.
2. Category 2: Chip and seal road required to connect to nearest existing hard surface collector road.
3. Category 3: Major off-site roadway segments within the Primary Impact Area must meet the following minimum criteria:
  - a. Asphalt or concrete surface type.
  - b. Minimum driving surface width of 22 feet including over all bridges and culverts.
  - c. Stopping sight distances at every point along the roadway segment shall meet the American Association of State Highway and Transportation Official's (AASHTO) minimum design values. The speed limit of a roadway segment cannot be reduced solely to meet stopping sight distance requirements unless a speed study is conducted by the applicant and approved by the County Engineer.
  - d. Bridges and culverts shall be capable of passing the 10% storm event without overtopping the roadway.

In addition to meeting the above minimum criteria, major off-site roadway segments may be subject to a Traffic Impact Study in accordance with Article IV, Section 405.175 of the Platte County Subdivision Regulations, as amended, to ensure they have the ability to support the proposed Development.

4. Category 4: Direct access to a secondary or primary arterial road or to a collector road that meets all of the minimum County street standards for a collector road. Major off-site roadway segments within the Primary Impact Area must meet the following minimum criteria:
  - a. Asphalt or concrete surface type.
  - b. Minimum driving surface width of 24 feet including over all bridges and culverts.
  - c. Stopping sight distances at every point along the roadway segment shall meet AASHTO's minimum design values. The speed limit of a roadway segment cannot be reduced solely to meet stopping sight distance requirements unless a speed study is conducted by the applicant and approved by the County Engineer.
  - d. Bridges and culverts must be capable of passing the 4% storm event without overtopping the roadway.

In addition to meeting the above minimum criteria, major off-site roadway segments may be subject to a Traffic Impact Study in accordance with Article IV, Section 405.175 of the Platte County Subdivision Regulations, as amended, to ensure they have the ability to support the proposed Development.

G. *Fire Station/Emergency Services.* The minimum distance from the Development to the nearest fire station shall conform to the following standards:

1. Category 1: No minimum distance. These zoning districts are in portions of Platte County that have a rural service level for fire and emergency services.
2. Category 2: The site shall be within five miles via existing roads from the site to an existing or planned fire station.

H. *Wastewater.* The minimum requirements for wastewater collection and treatment in each category are as follows:

1. Category 1: Wastewater collection and treatment shall be provided by an on-site septic system or other wastewater treatment system approved for use by the applicable jurisdiction.
2. Category 2: Wastewater collection and treatment shall be provided by a centralized sanitary sewer system operated by a Continuing Authority, with the following exceptions:
  - a. Residential uses on lots of 2 acres or greater.
  - b. Decentralized treatment facilities are acceptable for proposed non-residential uses that are determined by the Planning and Zoning Commission to be of such a nature that the use must be located in areas which do not have a centralized sanitary sewer system. Said treatment facilities may be operated by the applicant and not a Continuing Authority. Examples include, but are not limited to, recreation facilities, power plants and other uses that generate significant waste but do not typically locate in areas that have a centralized sanitary sewer system.
  - c. Decentralized treatment facilities in existence at the time of adoption of this Section are acceptable if the capacity of said facility is adequate to serve the proposed Development.
  - d. Wastewater treatment systems such as package plants are permissible on an interim basis if the Continuing Authority can demonstrate a reasonable infrastructure development plan to provide service on a regional or watershed basis and that is generally acceptable to the Planning and Zoning Commission.

The applicant will be required to contact the applicable Continuing Authority to determine if the capacity of the existing wastewater treatment system is adequate to serve the proposed Development.

I. *Water.* The minimum requirements for potable water supply in each category are listed below. The applicant will be required to contact the applicable water district or jurisdiction to determine if the capacity of the existing water supply system is adequate to serve the proposed Development.

1. Category 1: Potable water shall be provided to the site from a central public or special district water source, if available, or by an on-site well(s).

2. Category 2: Potable water shall be provided to the site from a central public or special district water source. Sufficient water supply shall be available to provide fire protection through the use of fire hydrants for the proposed Development. Residential developments with 5 lots or less and without required internal streets shall be excluded from Category 2 requirements, and instead shall be required to meet Category 1 requirements.
3. Category 3: Potable water shall be provided to the site from a central public or special district water source. Sufficient water supply shall be available or provided to meet the fire protection water flow rate and volume for a commercial structure(s) as defined by the adopted County Building Code.
4. Category 4: Sufficient water supply shall be available or provided to meet the fire protection water flow rate and volume for an industrial structure(s) as defined by the adopted County Building Code.

#### **SECTION 400.400: AIRPORT HEIGHT REGULATIONS**

Airports and their surrounding areas are subject to applicable federal, state, county and local regulations.

1. *Height regulations—established approach plan.* Height of buildings and structures in areas surrounding the boundaries of the Kansas City International Airport shall be governed by the regulations established by the City of Kansas City, Missouri, and adopted hereby by reference.
2. *Height regulations—non-established approach areas.* Height of buildings and structures in areas within ten thousand (10,000) lineal feet of the boundaries of airports that do not have an established approach plan shall be governed by the following:
  - a. For an airport having the longest runway less than three thousand nine hundred fifty (3,950) lineal feet in length, buildings and structures located just beyond the boundaries of the airport shall not be in excess of fifteen (15) feet in height and for every two hundred (200) lineal feet of additional distance from the airport boundaries, the height of buildings and structures may be increased by not more than ten (10) feet.
  - b. For an airport having a runway of three thousand nine hundred fifty (3,950) lineal feet or more in length, buildings and structures just beyond the boundaries of the airport shall not be in excess of fifteen (15) feet in height; and for every two hundred (200) lineal feet of additional distance from airport boundaries, the height of buildings and structures may be increased by not more than five (5) feet; and where a runway has been designated as an instrument runway, the height of buildings and structures in the first ten thousand (10,000) lineal feet beyond the airport boundaries may be increased by not more than four (4) feet for every two hundred (200) lineal feet of additional distance from the airport boundaries. (County Order of 1990)

**SECTION 400.410: AIRPORTS AND HELIPORTS**

Airports and heliports may be approved by Special Permit in Districts "AG", "RE", "CH", "PO" and "PI" in accordance with the provisions of Article VIII, Section 400.760. The following requirements shall be considered the minimum required for such approval. They may be augmented by such additional requirements as a condition for approval as are deemed necessary to protect the public health, safety and general welfare.

1. *Surfacing.* Any areas to be used by an aircraft under its own power shall be provided with a dustless surface.
2. *Hours of operation.* Hours of operation in any residential district shall be limited to daylight hours.
3. *Minimum distance to lot lines.* No area to be used by an aircraft under its own power shall be less than two hundred (200) feet from any lot line.
4. *Fencing.* Access to areas used by aircraft in motion shall be controlled by fences and gates.
5. *Screening.* Within residential districts or within fifty (50) feet of a residential district, screening shall be provided.
6. *Accessory uses.* Vending machines, newsstands, governmental installations, airports, airline and express offices and aircraft repair facilities all within completely enclosed buildings are permitted. Storage and sale of aviation gasoline is permitted in accordance with state and federal regulations. (County Order of 1990)

**SECTION 400.420: MOBILE HOME PARKS**

- A. *Mobile Homes Prohibited.* Except within a non-conforming mobile home park, no mobile home shall be located for occupancy or occupied unless on a designated space within a mobile home park approved in accordance with this Section.
- B. *Districts.* Mobile Home Parks may be approved by Special Permit in Districts "R-10", "R-7" and "RMD" in accordance with the provisions of Article VIII, Section 400.760. The following requirements shall be considered the minimum required for such approval. They may be augmented by such additional requirements as a condition for approval as are deemed necessary to protect the public health, safety and general welfare.
- C. *General Conditions.* Mobile home parks shall be served by adequate public utilities and located a distance of not more than five hundred (500) feet from an improved street designated as an arterial or collector in the Major Street Plan. Such mobile home park shall be served by an improved public street of adequate width and providing direct access from the park site to a primary or secondary arterial.
- D. *Standards.*
  1. *Size and drainage.* A mobile home park shall have a minimum area of eight (8) acres. The area shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

2. *Individual mobile home sites.*

- a. Each mobile home park shall provide individual mobile home sites and each such site shall be clearly defined or delineated on the mobile home park plan for each individual mobile home dwelling unit and when constructed by permanent stakes or markers at the site.
- b. Each mobile home dwelling unit shall be located on an individual site having an area of not less than three thousand (3,000) square feet or four (4) times the total area of the mobile home dwelling unit to be placed on the site, whichever is greater. Curvilinear, non-gridiron design of mobile home sites within the mobile home park plan is deemed highly desirable and is encouraged. No specific front, side or rear yards shall be required for any individual mobile home site, provided however, that no mobile home shall be located closer than fifteen (15) feet to another mobile home or to the curb line of any interior private street or closer than twenty-five (25) to the right-of-way line of any public street and, further provided, that the Planning Commission shall recommend such additional yard requirements deemed essential to a proper site plan and to protect the health, safety and welfare of the mobile home park residents.
- c. No more than six (6) mobile home dwelling units shall be provided per acre of total land area of the mobile home park including buffer areas, roads and open space. Each mobile home site shall have either: A four (4) inch thick slab or pad of adequate size to accommodate the outside dimension of the mobile home to be placed thereupon or runners at least four (4) inches thick, twenty-four (24) inches wide, spaced sixty (60) inches apart and of sufficient length to allow the mobile home to be positioned, blocked and leveled properly. Such pad, slab or runners shall be constructed with concrete properly graded and placed so as to be durable and adequate for the support of the maximum anticipated loads during all seasons.
- d. No mobile home dwelling shall be located closer than twenty (20) feet to any accessory park building or structure other than another mobile home dwelling unit. The distance from the line or corner of any mobile home pad, slab or runner to any pad, slab or runner on the opposite side of a street shall be at least forty (40) feet and to any street pavement, common parking area, common walk or usable open space shall be at least eight (8) feet.
- e. No mobile home dwelling unit shall be allowed in a mobile home park unless it has a minimum floor area of five hundred (500) square feet measured by outside dimensions, excluding open porches, breezeways and garages. No accessory building or structure shall be located on any mobile home site with the following exceptions:
  - (1) An arbor, open trellis or flagpole.
  - (2) Unroofed steps, driveway or an unroofed terrace which are not more than one (1) foot above ground level.
  - (3) An awning or moving canopy may project not more than ten (10) feet.
  - (4) A solid fence or freestanding wall no more than four and one-half (4½) feet in height is permitted along any site line. Any such solid fence or wall over such height is permitted provided it is set back from the front site line a distance equal to two-thirds ( $\frac{2}{3}$ ) its height.

- (5) Off-street parking spaces as hereinafter provided.
  - (6) No accessory building structure, fence or wall shall be located within ten (10) feet of any paved street.
3. *Buffer and screening.* A landscape buffer shall be located from all lot lines or, where adjoining a street, from the designated street line where the mobile home park adjoins an existing residential or non-residential use.
  4. *Frontage and streets.*
    - a. Each mobile home site having an off-street parking space and every parking area shall have at least ten (10) feet of frontage sufficient to provide direct access to a street within the mobile home park.
    - b. Streets shall be provided in the mobile home park where necessary to furnish principal traffic ways for convenient access to each mobile home site and other important facilities in the mobile home park.
    - c. The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Closed ends of dead-end streets shall be provided with an adequate paved vehicular turning circle at least eighty (80) feet in diameter or with another adequate turning facility sufficient to accommodate emergency vehicles. There shall be a horizontal separation of at least one hundred (100) feet between all streets. All streets within the mobile home park shall have unobstructed access to a public street or highway.
    - d. Pavements shall be of adequate widths to accommodate the parking and traffic load in accordance with the type of street:
      - (1) All entrance streets and other collector streets with guest parking both sides, thirty-six (36) foot minimum.
      - (2) Collector street with no parking, twenty-four (24) foot minimum. (All parking areas shall be served by a minimum of a collector street.)
      - (3) Minor street with parking on one (1) side, twenty-eight (28) foot minimum
      - (4) Minor or cul-de-sac street with no parking, twenty (20) foot minimum.
      - (5) Each mobile home site containing an off-street parking space shall be served by a minimum of a minor street.
    - e. Concrete walkways shall be provided as follows:
      - (1) Individual walks (a minimum of two (2) feet in width) shall be provided to each mobile home stand from a paved street, paved driveway or parking space connecting to a paved street.

- (2) Common walks (a minimum of three (3) feet in width) shall be provided from mobile home sites to service buildings and common open space and recreational facilities, preferably through interior areas removed from streets.
- f. All streets and general parking areas shall be constructed with an integral concrete curb and gutter design and all parking areas and streets shall be constructed and paved with a hard surface bituminous or concrete material. Wherever streets are required to be dedicated to the County by the Planning Commission, such streets shall conform to the standards imposed by the County Subdivision Regulations.
5. *Lighting.* The mobile home park shall be provided with general outdoor lighting of walkways, streets, general storage and service areas, recreational areas and lighting of the park entrance and exit so as to provide a minimum general illumination of three-tenths (0.3) foot-candles and provide safe movement of pedestrians and vehicles at night.
6. *Open space.* An area of the mobile home park shall be required to be set aside as common usable open space. The amount of land to be set aside shall be a minimum of twenty percent (20%) of the total land area of the mobile home park. Areas set aside as buffer strips or any portion of a mobile home site shall not be included as common usable open space. Facilities to be provided may include:
  - a. Swimming pool.
  - b. Children's playground.
  - c. Tennis or other game area.
  - d. Game or recreation rooms or clubhouse.
  - e. Utility buildings for laundry facilities.
  - f. Storage facilities.
  - g. Green areas and lawns.
  - h. *Management office and other common facilities.* A structure shall be provided containing the management office conveniently located for the uses intended. Consolidation of laundry, recreation, management and other common facilities in a single building is acceptable if the single location will adequately serve all mobile home sites. The Planning and Zoning Department may require such of the above facilities as it deems necessary and appropriate for the site. No more than one-third ( $\frac{1}{3}$ ) of the open space area shall be used for buildings and structures other than swimming pools and courts.



7. *Parking.* Two (2) off-street parking spaces as provided in these regulations per mobile home site shall be provided on each mobile home site or within one hundred (100) feet of the individual mobile home site. No off-street parking shall be located within any required usable open space. In addition to these parking spaces, accessory off-street parking areas in close proximity to each mobile home site shall be provided with parking spaces equal to one-half (½) the number of mobile home sites to be used for guests and to provide an area for the parking of other cars belonging to the owner of a mobile home located in the park. The mobile home park shall provide adequate general storage areas in addition to auto parking requirements for accessory vehicles such as trucks, boats and travel campers, all of which shall be prohibited from being stored or parked on any mobile home site.
8. *Water.* An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all mobile home sites and appropriate buildings within the park to meet these requirements. Each mobile site shall be provided with a freeze-proof cold water tap. All private water supply facilities shall be approved by the State Board of Health.
9. *Sewerage.* Each mobile home site shall be provided with a trapped sewer of at least four (4) inches in diameter which shall be connected to receive all wastewater from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all such facilities. The trapped sewer in each site shall be connected to discharge mobile home waste into a public sewer system or into a private sewer disposal system. Such sewer system shall be approved by the appropriate State agency. Septic disposal systems shall not be permitted.
10. *Custodial care.* The owner of the mobile home park or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities, grounds and its equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable with the owner of such mobile home park for the violation of any provision of this Section to which the owner of said development is subject.
11. *Refuse.* Refuse collection facilities with tightfitting covers shall be provided in quantities adequate to permit disposal of all garbage and refuse. Such facilities shall be located no further than two hundred (200) feet from any mobile home site and shall be kept in a sanitary condition at all times. Garbage and refuse shall be disposed of as frequently as necessary to insure that collection facilities shall not overflow. The owner of the mobile home park shall show evidence of a contractual arrangement with a governmental subdivision or private industry contracted to dispose of this refuse on a regular basis.
12. *Fire prevention.* Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order or shall show evidence of a contractual arrangement with the fire department providing the fire protection necessary in such a development. No open fire shall be permitted in any place in the mobile home park. For fire protection, sanitary water under adequate pressure shall be provided in standard fire hydrants located within four hundred (400) feet of every individual mobile home site within the mobile home park.
13. *Signs.* One (1) indirectly illuminated sign not over eight (8) square feet in area, at least twenty-five (25) feet from the street line and not more than two (2) non-illuminated directional signs each not over two (2) square feet in sign area set back at least ten (10) feet from the street line shall be permitted.

14. *Skirting.* Open areas between the mobile home dwelling unit and the pad or slab upon which it is located shall be screened by skirting consistent with the development.
15. *Storage.* All outside storage shall be prohibited on mobile home sites except for vehicular parking, miscellaneous items within storage units approved as a part of the final development plan or beneath the skirted mobile home. Additional storage shall be provided in the usable open space areas.
16. *Anchoring.* Each mobile dwelling unit shall be provided with adequate means of anchoring the unit against high winds and adverse weather conditions. The applicant shall submit with the application a drawing and details of the method of securing the dwelling unit to the pad.
17. *Utilities.* All utilities, including telephone, electric power, gas, CATV cables, shall be located underground.
18. *Landscaping.* All yard areas and other open spaces not otherwise paved or occupied by buildings or structures shall be sodded and/or landscaped and shall be maintained adequately.

E. *Subdivision Of Mobile Home Parks.*

1. Any mobile home park in which the sites are subdivided and sold to individual purchasers shall comply with all of the requirements set forth herein and shall provide for a single common owner of all open space, buffer areas, roadways and all other areas of the mobile home park except for the individual sites and such common owner shall be responsible for the annual license fee as ordered by the County Commission and all taxes on the common areas.
2. Individual site owners shall pay all taxes on the individual site. Suitable agreements, covenants or deed restrictions shall be placed as of record fixing the rights and obligations of the common and individual owners. The mobile home subdivision shall also be prepared in subdivision plat form and shall comply with all of the requirements for the Subdivision Regulations including construction and dedication of all public areas where required by the Planning Commission, the financial guarantee of public improvements, and the recording of the plat and all deed restrictions with the County Recorder of Deeds.

F. *Site Development Plan.* The applicant, for approval of a mobile home park by Special Permit, shall submit a preliminary site development plan consistent with the requirements set forth in Article III, Section 400.350.

G. *Final Site Plan Approval.*

1. Upon approval of the mobile home park by Special Permit, the applicant shall have three (3) months to submit a site development plan application to the Planning Commission for its review and approval. The Planning Commission, having reviewed the final site plan for any or all stages of development and finding that it conforms to the preliminary site plan, shall approve such plan and file it for record in the office of the Enforcement Officer. No building permit shall be issued for any construction in the mobile home park until the Planning Commission has approved the final site plan and notified the Enforcement Officer.

2. The proponents of a mobile home park shall prepare and submit a schedule of construction, which construction shall begin within a period of one (1) year following the approval of the final site plan by the Planning Commission and the issuance of a building permit. Failure to begin the construction as scheduled shall void the plan, as approved, unless a request for an extension of time is made by the proponents to the Planning Commission and approved by the Planning Commission. If for any reason the plan is abandoned or if the construction is terminated after the completion of any stage and there is ample evidence that further development is not contemplated, the permit may be rescinded. After the permit has been issued and the final site plan has been approved and when, in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights or open spaces and requested by the proponents and such requests conform to the standards established by the approved final site plan for area to be converted by buildings, parking spaces, entrances, height, setback and other requirements, such adjustments may be approved by the Planning Commission upon application.
3. The Planning and Zoning Department may require on- or off-site improvements be installed. The Planning and Zoning Department may further require that all such off-site improvements be installed on easements to be granted to the County. Where improvements are required in this fashion, a financial guarantee, sufficient to cover the full cost of same as estimated by the County Engineer, shall be furnished to the County by the owner. Such financial guarantee shall be approved by the County Commission as to form, sufficiency and manner of execution. Such financial guarantee shall run for term as required for all financial guarantees for public improvements in the Subdivision Regulations and shall be approved prior to issuance of any building permit. No certificate of occupancy shall be issued for the property until the improvement shown upon the final plan and the off-site improvements have been duly installed and all easements and property interests granted as dedicated to the County, except that where an improvement financial guarantee has been required, a certificate of occupancy may be issued where the bond has been duly approved and filed. (County Order of 1990)

#### **SECTION 400.430: TRAVEL TRAILER CAMPS**

Travel trailer camps may be approved by Special Permit in Districts "AG" and "CH" in accordance with the provisions of Article VIII, Section 400.760. The following requirements shall be considered the minimum required for such approval. They may be augmented by such additional requirements as a condition for approval as are deemed necessary to protect the public health, safety and general welfare.

1. *Location and access.* The site selected for travel trailer camp areas should be well drained and free from any condition unfavorable to proper enjoyment by the users. Location of the site may not necessarily front on a major arterial or thoroughfare but it shall be directly accessible to such major street by means of a private road or public road which it has frontage on, so long as the traffic generated by the camp does not interfere, hamper, cause excessive damage or harmful effects on any adjacent residential developments.
2. *Area for development.* Minimum tract size shall be five (5) acres and be in one (1) ownership and shall be primarily designated to provide space for short-term occupancy to the traveling public.
3. *Density.* The maximum number of Travel Trailer spaces allowed within the permitted district shall not be more than twenty (20) per acre.

4. *Trailer space requirements.* Minimum width of a trailer space shall be twenty-five (25) feet and it shall be so designed to provide space for parking both the trailer and towing vehicle off the roadway. No trailer unit shall be closer than ten (10) feet to any other adjacent unit, structure or roadway and all spaces shall have direct access to the roadway. No unit shall be placed closer than thirty (30) feet to any of the development property lines and a landscape buffer area shall be permanently maintained and screened around the entire perimeter of the camp.
5. *Common open space.* Open space requirement shall be the same as that required for mobile home parks.
6. *Accessory convenience establishments.* A central office or convenience establishment with a responsible attendant shall be provided within the travel trailer camp to register guests and provide service and supervision to the camp.
7. *Development standards.*
  - a. All utilities shall be constructed underground.
  - b. All parking areas and roadway shall be constructed and paved with a hard surface, bituminous or concrete material.
  - c. All camps shall be provided with general outdoor lighting which is adequate to permit safe movement of pedestrians and vehicles at night and a minimum of three-tenths (0.3) foot-candles of general illumination.
  - d. All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained adequately to provide an environment conducive to good living conditions.
  - e. All water provided at any travel trailer camp shall be from a public water system. Water shall be available at convenient locations not more than two-hundred (200) feet from any travel trailer. If any drinking fountain is furnished, it shall be of an approved sanitary type. Waste from the water shall be emptied into a drain connected to an approved and sanitary disposal system. An abundant supply of hot water shall be provided at all times for bathing, washing and laundry facilities. No drinking water shall be made available in toilet compartments.
  - f. Each travel trailer camp shall have flush toilets in conveniently located buildings not more than two hundred (200) feet from any trailer space. The buildings for same shall be well lighted at all times, ventilated with screen openings and constructed of moisture-proof material permitting sanitary cleaning. The floors and bases shall be of concrete or similar hard-surfaced material with the floors slightly pitched to a drain. Plans showing the number and arrangement of toilets shall be submitted to the County Health Officer for approval. Separate toilet compartments shall be provided with toilets at the rate of one (1) toilet for each sex for each ten (10) trailers.

- g. Separate bathing facilities for each sex shall be provided not more than two hundred (200) feet from the most remote trailer space. Separate shower compartments shall be provided, with showers at the rate of one (1) shower for each sex for each twelve (12) trailer units. Each shower shall be in a space of not less than nine (9) square feet with a dressing compartment adjacent of not less than twelve (12) square feet.
  - h. Waste from showers, toilets, slop sinks and laundries shall be wasted into a public sewer system in a sanitary manner approved by the County Health Officer or if no public sewer connection is accessible, then into a private sewer and disposal plant or septic tank system approved by the County Health Officer. Toilets and water closets in travel trailers not connected with an approved disposal/storage system shall not be used and it shall be unlawful to use or permit the use of such fixtures. If no local means of collection of the travel trailer unit waste is provided, dump stations shall be provided properly connected to the sewerage system.
8. *Site development plan and final site plan approval.* The requirements for preliminary site development plan and final site plan approvals are the same as for mobile home parks (see Section 400.420(F) and (G) above). (County Order of 1990)

#### **SECTION 400.440: COMMUNICATION TOWERS**

- A. *Definitions.* As used in this Section of this Article, the following terms shall have the meanings indicated:

*ACT:* The Communications Act of 1934, as it has been amended from time to time, including the Telecommunications Act of 1996 and shall include any amendments thereto.

*ALTERNATIVE TOWER STRUCTURE:* Manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers and are built for the express purpose of serving as a tower or for locating antennas.

*ANTENNA:* Any structure or device used to collect or radiate electromagnetic waves, including both directional antennas (such as panels, microwave dishes and satellite dishes) and omni-directional antennas (such as ships) but not including satellite earth stations.

*ANTENNA HEIGHT:* The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

*APPLICANT(S):* The owners of the property upon which the tower is located. In the event that the tower or antenna is placed on leased property, then the applicant shall be the Lessor of the applicable property.

*CO-LOCATION:* Locating wireless communications equipment from more than one (1) provider at a Communications Facility.

*COMMUNICATIONS FACILITY:* A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequencies signals. Communications facilities include structures, fences, antennas or towers and accessory buildings.

*FAA*: The Federal Aviation Administration.

*FALL ZONE*: The area within which a tower or antenna might cause damage to persons or property should the tower or antenna be knocked or blown over or fall on its own.

*FCC*: The Federal Communications Commission.

*GOVERNING AUTHORITY*: Unless otherwise noted in the Chapter, this shall refer to the Platte County Planning and Zoning Commission.

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

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

*MONOPOLE TOWER (ALSO KNOWN AS "SELF-SUPPORT TOWER")*: A Communication tower consisting of a single pole constructed without guy wires and ground anchors.

*PUBLIC PROPERTY*: Any real property, easement, right-of-way, air space or other interest in real estate, including a street, owned or controlled by the County or any other governmental unit.

*RECEIVE-ONLY ANTENNA*: An antenna under seventy (70) feet in height, privately owned and operated (including privately owned satellite dishes).

*REPEATER*: A low power mobile radio service telecommunications facility that extends coverage of a cell to areas not covered by the originating cell.

*SELF-SUPPORT TOWER*: A Communication tower that is constructed without guyed wires and ground anchors (examples include lattice and monopole Towers).

*TELECOMMUNICATIONS*: The transmission, between or among points as specified by the user of information of the user's choosing, without change in the form or content of the information as sent and received.

B. *Applicability.*

1. *District height limitations.* The requirements set forth in this Chapter shall govern the location of towers, alternative tower structures and antennas and all matters related thereto that are installed in all zoning districts in which they are permitted. Towers may be permitted by a special use permit in the following zoning classifications: "AG", "RE", "BP", "PI" and "CH". Towers are not permitted in other zoning districts. Antennas are permitted on existing structures in all zoning districts, provided that they meet the requirements of this Chapter. The height limitations applicable to buildings and other structures shall not apply to towers and antennas.
2. *Amateur radio and receive-only antennas.* This Chapter shall not govern any tower (nor the installation of any antenna) that is less than seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively as a

receive-only antenna.

3. *Pre-existing towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of this Chapter shall not be required to meet the requirements of this Chapter other than the current applicable requirements imposed by the Federal government, except to the extent the prior special use permit is conditioned by the Governing Authority. Notwithstanding the foregoing, the existence of a pre-existing special use permit for a tower or antenna shall not obligate the Governing Authority to renew any such permit. Any such towers or antennas shall be referred to in this Chapter as "pre-existing towers" or "pre-existing antennas".

C. *General Guidelines And Requirements.*

1. *Purpose and goals.* The purpose of this Chapter is to establish general guidelines for the location of towers and antennas for commercial wireless telecommunications. The goals of this Chapter are the following:
  - a. To encourage the location of towers in non-residential areas and minimize the total number of towers throughout the County.
  - b. To encourage strongly the joint use of new and existing communications facilities.
  - c. To encourage applicants to locate towers and antennas, to the extent possible, in areas where the adverse impact on the County (including, but not limited to, adverse effects related to aesthetics and safety) will be minimal.
  - d. To encourage applicants to construct and configure towers and antennas in such a way as to minimize the adverse visual impact upon onlookers.
  - e. To enhance the ability of the providers of Telecommunication services to provide such services to the County quickly, effectively and efficiently.
2. *Penalties.* This Chapter shall be in full force and effect upon its enactment and approval and any person or party found to be in violation of any of the provisions of this Chapter may be subject to any one (1) or more of the following penalties (as well as specific penalties provided for in other sections of this Chapter and the Order):
  - a. Five hundred dollar (\$500.00) fine for each day that the violation has occurred;
  - b. Non-renewal of any permit;
  - c. Termination of any permit;
  - d. Any and all other penalties provided for under the Order.
3. *Principal or accessory use.* Antennas and towers may serve either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with the applicable development regulations, including, but not limited to, setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas

that are installed in accordance with the provisions of this Chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.

4. *Inventory of existing communication facilities.* Each applicant for an antenna and/or tower permit shall provide to the Enforcement Officer (in sworn or affidavit form) a complete listing of all Communication Facilities, towers and antennas within a two (2) mile radius of the proposed tower or antenna. The applicant(s) must also provide propagation mapping of the primary user's facilities throughout the county, including those towers and antennas which are located outside of Platte County that project a signal into the county. In addition, the applicant must conduct propagation mapping from existing tower facilities (such as water towers) within a two (2) mile radius of the proposed tower site, as well as any other structures at the request of the Director of Planning and Zoning. A certified Radio/Frequency engineer must conduct all propagation mapping. This information shall be used to determine whether other suitable Communication Facilities exist aside from that proposed and to judge the necessity of the application.
5. *Co-location.* Each applicant agrees to cooperate with the County and other applicants hereafter by designing towers such that other users may co-locate upon that same tower. Specifically, any tower constructed shall, unless otherwise permitted by the Governing Authority, have at least three (3) times the capacity of its initial use in order that secondary users might lease the balance of the tower. No tower shall be permitted with capacity for only one (1) user. Applicants must offer to lease space in good faith and at a fair market rate. Any tower owner operating under a special use permit who does not offer to lease out extra space at a fair market rate may be subject to either revocation or non-renewal of that special use permit. Each applicant shall notify the Enforcement Officer in writing of the name, address, telefax and telephone number of any and all co-users of a tower or antenna.
6. *Federal requirements.* All towers must meet or exceed the then current standards and regulations of the FAA, the FCC and any other agency of the federal or state government with the authority to regulate towers and antennas and the construction and specifications thereof. If such standards and regulations are changed, then the tower and antenna owners governed by this Chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulation, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to timely bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or antennas at the owner's expense and/or grounds to terminate or not renew an owner's special use permit.
7. *Inspection.* At least every twenty-four (24) months, every tower shall be inspected at the owner's expense by a structural engineer registered and/or licensed in and by the State of Missouri who is regularly involved in the maintenance, inspection and/or erection of Communication towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection checklist provided in the Electronics Industries Association ("EIA") Standard 222 "Structural Standards for Steel antenna towers and antenna Support structures" as such standard may from time to time be amended. A copy of such inspection record shall be provided to the Enforcement Officer.



8. *Building codes/safety standards.* To ensure the structural integrity of towers, the owner of a tower shall construct and maintain the tower in Compliance with standards contained in applicable local building codes and the applicable then-current standards for towers that are published by the Electronic Industries Association, The American Institute of Steel Construction, the American Concrete Institution, the American Welding Society, the American Iron and Steel Institute, the FAA and the National Fire Protection Agency. To this end, prior to the initial issuance or the renewal of any permit, the tower shall be certified by a professional engineer licensed and/or registered by the State of Missouri and knowledgeable in the design and/or analysis of towers as being safe and meeting all applicable codes and standards. If, upon inspection, the Governing Authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon written notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within thirty (30) days, the Governing Authority may terminate that owner's special use permit, cause that owner's permit to not be renewed, and/or order or cause the removal of such tower (at the owner's expense).
9. *Disturbances.* In case of any disturbances to a street or other Public Property during the course of constructing or maintaining its tower or antenna and accessory structures, the applicant shall, at its own expense, replace and restore all paving, sidewalk, driveway, landscaping or surface of any street or other Public Property disturbed in as good or better condition as before the disturbance in accordance with applicable federal, state and local laws, rules, regulations or administrative decisions. The duty to restore the street or other public property shall include the repair of any area identified by the Enforcement Officer as being weakened or damaged as a result of a cut or other invasion of the pavement of a street or other Public Property. Failure to comply with the provisions of this Subsection shall constitute cause for the suspension, revocation or non-renewal of the applicable tower.
10. *Security fencing.* Towers shall be enclosed by reasonably acceptable security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device and with applicable outward facing signs indicating "No Trespassing", "High Voltage" or other pertinent information, unless the Governing Authority decides that the goals of this Chapter would be better served by waiving this provision in a particular instance.
11. *Accessory equipment storage.* Mobile or immobile equipment not used in direct support of a Communication Facility shall not be stored or parked on the Communication Facility unless repairs to the tower are then currently in progress.
12. *Setbacks and separation.* The following requirements shall apply to all towers and antennas, provided however, that the Governing Authority may change the standard setback and separation requirements if the goals of this Chapter would be better served thereby:
  - a. Towers must be set back from any building (as such term is defined in the Order) a distance equal to the height of the tower plus twenty (20) feet.
  - b. Towers, guys and accessory facilities must satisfy the minimum zoning district setback requirements, unless the Governing Authority is satisfied with the certification by an engineer licensed in the State of Missouri who is experienced in the construction of towers, that the tower has been constructed in a manner such that its Fall Zone would not overlap with any residential structure.

13. *Aesthetics.* The following guidelines shall govern the aesthetics and artificial lighting of all towers and antennas, provided however, that the Governing Authority may waive these requirements where it is determined that the goals of this Chapter would be better served thereby:

a. *Lighting.*

- (1) Towers shall be artificially illuminated if required by the FAA or other applicable authority or the Governing Authority. If artificial lighting is required, the lighting design and intensity chosen should be that which complies with the applicable guidelines yet causes the least disturbance to the surrounding and nearby properties.
- (2) Security lighting or motion-activated lighting may be used around the base of a tower and within the Communication Facility, provided that the lighting is shielded in such a way that no light is directed towards adjacent properties or rights-of-way.

b. *Color and design.*

- (1) Towers shall be maintained with a galvanized steel finish or, subject to any applicable FAA standards, be painted a neutral color so that visual obtrusiveness is minimized.
- (2) The design of buildings and related structures within a Communication Facility shall, to the extent possible, utilize building materials, colors, screening and landscaping that will camouflage and blend the tower and related facilities into the natural setting and/or surrounding environment.
- (3) If an antenna is to be attached to a supporting structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a color closely compatible with the color of the supporting structure so that the antenna, supporting equipment and Communication Facility in general are as visually unobtrusive as possible.

c. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required, provided however, that the Governing Authority may waive such requirements if it determines that the goals of the Chapter would be better served thereby:

- (1) Communication Facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the Communication Facility from adjacent properties.

The standard buffer shall be at least four (4) feet wide and shall consist of a planting of at least two (2) courses of coniferous trees which are, at the time of initial planting, at least six (6) feet in height around the perimeter of the Communication Facility. In the event the buffer is placed outside of the fence surrounding the area, then the applicant shall be granted a landscape easement to maintain and control the landscaping.

- (2) Existing mature tree growth and natural land forms on or surrounding the Communication Facility shall be preserved to the maximum extent possible. In some cases (such as for towers situated on large, wooded lots), natural growth around the property perimeter may be a sufficient buffer. In such cases, the requirements listed above in the preceding Subsection thereof may be waived.
  - (3) In locations where the visual impact of a Communication Facility would be minimal (e.g., in otherwise undeveloped areas), the landscaping requirements may be reduced or waived as the Governing Authority sees fit. However, if at a later date the Governing Authority finds that a change of circumstances has occurred, it may then choose to enforce the landscaping requirements as needed.
14. *Letter of intent.* Each applicant for a special use permit for a communication tower shall provide letters of intent from each proposed user to locate on the proposed tower. All proposed towers must have a letter of intent from at least one (1) user. The letter of intent must include the name, address and phone numbers of all proposed users.

D. *Administrative Approvals.*

1. *In general.*
  - a. The Enforcement Officer may administratively approve the uses listed in this Section, provided that all such uses shall comply with all applicable sections of this Chapter and all other applicable ordinances.
  - b. Each applicant seeking administrative approval shall apply to the Enforcement Officer and provide such information as he or she may require. The applicant must provide propagation mapping of the primary user's facilities throughout the county, including those towers and antennas which are located outside Platte County that project a signal into the county. All propagation mapping must be conducted by a certified Radio/Frequency engineer.
  - c. The Enforcement Officer shall approve or deny each application within sixty (60) days of its receipt.
  - d. If an application for administrative approval is denied, that decision may be appealed in accordance with the provisions of the Order concerning appeals and administrative decisions.
2. *Specific administratively approved uses.* The following uses may be approved by the Enforcement Officer following an administrative review:
  - a. Installation of an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other freestanding non-residential structure), provided that the addition of the antenna does not add more than twenty (20) feet to the height of the existing structure.

- b. Installation of an antenna on an existing tower of any height (including a pre-existing tower) and the placement of additional buildings or other supporting equipment used in connection with such additional antenna, so long as the proposed additions would add no more than twenty (20) feet to the height of the existing tower and would cause no more than a twenty-five percent (25%) increase in the square footage occupied by the Communication Facility.

E. *Special Use Permits.*

1. *In general.* The following provisions shall govern the issuance of special use permits:
  - a. If an antenna may not be approved administratively, pursuant to Section (D) of this Section, then a special use permit shall be required before placement of such antennas and accessory structures in all permitted zoning districts is allowed.
  - b. In granting a special use permit, the Governing Authority may impose conditions to the extent necessary to minimize any adverse effect on properties nearby the proposed tower location.
  - c. Any information submitted to the Governing Authority which relates to engineering matters shall be certified by an engineer licensed or registered by the State of Missouri who is familiar with the design and erection of towers prior to submission.
2. *Information required.* Each applicant requesting a special use permit under this Chapter shall submit propagation mapping and letters of intent, as well as a scaled site plan and a scaled elevation view, and other documentation, including support drawings and calculations signed and sealed by the appropriate licensed professionals showing the location and dimensions of all improvements, information concerning topography, tower height requirements, setbacks, drives, parking, building materials, fencing, paint colors, landscaping, adjacent uses and zoning, all guy anchors and other apparatus, scaled elevation view, exterior lighting specifications and any other information deemed to be necessary by the Governing Authority so that it may assess compliance with this Chapter and the Order.
3. *Factors considered in granting special use permits.* The Governing Authority shall consider the following factors, in addition to the factors listed above and factors set out in the Order, in determining whether to grant a special use permit. The Governing Authority may waive or reduce the burden upon the applicant for one (1) or more of the following criteria if it determines that the goals of this Chapter would still be served thereby.
  - a. Height of the proposed tower;
  - b. Proximity of the tower to residential structures and residential district boundaries;
  - c. Nature of uses on adjacent and nearby properties;
  - d. Surrounding topography;
  - e. Surrounding tree coverage and foliage;
  - f. Design of the tower, with particular attention paid to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

- g. Availability of suitable existing towers and other structures as discussed in Subsection (E)(4)(a–e) of this Section.
4. *Availability of suitable existing towers or other structures.* No new tower shall be constructed unless the applicant demonstrates to the reasonable satisfaction of the Governing Authority that other existing towers or structures do not provide a more suitable and/or feasible location for the applicant's proposed antenna. Evidence submitted to the Governing Authority may consist of a written statement (in affidavit form) citing one (1) or more of the following conditions:
  - a. No towers or suitable structures exist within the geographic area that meet the applicant's engineering requirements;
  - b. Existing towers or suitable structures are not of sufficient height to meet the applicant's engineering requirements;
  - c. Existing towers or suitable structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
  - d. The fees, costs and/or contractual provisions required by the owner of an existing suitable site for co-location of the applicant's antenna are unreasonable.
  - e. Other significant limiting factors make existing towers or structures unsuitable for co-location of the proposed antenna.

F. *Abandoned Antennas Or Towers.*

1. *In general.* Any tower no longer in use for its original communications purpose or any tower for which a special use permit has been, for any reason, terminated or not renewed shall be considered abandoned. The owner of the tower shall provide the Governing Authority with a copy of any notice given to the FCC relating to its intent to cease operations.
2. *Removal.* Abandoned towers, the Communication Facility and all accessory structures shall be destroyed and removed at the owner's expense within ninety (90) days of the date of cessation of operations. Upon removal, the tower owner(s) shall revegetate the Communication Facility to blend with the existing surrounding vegetation at their expense.
3. *Multiple users sharing a single tower.* In the case of multiple antenna operators sharing use of a single tower, the provisions of this Chapter regarding removal of abandoned towers shall not become effective until all users have ceased communications operations, provided all other provisions of this Chapter and the Order are fully complied with.

4. *Failure to remove abandoned tower.* All obligations imposed by this Chapter shall be the joint and several obligation of the applicant(s) and, if applicable, the lessee of the property upon which the tower and/or antenna(s) are located. In the event that any tower or antenna is not properly and timely removed as required hereunder, then the Enforcement Officer (and any persons he or she has designated) may proceed to remove the abandoned tower and/or antenna(s) and the Communication Facility in general and thereafter recover the costs of removal, together with the costs of enforcement of this Chapter (including reasonable attorney's fees), from the applicant(s) and owner(s). Furthermore, such costs shall become a lien against the real property upon which the tower and/or antenna(s) were located. In this connection the applicant shall provide the County with an irrevocable letter of credit or cash or a performance bond, in such amount and in such form as approved by the Enforcement Officer, which guarantees the removal of the applicable tower and Communication Facility according to the terms thereof.
- G. *Interpretation.* This Chapter shall amend and be read as an amendment to the Order; however, whenever the terms or definitions imposed by this particular Section conflict with the Order then this Chapter shall control. (County Order of 1990)

**SECTION 400.450: SAND, GRAVEL OR MINERAL EXCAVATION AND SANITARY LANDFILLS**

Sand, gravel or mineral extraction and sanitary landfills may be approved by Special Permit in Districts "AG" and "PI" in accordance with the provisions of Article VIII, Section 400.760. The following requirements shall be considered the minimum required for such approval. They may be augmented by such additional requirements as a condition for approval as are deemed necessary to protect the public health, safety and general welfare.

1. *Special considerations.* The operation shall not contribute to soil erosion by water and/or wind, nor shall it adversely affect soil fertility, drainage and lateral support of abutting land or other properties.
2. *Hours of operation.* In residential districts or within one thousand (1,000) feet thereof, there shall be no operations between 7:00 P.M. and 8:00 A.M. nor on Saturdays, Sundays or legal holidays.
3. *Fencing.* When any open excavation will have a depth of ten (10) feet or more and create a slope of more than thirty degrees (30°), there shall be a substantial fence, at least six (6) feet high with suitable gates where necessary, effectively blocking access to the area in which such excavation is located. Such fence shall be located fifty (50) feet or more from the edge of the excavation.
4. *Slope.* The slope of material in any excavation shall not exceed the normal angle of repose or forty-five degrees (45°), whichever is less.
5. *Access roads.* That portion of an access road within the area of permit and located within five hundred (500) feet of a lot line shall be provided with dustless surface.
6. *Location.* A centralized site with access over hard-surfaced, non-crowded roads is preferred. Access on local roads through residentially zoned areas shall be prohibited. Excavation and landfill operations shall not be located in a 100-year flood plain and landfill operations shall be no closer than the following:
  - a. One (1) mile from water plants and wells or water bodies used for drinking purposes.
  - b. No closer than one-quarter (¼) of a mile up gradient from a wetland, stream, river, lake or other water body.
7. *Buffer zones/setbacks.* Buffer zone requirements in addition to the setback requirements of the site shall provide a minimum of five hundred (500) feet (more if possible) from the area of permit to properties that residential dwellings(s) or other sensitive land uses are located on at the time of application. Also, the top of the natural slope in cut for any excavation and any mechanical equipment shall not be less than fifty (50) feet from any lot line. In addition, any buildings that are constructed shall conform with the setback requirements of the district in which the site is located, but in no case shall a building be constructed that is closer than fifty (50) feet to the outer edge of the area of permit. When the area of permit abuts an adjacent street, such setback shall contain an earth berm with landscaping and screening to provide a year-round dense screen between the roadway and composting or mulching operation.

8. *Rehabilitation of the site.* Before approval is granted, a plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved. After any such operations, the site shall be made reusable for a use permitted in the district. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be brought to final grade by a layer of earth of two (2) feet or original thickness, whichever is less, capable of supporting vegetation. The area shall be seeded or sodded in a manner approved by the Planning Commission. Garbage, rubbish, junk or refuse may be approved as fill provided the sanitary fill method is used.
9. *Financial guarantee.* Before the approval of any use under this Section, the owner shall be required to execute a financial guarantee sufficient to secure the aforesaid rehabilitation of the site in accordance with the plan specified in Subsection (7) above. Such financial guarantee shall also be approved by the County Commission as to form, sufficiency and manner of execution and shall run for such term as deemed appropriate. (County Order of 1990)

#### **SECTION 400.460: COMMERCIAL COMPOSTING AND MULCHING FACILITIES**

Commercial composting and mulching facilities may be approved by special permit in Districts "AG" and "PI" in accordance with the provisions of Article VIII, Section 400.760. The following requirements shall be considered the minimum required for such approval. They may be augmented by such additional requirements as a condition for approval as are deemed necessary to protect the public health, safety and general welfare.

1. *Special considerations.* The operation of a commercial composting and mulching facility shall be in conformance with the regulations specified in Article III, Section 400.380 of these regulations and shall not contribute to the following:
  - a. Soil erosion by water and/or wind.
  - b. Adverse effects on soil fertility, drainage and lateral support of abutting land or other properties.
  - c. Adverse effects on the water table, wetlands, streams, lakes, ponds or other water bodies.
  - d. Traffic congestion on public streets, roads or highways.
2. *Hours of operation.* Within one thousand (1,000) feet of residential districts or residential dwellings in existence at the time that a facility begins operation, there shall be no operations between 7:00 P.M. and 8:00 A.M.
3. *Fencing.* The site shall have a fence at least six (6) feet in height with suitable gates, where necessary, around the perimeter of the site to prevent illegal dumping and vandalism. Fencing may not be required if natural geographical barriers exist to control access to the site.



4. *Soil suitability and drainage.* The site shall have an adequate drainage pattern for runoff as well as protection from stormwater run-on. Level areas should be given a minimum of one percent (1%) to two percent (2%) slope to prevent ponding of water. Drainage swales shall be marked and properly maintained to keep organic material from being deposited into drainage areas. Water runoff shall be directed so that it will move between compost piles rather than through them. A stormwater drainage plan shall be submitted with topographical intervals of no more than two (2) feet. The stormwater drainage plan shall be approved by the County Engineer whom may also require a stormwater detention/retention area to avoid adverse effects on abutting land or other property.
5. *Access roads.* That portion of an access road to the staging and unloading areas within the area of permit and located within five hundred (500) feet of a lot line shall be provided with a dustless surface. Drainage along access roads, including culverts, shall also be provided to direct and control stormwater runoff. Access roads should provide for a circular pattern for entering and exiting so that traffic congestion is kept to a minimum. Adequate turning and dumping areas shall be provided to allow for the easiest drop-off of materials. Staging and dumping areas should be constructed of an all-weather surface to ensure the site's fullest use. The Planning Commission may require a hard surface if the volume and type of traffic justify the improvement.
6. *Location.* A centralized site with access over hard-surfaced, non-crowded roads is preferred. Access on local roads through residentially zoned areas shall be prohibited. Sites adjacent to cemeteries, parks, runway buffers at airports, fallow farm fields, golf courses and buffer areas of old landfills may provide suitable sites. Composting operations and mulching operations shall not be located in a 100-year flood plain or water drainage area and shall be no closer than the following:
  - a. One-quarter ( $\frac{1}{4}$ ) of a mile from water plants and wells or water bodies used for drinking purposes.
  - b. No closer than one-quarter ( $\frac{1}{4}$ ) of a mile up gradient from a wetland, stream, river, lake or other water body.
7. *Buffer zones/setbacks.* Buffer zone requirements in addition to the setback requirements of the site shall provide a minimum of five hundred (500) feet (more if possible) from the area of permit to properties that residential dwelling(s) or other sensitive land uses are located on. Composting activities shall be no closer than fifty (50) feet to the outer edge of the area of permit. In addition, any buildings that are constructed shall conform with the setback requirements of the district in which the site is located, but in no case shall a building be constructed that is closer than fifty (50) feet to the outer edge of the area of permit. When the area of permit abuts an adjacent street, such setback shall contain an earth berm with landscaping and screening so as to provide a year-round dense screen between the roadway and composting or mulching operation.
8. *Water supply.* A water source shall be provided on site so as to allow windrows to be watered down and to prevent burning of the compost.
9. *Coordination with State and regional plans and permits.* Composting facilities and mulching facilities shall be reviewed with respect to Mid-America Regional Council (M.A.R.C.) Regional Solid Waste Plan and all State of Missouri plans and permits.

10. *Method of operation.* A statement as to the method of composting and mulching shall be submitted and shall include information regarding the type of method to be used and how often the yard waste will be rotated so as to prevent improper compost and mulching operation. The estimated volume of yard waste to be handled shall also be stated and the area proposed to be served by the facility.
11. *Site plan.* In addition to the items indicated to be shown in Article III, Section 400.350(B)(3)(a–e), the following shall also be included:
  - a. Surrounding land uses within one-quarter (¼) mile including residences, buildings, wells, watercourses, springs, lakes, etc.
  - b. The layout of the operation (i.e., staging and unloading area, access drives, composting areas, setback area, etc.).
  - c. Prevailing wind patterns as determined by the National Weather Service.
  - d. Wetlands, streams, lakes or other water bodies within one thousand (1,000) feet.
  - e. Proposed traffic patterns on the site. (County Order of 1990)

#### **SECTION 400.470: JUNK YARDS, AUTO SALVAGE AND AUTO WRECKING YARDS**

- A. Junk yards and auto salvage and auto wrecking yards may be approved by Special Permit in District "PI" in accordance with the provisions of Article VIII, Section 400.760. The following requirements shall be considered the minimum required for such approval. They may be augmented by such additional requirements as a condition for approval as are deemed necessary to protect the public health, safety and general welfare.
- B. Operations with respect to junk yards, auto salvage and auto wrecking yards shall be carried on within a building completely enclosed with walls and roof or within a yard completely enclosed on all sides, except on a side or portion of a side abutting a building, by a wall or cyclone type fence at least ten (10) feet high. The Planning Commission may modify the above requirements where a railroad track adjoins or enters the property. There shall be only one (1) opening in the wall or fence facing any public street or alley for each three hundred (300) feet of length. The opening shall not exceed twelve (12) feet in width and shall be provided with a gate or door ten (10) feet in height and solidly enclosed, which must be kept closed except for access of vehicles. No such use shall be approved within five hundred (500) feet of any commercially or residentially zoned district. A buffer shall be provided of one hundred (100) feet on all sides of the property which shall be fully landscaped and screened. (County Order of 1990)

**SECTION 400.480: SALE OF FIREWORKS AND THE ERECTION OF TEMPORARY STANDS**

The sale of fireworks and the erection of temporary stands for the sale of fireworks is permitted in Districts "CH" and "AG" only and by virtue of a permit issued by the Enforcement Officer upon application and in compliance with the following requirements:

1. Applicant shall furnish a plot plan of the tract showing the location of the proposed stand or present building in which fireworks will be sold. Dimensions of the building and distances from the street, property lines, adequate off-street parking and other buildings on the lot must be shown. The off-street parking must be on a lot covered with either a hard surface or gravel. Off-street parking on grassed areas shall not be permitted.
2. Sales and storage of fireworks must be at least two hundred (200) feet from a residence.
3. Fire protection measures in the form of a water hose, fire extinguisher and/or sand buckets must be kept immediately available at all times.
4. Stands must be at least fifty (50) feet from the above ground or vented below ground fuel storage tanks.
5. Fireworks shall not be sold by minors except under the direct supervision of an adult.
6. Permits for the sale of fireworks must be posted in a conspicuous place either on the stand or near the counter if sale is within a building.
7. The operator of a stand or counter must post a sign, clearly visible, prohibiting loitering, smoking, open burning and/or the discharge of fireworks in the vicinity.
8. Temporary stands are to be dismantled and removed completely and the area restored to its former condition by July tenth (10th).
9. Permits shall be valid only until 12:00 Midnight July fifth (5th), commencing no earlier than June twentieth (20th) and may be revoked at any time if the above conditions are not enforced. Fee for each application shall be twenty-five dollars (\$25.00). Verification of insurance, naming Platte County as one (1) of the insured, in the amount of at least five hundred thousand dollars (\$500,000.00), shall be attached to the application. (County Order of 1990)

**SECTION 400.490: FLOOD PLAIN REGULATIONS**

Uses within the areas designated as floodway overlay districts and floodway fringe overlay districts by the Federal Emergency Management Administration are subject to the provisions of the Flood Plain Management Ordinance as adopted by the Platte County Commission on November 13, 1986, and adopted hereby by reference. (County Order of 1990)

**SECTION 400.500: ADULT ENTERTAINMENT BUSINESSES**

Adult Entertainment businesses may be approved as a special use in the "CH" or "PI" zoning districts. The following requirements shall be considered the minimum required for such approval, in addition to the normal requirements for application and operation, of a special use as set forth in Article VIII, Section 400.760 of this Order.

1. *Definitions.* For the purposes of this Section, unless the context clearly indicates to the contrary, the following definitions shall apply:

*ADULT CABARET:* An adult entertainment facility or that part of an adult entertainment facility which regularly features or otherwise offers to the public, customers or members, into a viewing area which is designed for occupancy by more than five (5) persons, any live exhibition, performance or dance by a person or persons whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area or by specified sexual activities or who otherwise appear unclothed or in such attire, costume or clothing so as to expose to view specified anatomical areas.

*ADULT ENTERTAINER ARCADE:* An adult entertainment facility or that part of an adult entertainment facility which regularly features or otherwise offers to the public, customers or members, into a viewing area or viewing areas which is/are designed for occupancy by no more than five (5) persons, any live exhibition, performance or dance of any type by a person or persons whose exhibition, performance or dance is characterized by the exposure of any specified anatomical area or by specified sexual activities or who otherwise appear unclothed or in such attire, costume or clothing so as to expose to view specified anatomical areas.

*ADULT ENTERTAINMENT BUSINESS:* An adult entertainer arcade or an adult cabaret.

*ADULT ENTERTAINMENT FACILITY:* Any building, structure or facility which contains or is used for an adult entertainment business.

*CUSTOMER:* Any person who:

- a. Is allowed to enter an adult entertainment business in return for the payment of an admission fee or any other form of consideration or gratuity;
- b. Enters an adult entertainment business and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
- c. Is a member of and on the premises of an adult entertainment business operating as a private club.

*EMPLOYEE:* Any person who renders any service whatsoever to the customers of an adult entertainment business or who works in or about an adult entertainment business and who receives compensation for such service or work from the operator or owner of the business or from the customers therein. The term "*EMPLOYEE*" includes managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of an adult entertainment business.

*ENTERTAINER:* Any person who provides adult entertainment within an adult entertainment business, whether or not a fee is charged or accepted for entertainment.

*ENTERTAINMENT:* Any exhibition or dance of any type, pantomime or any other performance.

*MANAGER:* Any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity, including adult entertainment, occurring at any adult entertainment business.

*OPERATOR:* Any person operating, conducting or maintaining an adult entertainment business.

*OWNER OR OWNERS:* The proprietor, if a sole proprietorship; all partners (general and limited), if a partnership; or all officers, directors and persons holding ten percent (10%) or more of the outstanding shares, if a corporation.

*PERSON:* Any individual, partnership, corporation, trust, incorporated or unincorporated association, joint venture, governmental entity or other entity or group of persons however organized.

*PUBLIC PLACE:* Any area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots and automobiles, whether moving or not.

*SPECIFIED ANATOMICAL AREAS:* Includes uncovered or exposed human genitals, pubic region or pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola or any combination of the foregoing; or human male genitals in a discernibly erect state, even if completely and opaquely covered.

*SPECIFIED SEXUAL ACTIVITIES:* Sexual conduct, being actual or simulated; normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact, in an act of apparent sexual stimulation or gratification, with a person's clothed or unclothed genitals, pubic area, buttocks or the breasts of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, as such terms are defined in the Pornography and Related Offenses chapter of the Missouri Criminal Code.

*VIEWING AREA:* The area where a customer or member would ordinarily be positioned while watching an exhibition, performance or dance.

2. *Special use.*

a. *Application requirements.* Any person applying for a special use permit to operate an adult entertainment business shall be subject to the following requirements:

- (1) The applicant shall be at least eighteen (18) years of age.
- (2) The applicant and applicant's spouse must have fully paid all taxes, fees, fines or penalties imposed and due and owing to any state, political subdivision or other governmental entity at the time of the application.

- (3) The applicant must truthfully provide all information required on the special use permit application form. The applicant shall not make any false, misleading or fraudulent statement of material fact in the application for a special use permit or in any report of record required to be filed with the director.
    - (4) The business for which the permit is required will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and property maintenance codes of the County and other governmental entities.
  - b. *Site development plan.* The site development plan submitted by applicant shall include, in addition to the requirements set forth in Article III, Section 400.350(B), the following information:
    - (1) A drawing showing the floor plan of the premises within which the adult entertainment business is proposed. The floor plan shall be drawn to scale.
    - (2) The total square footage of the proposed adult entertainment business.
3. *Location and use restrictions.* The following restrictions shall apply to the location and operation of the adult entertainment business:
  - a. No adult entertainment business shall be allowed within two thousand five hundred (2,500) feet of another existing adult entertainment business.
  - b. No adult entertainment business shall be located within two thousand five hundred (2,500) feet of any property zoned "R-80", "R-40", "R-25", "R-15", "R-12", "R-10", "R-7", "RTD" or "RMD".
  - c. No adult entertainment business shall be located within two thousand five hundred (2,500) feet of any lot on which there is an existing legally conforming residential use.
  - d. No adult entertainment business shall be located within two thousand five hundred (2,500) feet of a church, park or elementary or secondary school.
  - e. No adult entertainment business shall be conducted, operated or otherwise open to the public, customers or members between the hours of 1:00 A.M. and 8:00 A.M.
  - f. It shall be the duty of an adult entertainment business permittee to comply with the building, zoning, fire, health and property maintenance codes of the County and any other applicable federal, state or local governmental entity. Knowing failure to continue compliance with such codes may be a basis for suspension, revocation or non-renewal of the permit.

4. *Standards of conduct and operation of adult arcade.* All employees of any adult entertainer arcade must adhere to the following standards of conduct while on the adult entertainment facility premises:
- a. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any specified anatomical area, except when such entertainer or employee is separated from any and all customers by window or other partition which is maintained free of holes or other structural openings which would permit physical contact between such entertainer and employee and any customer within the viewing area. However, a single opening not larger than one (1) inch by four (4) inches in such window or partition allowing for payment for entertainment by a customer to the entertainer shall be permitted.
  - b. No employee or entertainer shall perform:
    - (1) Any specified sexual activity; or
    - (2) The displaying of any specified anatomical area, except as provided for in Subsection (4)(a).
  - c. No employee or entertainer who is either not separated from any and all customers as provided in Subsection (4)(a) or in an area of the premises not open to customers shall be unclothed or in less than opaque and complete attire, costume or clothing as described in Subsection (4)(a).
  - d. No employee or entertainer shall knowingly touch any specified anatomical area of another person or knowingly permit another person to touch any specified anatomical area of such employee or entertainer; and no employee or entertainer shall knowingly fondle or caress any specified anatomical area of another person, whether such area is clothed, unclothed, covered or exposed, or knowingly permit another person to fondle or caress any specified anatomical area of such employee or entertainer, whether such area is clothed, unclothed, covered or exposed.
  - e. No entertainer of any adult arcade shall be visible from any public place during the hours of his or her employment or apparent hours of his or her employment while such entertainer is unclothed or in such attire, costume or clothing to expose to view any specified anatomical area or while performing any entertainment, either while clothed or unclothed.
  - f. No entertainer shall solicit, demand or receive any payment or gratuity from any customer for any act prohibited by this Section.
  - g. No entertainer shall receive any payment or gratuity from any customer, except through an opening in the window or partition separating such entertainer from a customer, as described in Subsection (4)(a).
  - h. Neither any entertainment nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any specified anatomical area shall be visible from a public place.

- i. The premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customers are present in or on the premises.
5. *Standards of conduct and operation of adult cabaret.* All employees of any adult cabaret must adhere to the following standards of conduct while on the adult entertainment facility premises:
- a. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any specified anatomical area, unless separated at least six (6) feet from the nearest customer and upon a stage at least eighteen (18) inches above the immediate floor level.
  - b. No employee or entertainer shall perform:
    - (1) Any specified sexual activity; or
    - (2) The displaying of any specified anatomical area, except as provided for in Subsection (5)(a).
  - c. No employee or entertainer who is not separated from any and all customers as provided in Subsection (5)(a) shall be unclothed or in less than opaque and complete attire, costume or clothing except in an area of the premises not open to customers.
  - d. No employee or entertainer shall knowingly touch any specified anatomical area of another person or knowingly permit another person to touch any specified anatomical area of such employee or entertainer; or no employee or entertainer shall knowingly fondle or caress any specified anatomical area of another person, whether such area is clothed, unclothed, covered or exposed, or knowingly permit another person to fondle or caress any specified anatomical area of such employee or entertainer, whether such area is clothed, unclothed, covered or exposed.
  - e. No employee or entertainer shall wear or use any device or covering exposed to view which simulates any specified anatomical area.
  - f. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this Section.
  - g. No entertainer of any adult cabaret shall be visible from any public place during the hours of his or her employment or apparent hours of his or her employment while such entertainer is unclothed or in such attire, costume or clothing to expose to view any specified anatomical area or while performing any entertainment, either while clothed or unclothed.
  - h. No entertainer shall solicit, demand or receive any payment or gratuity from any customer for any act prohibited by this Section.
  - i. No entertainer shall receive any payment or gratuity from any customer for entertainment, except as follows:



- (1) While such entertainer is on the stage as provided in Subsection (5)(a), a customer may place such payment or gratuity into a box affixed to such stage; or
    - (2) While such entertainer is not on such stage and is clothed so as to not expose to view any specified anatomical part, a customer may either place such payment or gratuity into the entertainer's hand or under a leg garter worn by such entertainer at least four (4) inches below the bottom of the pubic region.
  - j. Neither any entertainment nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any specified anatomical area shall be visible from a public place.
  - k. The premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level and such illumination must be maintained at all times that any customer is present in or on the premises.
6. *Inspections.* All adult entertainment businesses shall be open to the inspections of the Zoning Enforcement Officer or to any member of the Sheriff's department at any time during the hours allowed for business and at other reasonable times.
  7. *Transfer of special use permit.* A permittee shall not transfer the special use permit for an adult entertainment business to another person. In addition, a permittee shall not operate an adult entertainment business at a location other than the location requested in the special use permit application.
  8. *Suspension or revocation.* The Zoning Enforcement Officer shall schedule a hearing to determine whether a special use permit should be suspended or revoked whenever the Zoning Enforcement Officer has information that:
    - a. The owner or operator of an adult entertainment business has violated or knowingly allowed or permitted the violation of any of the provisions of this Section;
    - b. There have been recurrent violations of provisions of this Section that have occurred under such circumstances that the owner or operator of an adult entertainment business knew or should have known that such violations were committed;
    - c. The adult entertainment business special use permit was obtained through false statements in the application for such special use permit or renewal thereof;
    - d. The adult entertainment business permittee failed to make a complete disclosure of all information in the application for such special use permit or renewal thereof; or
    - e. The owner or operator or any partner or any corporate officer or director has been convicted of a felony or misdemeanor where such felony or misdemeanor involves sexual offenses, prostitution, sexual abuse of a child, pornography and related offenses, or offenses involving the possession or sale of controlled substances or illegal drugs or narcotics.

9. *Hearing procedures for suspension or revocation of special permit.*
- a. Notice of a hearing shall be in writing and shall set forth the reason for the hearing or the complaint against the permittee and shall be served upon the permittee in person or by registered or certified mail to the permittee's last known address. In the event that the Zoning Enforcement Officer is not able to serve notice upon the permittee in person and any notice sent by mail is returned by the postal service, the Zoning Enforcement Officer shall cause such notice to be posted at the principal entrance of the adult entertainment business or facility and such posting shall be a valid means of service.
  - b. Written notice shall be issued no less than ten (10) days prior to the date of the hearing. The hearing shall be held before the Planning and Zoning Commission sitting as trier of fact.
  - c. The permittee shall have full right to be represented by counsel, to produce witnesses and other evidence, and to cross-examine all witnesses who appear against him. Oral evidence shall be taken only upon oath or affirmation. All proceedings in such hearings shall be recorded and transcribed as required by law. The Commission may receive evidence relevant to the issues from the permittee or from other sources.
  - d. Witnesses may be subpoenaed and, upon request of any party, the Commission shall issue subpoenas and in a proper case, subpoena duces tecum, which shall be served and returned as in civil actions in the circuit court.
  - e. The Commission shall issue findings of fact and conclusions of law and an order wherein they may dismiss the complaint, or suspend or revoke a special use permit previously issued, or renew or refuse to renew a special use permit previously issued.
  - f. The Commission's order shall be served upon the permittee in person or by registered or certified mail to the permittee's last known address. In the event that the Commission is not able to serve such order upon the permittee in the manner stated above, the order shall be posted at the principal entrance of the adult entertainment business or facility and such posting shall be a valid means of service. (County Order of 1990)

**SECTION 400.505 AGRICULTURAL TOURISM**

Agricultural (Agri-) Tourism activities may be allowed as a Special Use in the “AG” (Agricultural) and “RE” (Rural Estates) zoning districts. The following requirements shall be considered the minimum required for such approval.

A. *Purpose.* It is the purpose of this section to do the following:

1. To provide standard definitions related to Agricultural Tourism businesses.
2. To provide a list of uses requiring approval of a Special Use Permit under an Agricultural Tourism business.
3. To provide a clear understanding of the expectations for an Agricultural Tourism businesses for operators, local residents, other businesses and local officials.

B. *Definitions.*

*AGRICULTURAL (AGRI-) TOURISM:* A business activity in which agriculture uses, rural lifestyle, the natural environment or local historical significance is to be used as a primary component for tourism activity. Also known as Rural Tourism.

C. *Applicability.*

1. *Agri-Tourism Uses.* The following Agri-Tourism uses shall be allowed by approval of a Special Use Permit, in accordance with the provisions of Article VIII, Section 400.760, on a minimum of five (5) acres in the “AG” (Agricultural) and “RE” (Rural Estates) zoning districts:

- Seasonal U-pick operations such as pumpkin farms, Christmas tree farms, orchards, vineyards, vegetable gardens, berry patches, pecan groves, etc.
- Seasonal outdoor mazes of agricultural origin such as corn or straw bales.
- Educational Tours.
- Petting Farms, animal displays and pony rides.
- Wineries.
- Cheese Kitchens.
- Wagon, sleigh and hayrides.
- Nature Trails.
- Historical agricultural exhibits.
- Open air or covered picnic area with restrooms.
- Food sales of any agricultural products (farm fresh eggs, produce, fruits, etc.) primarily grown and produced on-site.
- Kitchen facilities for the processing/cooking of items containing products or produce primarily grown on-site for sale.

- Bakeries producing baked goods containing produce primarily grown on-site.
- Retail sale of baked goods containing agricultural products/produce/fruits primarily grown on-site.
- Winery/Tasting Room, in conjunction with on-site viticulture on a tract of 15 acres or greater.
- Wineries, cider mills, etc. selling product on-site derived from crops primarily grown on-site.
- Educational classes, lectures or seminars.
- Family oriented entertainment (e.g. fun houses, haunted houses, inflatable bounce houses, or similar) and small mechanical rides.
- Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
- Organized meeting space for use by weddings, parties and corporate events.
- Gift shops for the sale of agricultural products and agriculturally related products.
- Gift shops for the sale of crafts or other non-agricultural items related to products produced in agricultural areas.
- Hunting clubs.
- Campground consisting of tents and cabins only.
- Facilities dedicated to the use of non-motorized recreational operations such as biking, kayaking or canoeing, horseback riding, etc.
- Farm to table dinners.

Agri-Tourism uses approved by Special Use Permit may be augmented by such additional requirements as a condition for approval as are deemed necessary to protect the public health, safety and general welfare. All Special Use Permits will contain a condition for review of the Special Use Permit if the intensity of the approved Special Use increases to such a level that the public health, safety and general welfare is affected as determined by the Planning and Zoning Director or the Planning and Zoning Commission.

2. *Hours of operation.* Applicants shall provide seasonal estimated hours of operation for their proposed Agri-Tourism uses. Said hours of operation may be augmented by the Planning and Zoning Commission.
3. *Parking.* All Agri-Tourism uses shall designate a permanent gravel surface parking area for a minimum of twenty (20) vehicles. Additional parking requirements shall include the following:
  1. For Agri-Tourism uses one parking space for each two-hundred fifty (250) square feet of retail area and one parking space for every five thousand (5,000) square feet of outdoor related activities such as agricultural mazes, petting farms, outdoor play equipment, etc. shall be required.

2. For Agri-Tourism uses, parking areas shall be located on either a gravel or paved surface as determined by the Planning and Zoning Director or his/her duly designated alternate, based on applicant estimates for seasonal parking and the intensity of the proposed use. Parking areas and surface type shall be designated on the Special Use Permit Site Development Plan. Overflow parking areas may be required to accommodate seasonal peak demand. Overflow parking areas shall be designated on the Special Use Permit Site Development Plan and may consist of a minimum of a grass surface.
  3. For Agri-Tourism uses accommodating bus or school tours, a dedicated bus drop-off/pick-up area as well as a dedicated bus parking area shall be designated on the Special Use Permit Site Development Plan. The bus drop-off/pick-up area and bus parking area shall consist of a minimum of a gravel surface.
  4. All parking areas shall be located in such a manner to allow for safe internal site circulation and to avoid traffic hazards associated with entering and exiting the public roadway.
  5. All parking areas shall meet all design, landscaping and screening and setback requirements set forth in the Platte County Zoning Order of 1990.
4. *Location and Access Roads.* All Agri-Tourism uses shall be located within one (1) mile of a hard surface road. The road surface of an access road serving all Agri-Tourism uses shall be a minimum of a gravel surface maintained by a public road entity. The road surface of an access road serving Agri-Tourism uses generating over an average of one hundred (100) vehicle trips per day shall be a hard surface as determined by a the Planning and Zoning Director or Planning and Zoning Commission.
  5. *Buffer zones/setbacks.* All Agri-Tourism uses shall have buffer zone requirements providing a minimum of one hundred (100) feet (more if possible) from the area of permit to properties containing residential dwellings(s) or other sensitive land uses at the time of application. In addition, any buildings constructed shall conform to the setback requirements of the district in which the Agri-Tourism use is located. Also, all Agri-Tourism uses shall be subject to the Transition and Landscape Buffer requirements found in Article IV, Section 405.245 of the Platte County Subdivision Regulations of 1992, as amended. All Agri-Tourism uses shall be subject to the Stream Preservation and Buffer Zone Requirements found in Article IV, Section 405.225 of the Platte County Subdivision Regulations of 1992, as amended.
  6. *Signage.* Seasonal signs may be erected for a limited period during the year when retailing activities for a particular farm product is available to the public.
  7. *Noise Restrictions.* No outdoor amplified noise will be permitted beyond 10:00 p.m. Central Standard Time.

8. *Neighborhood Meeting.* It is recommended that any person seeking a Special Use Permit for an Agri-Tourism use conduct a neighborhood meeting with surrounding landowners prior to the Special Use Permit being heard by the Planning and Zoning Commission.

The above requirements shall be considered the minimum required for such approval. Agri-Tourism uses approved by Special Use Permit may be augmented by such additional requirements as a condition for approval as are deemed necessary to protect the public health, safety and general welfare.

**SECTION 400.510: PENAL FACILITIES**

Penal facilities may be approved as a special use in "PI" zoned districts. The following requirements shall be considered the minimum required for such approval, in addition to the normal requirements for application and operation, of a special use as set forth in Article VIII, Section 400.760 of this Order.

1. *Definition.* A "penal facility" is defined as any property used for incarceration of persons awaiting trial or serving sentences for federal or state crimes, misdemeanors or municipal violations.
2. *Special use.*
  - a. *Application requirements.*
    - (1) The application shall include the names of all owners of property located within two thousand five hundred (2,500) feet of the parcel of land for which the special use permit is proposed.
    - (2) The Enforcement Officer shall give notice at least fifteen (15) days prior to the hearing by certified mail to all owners of any real property located within two thousand five hundred (2,500) feet of the parcel of land for which the special use permit is proposed.
  - b. *Site development plan.*
    - (1) In addition to the requirements of Article III, Section 400.350(B), the application shall include detailed construction plans showing the floor plan and security details for any structures which will house prisoners.
    - (2) The application shall include a statement as to the total maximum number of prisoners which may be incarcerated at the facility at any given time and the number of staff personnel required for the operation of the facility.
    - (3) The application shall include detailed plans for all public utilities necessary to operate the facility in a safe manner.
3. *Location and operation restrictions.*
  - a. No penal facility shall be located within two thousand five hundred (2,500) feet of any property zoned "RE", "R-80", "R-40", "R-25", "R-15", "R-10", "R-7", "RTD" or "RMD".
  - b. No penal facility shall be located within two thousand five hundred (2,500) feet of any lot on which there is an existing legally conforming residential use.
  - c. No penal facility shall be located within two thousand five hundred (2,500) feet of a church, park, child care facility, school of special instruction or school of general instruction.

4. *Transfer of special use permit.* A permittee shall not transfer the special use permit for the operation of a penal facility to another corporation, firm or person without approval by the Planning Commission in the same manner as required for the grant of the original special use permit. (County Order of 1990)

#### **SECTION 400.520: SELF-STORAGE FACILITIES AND OUTSIDE STORAGE**

##### *A. Self-Storage Facilities.*

1. *Prohibited activities.* No activities other than rental of storage units and pickup and deposit of storage shall be permitted at and from the self-storage facility. Examples of the prohibited activities shall include, but not be limited to, the following:
  - a. Auctions, commercial wholesale or retail sales or miscellaneous garage sales.
  - b. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
  - c. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.
2. *Site plan for self-storage facilities.* All self-storage facilities shall be required to submit for approval a site plan as otherwise provided in the Order. The site plan shall incorporate the following design and improvement requirements:
  - a. The facility shall have an area of not less than two (2) acres within the property proposed to be used for this purpose.
  - b. *Off-street parking.*
    - (1) One (1) space for each ten (10) storage cubicles, equally distributed throughout the storage area. This parking requirement can be accomplished with the parking lanes as set forth in Subsection (d) below.
    - (2) Two (2) spaces for manager's quarters.
    - (3) One (1) space for every fifty (50) storage cubicles to be located at the facility office for the use of prospective clients.
  - c. *Landscaping.*
    - (1) A landscaping strip twenty (20) feet in width shall be provided along all street frontages and along borders where the facility abuts any residential zoning district. A landscaping strip ten (10) feet in width shall be provided along all other borders. All landscaping strips shall be landscaped with a combination of deciduous and coniferous plant material, the majority of which being no less than six (6) feet tall at the time of initial planting.
    - (2) Interior landscaped areas shall also be shown on the site plan.



- d. *On-site circulation and driveway widths and surfaces.*
- (1) All one-way driveways shall provide for one (1) ten (10) foot parking lane and one (1) fifteen (15) foot travel lane. Traffic direction and parking shall be designated by signing or painting.
  - (2) All two-way driveways shall provide for one (1) ten (10) foot parking lane and two (2) twelve (12) foot travel lanes.
  - (3) The parking lanes may be eliminated when the driveway does not serve storage cubicles.
  - (4) All parking and driveway areas shall be hard surfaced.
- e. *Fencing and screening.* Fencing shall be required around the perimeter of the project. Fences shall be a minimum of six (6) feet in height and constructed of decorative concrete block or chain-link fence with slats or other similar material as approved by the Planning and Zoning Department.
- f. *Signs.* All signs shall be approved by the Planning and Zoning Department prior to issuance of the sign permit.
- g. *Lighting.* All lights shall be shielded to direct light onto the subject property and away from adjacent properties and rights-of-way. However, the lighting may be of sufficient intensity to discourage vandalism and theft.
- h. All other applicable requirements of the Order will apply. Alternative designs to minimize the aesthetic impact and to blend with the overall character of the effected shall be encouraged.

B. *Outside Storage.*

1. *Site development plan.* Any site development plan which includes, as an accessory use, outside storage shall include within such plan provisions for outside storage. The Owner of any property with an approved or existing use which the Owner intends to expand or implement by the accessory use of outside storage shall submit a site development plan which includes and makes provision for outside storage.
2. Site development plans including outside storage shall comply with all applicable requirements in general and shall comply with the following specific requirements
  - a. *Fencing.* Fencing shall be required around the perimeter of the outside storage area. Such fencing shall be at least eight (8) feet in height and shall be slatted or of other construction so as to screen the area from adjacent properties.
  - b. *Lighting.* All lights shall be shielded to direct light onto the subject property and away from adjacent properties and rights-of-way. However, the lighting may be of sufficient intensity to discourage vandalism and theft.

- c. *Landscaping.* A landscaping strip no less than ten (10) feet in width shall be provided along all street frontages and borders abutting the outside storage. The landscaping strip shall be landscaped with a combination of deciduous and coniferous plant material, the majority of which being no less than six (6) feet tall at the time of planting. (County Order of 1990)

## **SECTION 400.530: WEED ORDINANCE**

### *A. Definitions.*

1. For purposes of this Section, "*weeds*" shall include:
  - a. Dense growth of wild shrubbery, trees with a trunk that is less than one and one-half (1½) inch in diameter measured at a height of forty-two (42) inches above grade, brush and/or woody vines, regardless of height, having stems or trunks less than four (4) inches in diameter;
  - b. Noxious or poisonous plants, including, but not limited to, poison ivy, poison oak or poison sumac, at any height or state of maturity;
  - c. Plants which bear or may bear seeds of a downy or winged nature;
  - d. Plants and/or indigenous grasses which attain such large growth as to become, when dry, a fire menace to adjacent improved property;
  - e. Vegetation and/or grasses which, because of its height, has a blighting effect on the neighborhood.
2. Any such vegetation or grasses shall be presumed to be blighting if they exceed twelve (12) inches in height.
3. The term "*weed*" shall not include cultivated trees, plants, bushes or shrubbery of any height or to stock which has been purchased at a nursery.

B. *Declaration Of Nuisance.* Weeds, as defined in Subsection (A)(1) of this Section, which are allowed to stand at any season of the year upon any lot, tract or parcel of land or unpaved alley or along the sidewalk, street or paved alley adjacent to such lot, tract or parcel of land are hereby declared to constitute a nuisance. This Section shall not apply to land zoned or used for agricultural use which is more than two hundred fifty (250) feet distant from any dwelling (whether intended for single- or multiple-family occupancy), dwelling unit, modular home or mobile home.

C. *Duty Of Removal.* It shall be unlawful for the owner, lessee or occupant of any lot, tract or parcel of real property to allow weeds, as defined in Subsection (A)(1) of this Section, to grow or stand upon such parcel of real property creating or maintaining a public nuisance. It shall be the joint duty of such owner, lessee and/or occupant of such parcel of real property to immediately cut, remove or destroy or cause to be cut, removed or destroyed any and all weeds, as defined in Subsection (A)(1) of this Section, on such property as often as may be necessary to comply with these provisions. In the case of joint tenancy, tenancy by the entireties or tenancy in common, each owner shall be jointly and severally responsible and liable for the removal of weeds from the property.

- D. *Notice To Abate.* If the provisions of the weed control ordinance are not met, the Planning and Zoning Director or a duly designated alternate is empowered to hold a hearing for purposes of determining if a violation of this Section exists on the subject property. The hearing shall be held after giving ten (10) days' written notice either personally or by United States mail to the owner, lessee or occupant of the subject property or by posting such notice on the real property upon which the alleged violation has occurred. Said notice shall set forth the alleged violations of this Section, describe, by general description or street address, the real property in violation, and advise of the date, time and location of such hearing and consequences of non-compliance.
- E. *Order To Abate.* Following such hearing, the Planning and Zoning Director or a duly designated alternate may declare the weeds to be a public nuisance and order the same to be abated within fourteen (14) days. The Planning and Zoning Director or a duly designated alternate will issue a findings of fact, after which the owner, lessee or occupant of the subject property shall have fourteen (14) days to appeal the decision. In the event that the weeds are not cut and removed within fourteen (14) days of the hearing, the Planning and Zoning Director may have the weeds cut and removed and shall give notice to the owner, lessee or occupant of the subject property of the costs of abatement of the nuisance, including an administrative fee of fifty dollars (\$50.00). Notice shall be given by registered mail or personal service or by posting such notice upon the subject property. The notice shall state that payment of the costs is due and payable within thirty (30) days following receipt of said notice. If the costs of abatement remain unpaid after thirty (30) days following receipt of said notice, a record of the costs of abatement, including the administrative fee, shall be certified to the county collector.
- F. *Right Of Entry For Purpose Of Abatement.* The Planning and Zoning Director and/or a duly designated agent may enter upon the real property upon which such nuisance has been declared under this Section for the purpose of abating the nuisance, with or without the consent of the owner, lessee or occupant of the real property deemed a public nuisance. This limited right of entry shall extend only during reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this Section.
- G. *Unlawful Resistance.* It shall be unlawful for any person to interfere with or to attempt to prevent the Planning and Zoning Director or a duly designated agent from entering any real property or from proceeding with such cutting, destruction or removal as is permitted under this Section.
- H. *Enactment Of Tax Bill.* Certification of the costs of abatement against the subject real property deemed to be a public nuisance shall be made to the County Collector on or before the first (1st) of September of each year. Upon certification of the costs of abatement, the county collector shall cause a tax bill, which includes the costs of abatement against the parcel of the subject real property deemed a public nuisance, to be prepared and to be collected by the county with other taxes assessed against the property. This shall be collected in the same manner as all other special and regular assessments, including assessment of the allowable penalty and interest when necessary. The tax bill from the date of its issuance shall be a lien on the property to the same extent and of the same priority as any other property tax assessed by the county until paid and shall be prima facie evidence of the recitals therein and of its validity. No minor clerical error in the same, or in the proceedings leading up to the issuance, shall be a defense thereto.

- I. *Penalty.* Each person who shall neglect to cut, destroy or remove weeds, as defined in Subsection (A)(1) of this Section, as directed by this Section or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided or who shall resist or obstruct the Planning and Zoning Director or any duly designated agent in the cutting, destruction or removal of weeds shall upon conviction be guilty of a misdemeanor pursuant to Section 64.295, RSMo. The preparation of a tax bill, as authorized by Subsection (H) of this Section, shall not relieve any persons of liability under this Section. Upon any person's conviction under this Section, such person shall be punished according to Sections 558.011 and 560.016, RSMo. Each day following the prescribed time given in the notice of abatement during which time the nuisance continues unabated shall constitute a separate offense. (County Order of 1990)

## **SECTION 400.535: SEDIMENT AND EROSION CONTROL REGULATIONS**

### *A. Title, Purpose And Scope.*

1. *Title.* These regulations shall be known by short title as the “Platte County Sediment and Erosion Control Regulations”, may be cited as such and will be referred to herein as “this Section”.
2. *Purpose and scope.*
  - a. The purpose of these regulations is to control soil Erosion on land that is undergoing Land Disturbance activities for non-agricultural uses and to prevent Sediment and soil Erosion from being transported onto adjacent property and into streams, rivers, lakes, ponds, or other areas. The regulations are intended to do the following:
    - (1) Protect and enhance the water quality of Watercourses, water bodies, and wetlands.
    - (2) Minimize soil Erosion and sedimentation caused by Land Disturbance activities.
    - (3) Reduce maintenance costs of public and private improvements and services.
    - (4) Promote and protect the public’s health, safety, comfort, and welfare.
  - b. The property owner is responsible for the Land Disturbance activities including the protection of downstream and adjacent properties from siltation and Erosion. All necessary steps shall be taken to prevent Sediment and soil Erosion from being transported onto adjacent properties and into streams, rivers, lakes, ponds or other areas.

- B. *Definitions.* For the purpose of this Section 400.535, certain terms, phrases, words and their derivatives shall be defined as specified in this Section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. The following terms shall have the following meanings in this Section 400.535. In the event of a conflict between defined terms in Article I, Section 400.090 and the terms defined herein, this Section 400.535 shall control.

*BEST MANAGEMENT PRACTICES (BMPs):* Physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with Land Disturbance activities.

*CLEARCUTTING:* Cutting essentially all Trees in a given area.

*CLEARING:* Any activity by which Vegetative Cover, structures or surface material are removed, including, but not limited to, surface layer, root or topsoil removal.

*DRAINAGE WAY:* Any channel that conveys surface runoff within, through and/or away from the Site.

*EROSION:* The wearing away of land by the action of wind, water, gravity, ice, or artificial means, and/or Land Disturbance activities.

*EROSION CONTROL:* Measures that prevent Erosion.

*GRADING:* Excavation or fill material, including the resulting conditions thereof.

*LAND DISTURBANCE:* Any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause Erosion or sedimentation. Such activities include, but are not limited to, Clearing, removal of vegetation, stripping, Grading, grubbing, excavating, filling, logging and storing of materials.

*LAND DISTURBANCE PERMIT:* A permit issued by Platte County for the construction or alteration of ground improvements and structures for the control of Erosion, runoff and Grading.

*PERENNIAL VEGETATION:* Grass or other appropriate natural growing vegetation that provides substantial land cover, Erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the Site.

*PERIMETER CONTROL:* A barrier that prevents Sediment from leaving a Site either by filtering Sediment-laden runoff, or diverting it to a sediment trap or basin.

*PHASING:* Clearing a parcel of land in distinct phases, with the Stabilization of each phase before the Clearing of the next.

*SEDIMENT:* Soils or other materials transported or deposited by the action of wind, water, gravity, ice, or artificial means.

*SEDIMENT AND EROSION CONTROL PLAN:* A plan for the control of sedimentation and Erosion resulting from Land Disturbance activities, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents upon which the Best Management Practices to be used on a Site are set forth, including such information as necessary to review the basis for their design and to ensure their proper installation, maintenance, inspection and removal.

*SEDIMENT CONTROL:* Measures that prevent eroded sediment from leaving the Site.

*SITE:* A parcel of land, or a contiguous combination thereof, where Land Disturbance work is performed as a single unified operation.

*STABILIZATION:* The use of practices that prevent exposed soil from eroding.

*TREE:* Vegetative growth with a trunk 6 inches in diameter and larger, measured 3 feet above ground.

*VEGETATIVE COVER:* Any grasses, shrubs, Trees and other vegetation that protects and stabilizes soils.

*WATERCOURSE:* Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water which are delineated by Platte County.

*WATERWAY:* A channel that directs surface runoff to a Watercourse, or to the public storm drain.

*C. Permits, Fees, Application And Inspections.*

1. *Permits required.* The owner of all property on which any project containing Land Disturbance activities of one or more acres in size, excluding agricultural use, shall obtain a Land Disturbance Permit from Platte County. The property owner may also need to obtain any Federal, State, or local permits for the project as required by any other entity. The property owner shall ensure that all contractors conform to and comply with all permits and conditions.

A Land Disturbance Permit will not be issued for a parcel of ground prior to the approval of a Preliminary Plat, Planned Unit Development, Planned Residential District Plan, Site Development Plan, or Special Use Permit unless the Director of Planning and Zoning, in his sole discretion, determines the Land Disturbance is not for the purpose of development that would require Planning and Zoning Commission approval.

2. *Application for permit.*

- a. Prior to any Land Disturbance activity of one or more acres, the property owner must obtain a Land Disturbance Permit from Platte County. The County will issue a Land Disturbance Permit when the following have occurred.
  - (1) The Sediment and Erosion Control Plan has been submitted to and approved by the Director of Planning and Zoning or his duly designated alternate.
  - (2) If applicable, the performance guarantee for Grading has been accepted by the County Commissioners.
- b. Application for a Land Disturbance Permit shall be made in writing by the property owner or developer of the Site, or by an agent of the owner. Each application shall bear the name(s) and address(es) of the owner or developer of the Site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.
- c. The application shall include a permit fee as ordered by the County Commission.

- d. Each application shall include a statement that all Land Disturbance and construction activities shall be in accordance with the Sediment and Erosion Control Plan.
  - e. Review and approval
    - (1) The Director of Planning and Zoning or his duly designated alternate will review each application for a Land Disturbance Permit to determine its conformance with the provisions of this Section. Within thirty (30) days after receiving an application, the Director of Planning and Zoning or his duly designated alternate shall, in writing:
      - (a) approve the permit application;
      - (b) approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; OR
      - (c) disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission
    - (2) Failure of Platte County to act on original or revised applications within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and Platte County. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by Platte County.
1. *Exemptions.* No Land Disturbance Permit is required for the following activities:
    - a. Any emergency activity which is immediately necessary for the protection of life, property or natural resources.
    - b. Mowing, brush hog clearing, Tree cutting (excluding Clearcutting) or similar activities which do not grade, dig, excavate or otherwise remove or kill surface growth and root system of the Vegetative Cover.
    - c. Agricultural uses.
    - d. Federal and State projects.
  2. *Permit fees.* The property owner shall pay a Land Disturbance Permit fee in accordance with the schedule established by the County Commission.
  3. *Inspection*
    - a. By applying for a Land Disturbance or building permit, the applicant consents to inspections of the proposed Site and all work in progress.

- b. The permittee shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Sediment and Erosion Control Plan. The purpose of such inspections will be to determine the overall effectiveness of the control plan, the need for additional control measures, and the need for maintenance of existing control measures.
    - c. Platte County may enter the project Site as deemed necessary to make regular inspections to ensure compliance with the approved Sediment and Erosion Control Plan.
  4. *Removal of Temporary Sediment and Erosion Control Measures.* Prior to Land Disturbance activities being considered complete, all temporary Sediment and Erosion Control measures must be removed in the manner described in the Sediment and Erosion Control Plan unless authorized by the Director of Planning and Zoning or his duly designated alternate. Such removal shall be complete prior to closure of the permit which authorized the Land Disturbance.
  5. *Completion.* Land Disturbance activities are considered to be complete when the Site is stabilized. The Site is considered to be stabilized when Perennial Vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. With respect to areas that have been vegetated, Vegetative Cover shall be at least 70% of fully established plant density over 100% of the disturbed area.
  6. *Expiration of Land Disturbance Permits.* The Land Disturbance Permit will expire one year from the issue date of the permit. If the project completion date will be after the expiration date of the permit, then the permittee must reapply to Platte County for a new permit before the expiration of the existing permit.
  7. *Revocation of Land Disturbance Permits.* The Director of Planning and Zoning or his duly designated alternate shall have the power to revoke any Land Disturbance Permit failing to comply with the provisions of this Section.
  8. *Penalty.* Failure to comply with the provisions of this Section shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790.

D. *Sediment and Erosion Control Plan.*

1. For Land Disturbance activities of one or more acres, Sediment and Erosion Control Plans submitted to the County for review must be prepared and certified by a licensed professional engineer or by a Certified Professional in Erosion and Sediment Control. The engineer must be licensed to practice in the State of Missouri.
2. The Sediment and Erosion Control Plan shall include, at a minimum, the following information:
  - a. The property owner's name, address and telephone number.
  - b. Location map.
  - c. Existing and proposed contours at two (2) foot intervals on USGS datum.
  - d. Clearing limits.



- e. Delineation of the 100-year flood plain and floodway.
- f. Location of proposed and existing utilities.
- g. Proposed Sediment and Erosion Control BMPs to be employed.
- h. Phasing of Sediment and Erosion Control measures.
- i. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- j. Maintenance and inspection requirements, including a plan for removal and disposal of trapped sediment.
- k. Detailed drawings with proper identifications, dimensions, materials and other information necessary to insure the desired construction.

The Director of Planning and Zoning or his duly designated alternate may require additional information or data deemed appropriate to ensure compliance with the intent, purpose and provisions of the County's Sediment and Erosion Control Regulations.

3. Modifications to the plan

- a. Major amendments of the Sediment and Erosion Control Plan shall be submitted to the Director of Planning and Zoning or his duly designated alternate and shall be processed and approved, or disapproved, in the same manner as the original plans.
  - b. Field modifications of a minor nature may be authorized by the Director of Planning and Zoning or his duly designated alternate by written authorization to the permittee.
  - c. Additional Sediment or Erosion Control measures may be needed if unforeseen Sediment or Erosion problems arise or if the submitted plan does not function as intended.
4. In addition to sediment, the Sediment and Erosion Control Plan shall provide for the control of other pollutants related to Land Disturbance activities that might cause an adverse impact to water quality, including, but not limited to, discarded building materials, concrete truck washout, fuel, hydraulic fluids, chemicals, litter, and sanitary wastes.

E. *Design and Implementation Requirements.*

Grading, Erosion Control practices, Sediment Control practices, and Waterway crossings shall meet the design criteria set forth in the most recent version of the Kansas City Metropolitan Chapter of the American Public Works Association (KC-APWA) Standard Specifications and Design Criteria, unless waived for good cause by the Director of Planning and Zoning or his duly designated alternate, and shall be adequate to prevent transportation of sediment from the Site to the satisfaction of the Director of Planning and Zoning or his duly designated alternate.

1. Clearing and Grading
  - a. Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in the KC-APWA Standard Specifications and Design Criteria, shall be used to the satisfaction of Platte County.
  - b. Clearing, except that necessary to establish Sediment Control devices, shall not begin until all Sediment Control devices have been installed and have been stabilized.
  - c. All excavations, Grading or filling shall have a finished grade not to exceed a 3:1 slope. Steeper grades may be approved by the Director of Planning and Zoning or his duly designated alternate if the excavation is through rock or if the excavation or the fill is adequately protected (a designed head wall or toe wall may be required). Permanent safety guards shall be constructed in accordance with the appropriate section(s) of the adopted County building code.
2. Erosion Control
  - a. Where Land Disturbance activities have temporarily or permanently ceased on a portion of a project Site for over 21 consecutive days, the disturbed areas shall be protected from Erosion by stabilizing the areas with mulch or other similarly effective soil stabilizing BMPs, unless the timeframe for compliance is extended by the Director of Planning and Zoning or his duly designated alternate. Where implementation of Stabilization measures is precluded by snow cover, Stabilization measures shall be initiated as soon as practical.
  - b. If vegetation Erosion Control methods, such as seeding, have not become established within 30 days after initial seeding, Platte County may require that the Site be reseeded, or that a non-vegetative option be employed.
  - c. On steep slopes or in Drainage Ways, special techniques that meet the design criteria outlined in the KC-APWA Standard Specifications and Design Criteria shall be used to ensure Stabilization.
  - d. Techniques shall be employed to prevent the blowing of excessive dust or sediment from the Site.
3. Sediment Controls
  - a. Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with Perimeter Controls.
  - b. Where possible, settling basins shall be designed in a manner that allows adaptation to provide long term stormwater management.
4. Waste Control
  - a. Measures must be taken to control waste that may have an adverse impact on water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.

- b. Concrete trucks should be allowed to wash only in locations where discharge is directed to a sediment basin. It is not permissible to discharge concrete wash directly into streams or storm drains.
  - c. Waste from sanitary facilities on the Site may be disposed only in locations having a State permit.
5. Waterways and Watercourses
- a. When a wet Watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from Platte County.
  - b. When in-channel work is conducted, the channel shall be stabilized before, during, and after work.
  - c. All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the KC-APWA Standard Specifications and Design Criteria.
  - d. Stabilization adequate to prevent Erosion must be provided at the outlets of all pipes and paved channels.
6. Construction Site Access
- a. A temporary construction entrance shall be provided at all Sites.
  - b. Other measures may be required at the discretion of Platte County in order to ensure that Sediment is not tracked onto public streets by construction vehicles, or washed into storm drains.
  - c. Mud, dirt, rocks, sticky substances, litter and/or other foreign matter are not allowed to erode onto public streets, nor tracked onto the streets by construction vehicles. Should any mud or other debris be tracked onto the street, the contractor shall take immediate steps to have it removed.
7. Vegetation
- a. Vegetation practices shall conform to KC-APWA Standard Specifications and Design Criteria.
  - b. Seedings must be inspected for Erosion or die out for at least a year. Bare and sparse areas shall be repaired by filling rills and gullies, refertilizing, reseeding, and mulching.
  - c. On slopes and channels where the Erosion hazard is high, an appropriate type of erosion control blanket should be used.

F. *Land Disturbance Less Than One Acre.*

1. Land Disturbance activities associated with any structure requiring a building permit shall conform to the Sediment and Erosion Control requirements of Platte County, including compliance with the most recent version of the KC-APWA Standard Specifications and Design Criteria.
2. Building Permit Holder Responsibilities
  - a. The building permit holder is responsible for the on-going maintenance of all lot specific Sediment and Erosion Control devices.
  - b. At no time during construction shall Sediment be allowed to enter the storm drainage system.
  - c. Lot specific Sediment and Erosion Controls shall be inspected at least once a week and after each rainfall. Any deficiencies in the Sediment and Erosion Controls noted during these inspections shall be corrected immediately.
  - d. Temporary driveways are to be installed immediately after foundation walls are backfilled. The default approach shall be to rock driveways to a minimum depth of four (4) inches and a minimum width of twelve (12) feet for the entire length of the driveway. Rock shall be  $\frac{3}{4}$ " or larger coarse aggregate. If an alternative to the above is desired, a plan may be submitted to the Director of Planning and Zoning or his duly designated alternate for approval. All deliveries of material to the Site shall be required to use the temporary driveway.
  - e. The building permit holder is responsible for ensuring that mud, dirt, rocks, sticky substances, litter and/or other foreign matter are not allowed to erode onto County streets and sidewalks, nor tracked onto the streets by construction vehicles. Contractors and subcontractors shall only park their vehicles on a stabilized drive or on the street. Should any mud or other debris be tracked onto the street, the contractor shall take immediate steps to have it removed.
  - f. Measures must be taken to control waste that may have an adverse impact on water quality. Such waste includes discarded building materials, concrete truck washouts, chemicals, litter, and sanitary waste.
  - g. Land Disturbance related to construction of single family or accessory structures on large vegetated rural Sites may not require specific controls if the disturbed area is over 100 feet from any property line or Watercourse. If it is determined that Sediment is leaving the Site, the property owner will need to establish Sediment and Erosion Controls.
3. Maintenance
  - a. Sediment fences shall be inspected by the permit holder at least once a week and after each rainfall. Any necessary repairs shall be made immediately.
  - b. If the fabric of the sediment fence should collapse, tear, decompose, or become ineffective, it shall be replaced promptly.

- c. Sediment deposits shall be removed as necessary to provide adequate storage volume for the next rain and to reduce pressure on the fence. Care shall be taken to avoid damaging or undermining the fence during cleanout. Sediment accumulation should not exceed  $\frac{1}{2}$  the height of the fence.
- d. If the utilities are installed after Sediment and Erosion Controls have been put in place, the building permit holder is responsible for control of Sediment and Erosion during the construction process and they are responsible to ensure that all controls are reinstalled per the original design.

#### 4. Enforcement

- a. By the time the ground rough plumbing inspection is requested, all Sediment and Erosion Control devices shall be in place unless the County inspector determines that the Sediment and Erosion Control devices must be installed earlier. If the building permit holder fails to install the proper Sediment and Erosion Control measures, the building inspection will be denied and the building permit holder shall be deemed in violation of this Zoning Order.
- b. If the County inspector concludes that Sediment and Erosion Control devices are not adequate or functioning properly for any reason, the scheduled inspection will not be performed, and the building permit holder will be required to reschedule the inspection.
- c. Failure to comply with the provisions of this Section shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790.

#### 5. Final Grading

- a. Sediment and Erosion Control devices may be removed in order to complete final Grading and sodding of a lot. If sodding of the lot is delayed, the building permit holder is required to maintain the Sediment and Erosion Control devices until the sod can be put down. If the lot is to be seeded and mulched, Sediment and Erosion Control devices should remain in place until vegetation is established.
- b. Land Disturbance is considered to be complete when the Site is stabilized. The Site is considered to be stabilized when Perennial Vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. With respect to areas that have been vegetated, Vegetative Cover shall be at least 70% of fully established plant density over 100% of the disturbed area
- c. Vegetation Cover shall be established before an occupancy permit may be issued except that a Temporary Certificate of Occupancy may be issued by the Planning and Zoning Department. In order to receive a Temporary Certificate of Occupancy the following are required:
  - 1. At the time of Final Inspection all Sediment and Erosion Controls shall be installed and functioning as intended.

2. Documentation is provided proving an escrow account has been established to guarantee exposed areas will be reestablished with vegetation pursuant to this Order. Said escrow fund must be held by a valid third party and should be in the amount of the cost to complete the reestablishment of vegetation plus 50%. The Director of Planning and Zoning, or duly designated alternate, reserves the authority to reject any escrow documentation and thus not issue the Temporary Certificate of Occupancy if the escrow amount is deemed to not be sufficient to reestablish vegetation pursuant to this Order.
  3. Sediment and Erosion Controls must remain in place and in proper working order until Vegetation Cover is established.
- d. If it is determined by a County inspector that any ground adjacent to the lot, regardless of ownership, has been disturbed by the building permit holder, vegetation must be established on the disturbed ground prior to issuing an occupancy permit.

G. *Enforcement.*

1. *Authority.* The Director of Planning and Zoning or his duly designated alternate are hereby authorized and directed to enforce all the provisions of this Section.
2. *Stop-Work Order.* In the event that any person holding a Land Disturbance or building permit pursuant to this Section violates the terms of the permit, or implements Site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development Site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, Platte County may suspend or revoke the Land Disturbance or building permit.
3. *Violations.* No person shall construct, enlarge, alter, repair, or maintain any Grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Section. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Section is committed, continued or permitted, shall constitute a separate offense.
4. *Penalty.* Failure to comply with the provisions of this Section shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790.
5. *Other Laws.* Neither this Section nor any administrative decision made under it exempts the permit holder from other requirements of local, state, and federal laws, or from procuring other required permits, including any state or federal stormwater permits authorized under the National Pollutant Discharge Elimination System (NPDES), or limits the right of any person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the permit holder or any person arising from the activity regulated by this Section.

**ARTICLE IV. PLANNED UNIT DEVELOPMENTS****SECTION 400.540: PURPOSE**

- A. It is the intent of this Section to provide for integrated developments having harmony of design and variety of function. It is not intended to permit a greater density or uses different from those set forth in the regulations or the district in which the development is located, but this Article is to provide for a greater flexibility in the design of buildings, yards, courts and circulation than would otherwise be possible through the strict application of district regulations and to produce:
1. A maximum choice in the type of environment and living units available to the public.
  2. Open space and recreation areas.
  3. A pattern of development which preserves trees, outstanding natural topography and geological features and prevents soil erosion.
  4. A creative approach to the use of land and related physical development.
  5. An efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs.
  6. An environment of stable character in harmony with surrounding development.
  7. A more desirable environment than would be possible through the strict application of other sections of this Order.
- B. The Planned Unit Development section is designed to provide for small- and large-scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. Such developments may consist of individual lots or condominiums with common building sites. Common land must be an essential and major element of the plan which is related to and affects the long-term value of the homes and other development. A planned unit shall be a separate entity with a distinct character in harmony with surrounding development.
- C. All property in unincorporated Platte County is divided into one (1) or more of the base zoning districts set forth in Article I, Section 400.080. Planned Unit Development is a supplemental designation to the base zoning. (County Order of 1990)
- D. Family Unit Subdivision – A creative approach to the use of land which fosters subdivisions of land for family members.

**SECTION 400.550: PLANNED UNIT DEVELOPMENT AUTHORIZED**

A Planned Unit Development may be authorized, provided that all of the following provisions are followed.

1. *Location.* A Planned Unit Development shall be permitted in any district except an "AG" Agricultural District.
2. *Design characteristics.* The proposed Planned Unit Development shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the district in which the unit is located. The design may provide for modification of yard, setback and height requirements, but the uses, density and intensity of use for the district shall not be reduced. Where the proposed Planned Unit Development is in a district permitting residential uses, the design may provide for one (1) or more dwelling types.
3. *Minimum site size.* The minimum recommended size of the site upon which a Planned Unit Development shall be located shall not be less than five (5) acres for residential developments, forty (40) acres for industrial, educational, medical and other types of institutional developments and not less than three (3) acres for commercial development. The Planning Commission may vary said minimum site size where such an alteration is in the best interest of the community and where the public health, safety and welfare will be preserved.
4. *Off-street parking.* The off-street parking requirements set forth in Article V may be complied with by providing one (1) or more permanent, common, off-street parking facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each use and that the spaces provided for permanent residents shall be clearly designated and separated from spaces provided for employees, customers and services. The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use and shall be under the permanent control of the owners of the use for which the spaces are required.
5. *Site development plan.*
  - a. The applicant shall submit a site development plan of the proposed Planned Unit Development in support of the application. Said plan and application shall be considered the same as a rezoning request and the same procedures shall be followed concerning application, Planning Commission review, public hearings and legal protest. Approval of the plan by the Planning Commission and the County Commission shall also constitute approval of a preliminary plat for the Planned Unit Development as required under the Platte County Subdivision Regulations. Upon such approval, the letters PUD shall be affixed to the appropriate part of the county's official Zoning District Map in addition to the base zoning designation.
  - b. The plan may provide for staged development of the project and, if so, it shall be indicated on the plan.
6. *Contents of the site development plan.* The site development plan shall consist of maps and text which contain the requirements as listed in Article III, Section 400.350.



7. *Number of permitted dwelling units.*

- a. It is the intent of this Section that the aggregate density and intensity of use within the Planned Unit Development remain the same as that which would be permitted if the area were developed conventionally, but that within the Planned Unit Development the permitted number of dwelling units may be reallocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units within a Planned Unit Development shall be computed as follows:

$$\text{Permitted D.U.'s} = \frac{\text{Residential Area of the P.U.D.}}{\text{Minimum land area per D.U. permitted in the applicable use district.}}$$

- b. The residential area for the purposes of the above-described computation shall be the gross area of the Planned Unit Development less the lot area or areas designated for any use other than dwellings, residential open space and recreation areas. The minimum land area per dwelling unit for the purposes of the above-described computation shall be the least restrictive minimum land area per dwelling unit permitted in the applicable district. If the Planned Unit Development is within two (2) or more use districts, the total permitted density shall be the sum of the permitted floor areas for each district.
- 8. *Commercial and industrial uses.* Except as provided in Subsection (9) below, commercial and industrial uses in Planned Unit Developments shall be permitted only in areas zoned to permit such uses. The intensity of development shall not exceed the floor area ratio requirements of the applicable district. If the Planned Unit Development is within two (2) or more use districts, the permitted density shall be the sum of the permitted floor area computed separately for the land area within each district.
  - 9. *Accessory commercial developments.* Where located on a site with residential uses, commercial uses may be considered accessory uses customarily incident to the residential uses included within the Planned Unit Development. The aggregate floor area of the commercial facilities shall not exceed two percent (2%) of the total gross floor area of the dwelling units already constructed or in the process of being constructed in the Planned Unit Development nor a total of thirty thousand (30,000) square feet. Each commercial establishment shall be limited to a maximum of three thousand five hundred (3,500) square feet in floor area. The commercial area shall be designed primarily for the service, convenience and benefit of the residents of the Planned Unit Development and shall be designed and located in such a manner as to be compatible with the residential use of the Planned Unit Development and adjacent properties.
  - 10. *Height limitation.* Within any Planned Unit Development, the maximum height shall be determined by the Planning Commission with due consideration to the district in which the Planned Unit Development is to be located and the spirit of this Order.
  - 11. *Perimeter requirements.* No portion of a building or structure shall be closer to a perimeter property line of the entire tract than the applicable front, side and rear yards for the district in which the Planned Unit Development is located.

12. *Final plat required.* A final plat of the Planned Unit Development shall be required and shall be in compliance with the Platte County Subdivision Regulations.
13. *Homes association.* The developer shall provide for a homes (or property owners') association if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities including streets, drives, service and parking areas, sidewalks and open space or recreation areas.
14. *Commencement of construction of accessory commercial uses where associated with residential uses.* Where it is the intent of the applicant to combine commercial and residential uses on the same site, as provided in Subsection (9) above, no commercial construction shall commence until at least one-fourth (¼) of the total residential units called for in the site development plan are under construction.
15. *Time limit.* The construction of the Planned Unit Development shall be started within twelve (12) months of the effective date of approval of the plan by the County Commission. Failure to begin the development of the plan within said twelve (12) months shall automatically void the development plan, provided however, that upon reasonable grounds being shown therefore and when so requested in writing and by personal appearance, the Planning Commission may extend the twelve (12) months for one (1) additional twelve (12) month period.
16. *Amendments to the site development plan.* Minor changes from the site development plan for the Planned Unit Development may be authorized by the Planning Commission upon a review of a proposed final subdivision plat so long as substantial compliance is maintained with the site development plan and the purposes and standards of the Planned Unit Development provisions hereof. Changes which would represent a significant departure from the site development plan shall require filing of a new application for Planned Unit Development approval.
17. *Prior approval of preliminary development plans in planned development districts.* A previously approved Preliminary Development Plan under the Planned Development District provisions of the Zoning Order of the County of Platte, Missouri, of December 21, 1972, and subsequent amendments thereto is hereby deemed to constitute approval of a Planned Unit Development site development plan under this Order, subject to the same terms and conditions set forth with the prior Preliminary Development Plan approval. (County Order of 1990)

#### **SECTION 400.551: FAMILY UNIT SUBDIVISION**

A Family Unit Subdivision may be authorized, provided that all of the following provisions are followed.

- A. *Location.* A Family Unit Subdivision shall be permitted in the "AG" Agricultural, "RE" (Rural Estates), "R-80" (Rural Single-Family) and "R-40" (Single-Family Estate) Zoning Districts.
- B. *Design characteristics.* The proposed Family Unit Subdivision shall be designed to provide for the unified development of the area in accordance with the spirit and purpose of the district in which the unit is located. The design may provide for modification but not the elimination of yard, setback, road frontage, lot widths and lot area.
- C. *Process.* A Family Unit Subdivision permitted under this section shall follow the same platting process outlined in Article IV, Section 400.550 of the Platte County Zoning Order of 1990, as amended.

D. *Exception.* A Family Unit Subdivision meeting the requirements for a Minor Subdivision as outlined in Article II, Section 405.100, Subsection B of the Platte County Subdivision Regulations of 1992, as amended, may use the platting requirements for a Minor Subdivision as outlined in Article III, Section 405.130 of the Platte County Subdivision Regulations of 1992, as amended.

E. *Number of permitted dwelling units.*

1. It is the intent of this Section that the aggregate density and intensity of use within the Family Unit Subdivision remain the same as that which would be permitted if the area were developed conventionally, but that within the Family Unit Subdivision the permitted number of dwelling units may be reallocated irrespective of use district lines or lot lines. The maximum number of permitted dwelling units within a Family Unit Subdivision shall be computed as follows:

$$\text{Permitted D.U.'s} = \frac{\text{Residential Area of the F.U.S.}}{\text{Minimum land area per D.U. permitted in the applicable use district.}}$$

2. The residential area for the purposes of the above-described computation shall be the gross area of the Family Unit Subdivision less the lot area or areas designated for any use other than dwellings, residential open space and recreation areas. The minimum land area per dwelling unit for the purposes of the above-described computation shall be the least restrictive minimum land area per dwelling unit permitted in the applicable district.

F. *Family Relationship.* Residents of a Family Unit Subdivision must be immediate family members, including parents, children, siblings or grandchildren only. Prior to approval of a Family Unit Subdivision, the applicant must sign an affidavit attesting that the Family Unit Subdivision is to be inhabited only by immediate family members defined as parents, children, siblings or grandchildren.

G. *Planning and Zoning Commission Standards To Be Considered.* When acting upon a Family Unit Subdivision application, the Planning and Zoning Commission shall consider the Family Unit Subdivision in relation to the provisions and intent of this Section, the Platte County Zoning Order of 1990, as amended, the Platte County Subdivision Regulations of 1992, as amended and of the Platte County Land Use Plan adopted by the Planning and Zoning Commission and County Commission. The Planning and Zoning Commission reserves the right to deny any Family Unit Subdivision application submitted under this Section deemed insufficient in relation to the provisions and intent of any section of the provisions listed above.

**ARTICLE V. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING****SECTION 400.560: GENERAL INTENT AND APPLICATION**

It is the intent of these requirements that adequate parking and loading facilities be provided off the street for each use within the County in the form of private garages, carports or open areas made available exclusively for that purpose. Requirements are intended to be based on the demand created by each use. Such parking spaces shall be located entirely on private property with no portion except the necessary drives extending into any street or other public way. Parking shall be provided in minimum quantities stated in other Sections of this Article. Parking and off-street loading in excess of minimums is permitted. (County Order of 1990)

**SECTION 400.570: LOCATION**

Off-street parking shall be located within two hundred (200) feet, exclusive of street and alley widths, of the principal use and shall have direct access to a street or alley except as otherwise provided herein. (County Order of 1990)

**SECTION 400.580: JOINT PARKING FACILITIES**

Whenever two (2) or more uses are located together in a common building, shopping center or other integrated building complexes, the parking requirements may be complied with by providing a permanent common parking facility, cooperatively established and operated, which contains the requisite number of spaces for each use. The total number of spaces provided shall not be less than the sum of the individual requirements. Spaces provided for permanent residents of dwellings shall be clearly designated and separated from spaces provided for employees, customers and service. Spaces provided for multiple-family uses shall have ingress and egress via a private drive. Such spaces shall not require backing out into a public street. (County Order of 1990)

**SECTION 400.590: OWNERSHIP OR CONTROL OF LOT**

The land upon which the off-street parking lot is located shall be owned or controlled by the same entity which owns or controls the land on which the principal use is located. (County Order of 1990)

**SECTION 400.600: AMOUNT OF OFF-STREET PARKING AND LOADING REQUIRED**

- A. *Off-Street Parking.* Off-street parking and loading facilities shall be provided in all Districts in accordance with the following schedule:
1. *Sale of agricultural products.* For buildings or stands, one (1) parking space for each five (5) feet of front wall or three hundred (300) square feet of floor area, whichever is greater.
  2. *Dwelling.* Two (2) parking spaces for each dwelling unit in one- or two-family buildings; one and one-half (1½) parking spaces for each studio or one-bedroom dwelling unit and two (2) parking spaces for each two-bedroom or larger dwelling unit in multi-family buildings of three (3) or more units.

3. *Boarding or rooming house.* One (1) parking space for each one (1) guest room providing overnight accommodations in a rooming or boarding house.
4. *Mobile home.* Two (2) parking spaces for each unit.
5. *Hotel or motel.* One (1) parking space for each room or unit in a hotel or motel but not less than one (1) space for each five (5) persons capable of being accommodated in public rooms and indoor facilities.
6. *Administrative and professional offices, unless otherwise classified.* One (1) parking space for each two hundred (200) square feet of floor area.
7. *Medical or dental clinics or offices.* One (1) parking space for each one hundred fifty (150) square feet of floor area.
8. *Medical and dental diagnostic laboratories.* One (1) parking space for each one hundred fifty (150) square feet of floor area.
9. *Retail commercial establishments, unless otherwise classified.* One (1) parking space for each two hundred (200) square feet of floor area.
10. *Banks and financial institutions.* One (1) parking space for each one hundred fifty (150) square feet of floor area.
11. *Restaurants or cabarets.* One (1) parking space for each two (2) seats.
12. *Gasoline service stations.* One parking space for each one (1) employee plus one (1) space for each one hundred fifty (150) square feet of floor area.
13. *Bowling alleys, billiard parlors and miniature golf courses.* Four (4) parking spaces for each alley, table or hole.
14. *Skating rinks.* One (1) parking space for each seventy-five (75) square feet of floor area.
15. *Industrial establishments, unless otherwise classified.* Adequate area to park all employees' and customers' vehicles at all times and adequate space for loading, unloading and storing all vehicles used incidental to or part of the primary operation of the establishment, but not less than one (1) parking space for each one (1) employee, nor less than one (1) parking space for each one thousand (1,000) square feet of floor area.
16. *Research and development laboratories.* One (1) parking space for each four hundred fifty (450) square feet of gross floor area or two (2) spaces for each three (3) employees, whichever is greater.
17. *Wholesale sales, storage establishments, dry cleaning and rug cleaning plants.* One (1) parking space for each one (1) employee for which the building is designed or one (1) parking space for each three hundred (300) square feet of floor area, whichever is greater.

18. *Church sanctuary.* One (1) parking space for each five (5) seats, based on maximum seating capacity; provided however, that churches may establish joint parking facilities for not to exceed fifty percent (50%) of the required spaces with public institutions and agencies that do not have a time conflict in parking demand. The joint parking facility shall be located not to exceed four hundred (400) feet from the church sanctuary.
  19. *Schools of general instruction.* One (1) parking space for each twelve (12) seats or students for elementary schools and for each six (6) seats or students for other schools.
  20. *Schools of special instruction.* One (1) parking space for each six (6) seats or students.
  21. *Theater, auditorium, convention hall, lodge, club, library, museum or social hall.* One (1) parking space for two hundred (200) square feet of floor area but not less than one (1) space for each three (3) seats.
  22. *Hospitals.* One (1) space for each three (3) patient beds.
  23. *Convalescent or nursing homes.* One (1) space for each three (3) patient beds.
  24. *Mortuaries or funeral homes.* One (1) parking space for each five (5) seats.
  25. *Golf courses or country clubs.* One (1) parking space for each two (2) members or accommodations such as lockers or seating capacity, whichever is greater, but not less than four (4) parking spaces for each one (1) hole plus one (1) parking space for each three (3) seats in dining, bar and rooms for assembly.
- B. For all uses not covered in (1) through (25) above, the Planning Commission shall make determination of the parking demand to be created by the proposed use and the amount of parking thus determined shall be the off-street parking requirements for the permitted use.
- C. Off-street loading berths for non-residential uses shall be provided in accordance with the following:

Size of Establishment (Gross Area Square Feet)	Berths	
	Required Number	Size Feet
1,000–20,000	1	(10x25)
20,000–25,000	2	(10x25)
25,000–40,000	2	(10x50)
40,000–100,000	3	(10x50)
100,000–250,000	4	(10x50)

For each additional twenty thousand (20,000) square feet or fraction thereof, one (1) additional berth shall be added at the size of ten (10) by twenty-five (25) feet.

(County Order of 1990)

**SECTION 400.610: DIMENSIONS OF PARKING AREAS**

A. Parking stall dimensions shall be not less than eight and one-half (8½) by twenty (20) feet plus the necessary space for maneuvering into and out of the space. For standard parking lots minimum cross dimensions shall be as follows:

90 degree	Single loaded	42'	Wheel stop to opposite curb
90 degree	Double loaded	60'	Wheel stop to wheel stop
60 degree	Single loaded	40'	Wheel stop to opposite curb
60 degree	Double loaded	56'	Wheel stop to wheel stop
45 degree	Single loaded	34'	Wheel stop to opposite curb
45 degree	Double loaded	47'	Wheel stop to wheel stop
Parallel space			9x23 feet

B. Minimum distance between wheel stops on bumper to bumper parking shall be seven (7) feet. (County Order of 1990)

**SECTION 400.620: IMPROVEMENT OF PARKING AREAS, LOADING AREAS AND DRIVEWAYS**

Off-street parking, loading areas and driveways shall be graded and improved with a surface that is the same as the road surface which the off-street parking, loading area or driveway accesses, except for lots that are larger than two (2) acres that are used for agricultural or single-family residential purposes, unless the entity responsible for maintenance of the road which the driveway accesses specifies otherwise. At a minimum any off-street parking, loading area or driveway surfaces shall be a gravel surface and must be ready for use prior to issuance of a certificate of occupancy. All parking areas, dwellings, garages and carports shall be accessed by a driveway. (County Order of 1990)

**SECTION 400.630: ACCESS TO PARKING AREA, GARAGES, CARPORTS**

All parking areas, dwellings, garages and carports shall be accessed by a driveway. No driveway, however, shall have less than a gravel surface. The driveway shall not exceed twenty-five (25) feet in width at the intersection with the street unless required by the Missouri State Highway Department or Planning Commission. (County Order of 1990)

**SECTION 400.640: HEAD-IN PARKING**

Head-in parking in all Districts from the public right-of-way shall not be permitted. (County Order of 1990)

**SECTION 400.650: LIGHTING OF PARKING AREAS**

Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from any adjoining or abutting residential district and oncoming traffic on public streets. (County Order of 1990)

**SECTION 400.660: ADDITIONAL PARKING REQUIREMENTS**

- A. No parking area or driveway serving one- and two-family dwellings shall be located within two (2) feet of an adjoining lot line. Parking areas or customary driveways in the required yards abutting streets shall not exceed thirty-five percent (35%) of the area of those yards for one- and two-family dwellings.
- B. For one- and two-family dwellings, parking shall be restricted to customary passenger cars and motor vehicles of less than twenty (20) feet in length and having a chassis rated at one (1) ton or less and only one (1) of the following: an unoccupied camper trailer or recreational vehicle, a motor boat or a sailing boat. Such vehicles must be parked on driveways relating to the garage or carport and paved in accordance with Section 400.620.
- C. In Districts "RMD" and "CN", no parking shall be permitted in the required front yard or within twenty-five (25) feet of a street line.
- D. In Districts "PO", "CH" and "PI", no parking area shall be permitted within ten (10) feet of a street line. Such setback area shall be graded and planted with grass and shrubs or trees to the extent that it will constitute a finished lawn.
- E. All parking lots and drives leading thereto, except those serving single-family and two-family dwellings, shall have curbs and drainage facilities approved by the County Engineer. Where greater setback requirements do not prevail, the back of the curb of a paved parking area shall not be closer than six (6) feet to a property line, except that in a planned unit development, the Planning Commission may permit a lesser setback where similar development on an adjoining lot will produce a satisfactory relationship.
- F. Except for commercial signs erected in connection with a business use on the premises, no signs shall be permitted on required parking areas except those necessary for the orderly parking thereon. Each parking area may have one (1) sign with a maximum area of twenty (20) square feet at each entrance to identify the parking area and set forth any regulations governing the parking area.
- G. The Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property by a wall, screen planting or fence of a height that the Commission deems adequate.
- H. A portion of the parking area required under this Article may remain unimproved until such time as the County Commission deems it must be improved to serve the parking demand adequately. Such delayed improvement may be permitted only after recommendation of the Planning Commission and after the County Commission is satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval of a site development plan indicating clearly the location, pattern and circulation to and from the delayed parking spaces. The land area so delineated for future parking shall be brought to finished grade, be landscaped and shall not be used for building, storage, loading or other purposes.
- I. The Planning Commission, in specific cases, may require that any screen planting, fence or wall around a parking lot shall be set back from a street if such setback will prevent adverse effects upon the appropriate use of adjacent property or will prevent a traffic hazard, but provided that such setback need not be greater than the respective front or side yard requirement in that district.  
(County Order of 1990)



**ARTICLE VI. NON-CONFORMING BUILDINGS, STRUCTURES AND USES OF LAND****SECTION 400.670: NON-CONFORMING BUILDINGS AND STRUCTURES**

A lawful non-conforming building or structure existing at the time of adoption of this Order may be continued and maintained except as otherwise provided in this Section.

1. *Alteration or enlargement of buildings and structures.* A non-conforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which

it is located; provided however, that if a building or structure is conforming as to use but non-conforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

2. *Non-conforming residential uses.* Any structure devoted to a residential use and located in a commercial or industrial district may be remodeled, extended, expanded and enlarged, provided that after any such remodeling, extension, expansion or enlargement, the structure shall not be used to accommodate a greater number of dwelling or lodging units than the structure accommodated prior to the work and, further provided, that the enlargement or addition complies with the yard, height and off-street parking requirements of the district in which the structure is located. Notwithstanding the provisions of this Subsection, no mobile home located in any zoning district outside of an approved mobile home park shall be expanded or shall be replaced with another mobile home.
3. *Restoration of damaged building.* A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God or the public enemy, to the extent of not more than fifty percent (50%) of its value, exclusive of foundations, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may be continued or resumed, provided that such restoration is prosecuted to completion. In the event such damage or destruction exceeds fifty percent (50%) of the value, exclusive of foundation of such non-conforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the district in which it is located, except as provided in Article VII, Section 400.720 (2)(d); provided however, that any building or structure that is non-conforming in every other respect, may be restored regardless of the extent of damage.
4. *Outdoor advertising signs and structures.* Any non-conforming advertising sign, billboard or commercial advertising structure lawfully existing and maintained on the effective date of this Order may be maintained by painting, minor repairs and general upkeep. The size of the structure may be decreased but not increased and the type of material of which the structure is constructed must remain the same.

5. *Building vacancy.* A non-conforming building, structure or portion thereof which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
6. *Change in use.* A non-conforming use of a conforming building or structure (i.e., commercial use in a dwelling, etc.) shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such a non-conforming use of a portion thereof is discontinued or changed to a conforming use, any future use of such building, structure or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one (1) year after the effective date of this Order. (County Order of 1990)

#### **SECTION 400.680: NON-CONFORMING USES OF LAND**

A non-conforming use of land, existing at the time of adoption of this Order, may be continued, provided however:

1. Said non-conforming use may not be extended or expanded;
2. If said non-conforming use or any portion thereof is discontinued for a period of six (6) months, any future use of the land shall be in conformity with the applicable zoning district provisions for that location. (County Order of 1990)

### **ARTICLE VII. BOARD OF ZONING ADJUSTMENT**

#### **SECTION 400.690: BOARD OF ZONING ADJUSTMENT ESTABLISHED**

The Board of Zoning Adjustment, previously established pursuant to the provisions of Section 64.660, RSMo., 1994, and the previous Zoning Order (adopted December 21, 1972) of the County of Platte, Missouri, is hereby continued with the powers and duties as hereinafter set forth. (County Order of 1990)

#### **SECTION 400.700: MEMBERSHIP**

- A. The Board of Zoning Adjustment shall consist of five (5) residents and not more than two (2) of whom shall be residents of the incorporated area of the County and not more than one (1) of whom may be a member of the County Planning Commission.
- B. Members shall be appointed for a term of four (4) years. Members shall be removable for cause by the County Commission upon written charges and after public hearings. Vacancies shall be filled by the County Commission for the unexpired term of any member whose term becomes vacant.
- C. Members of the Board shall serve without compensation but may be reimbursed for expenses incurred for attendance at not more than four (4) meetings per year in an amount to be set by the County Commission not to exceed ten dollars (\$10.00) per meeting. (County Order of 1990)

**SECTION 400.710: PROCEDURE****A. General.**

1. The Board of Zoning Adjustment shall elect its own chairman and shall adopt rules of procedure consistent with the provisions of this Order and the provisions of Sections 64.510 to 64.690, RSMo., 1994, as amended. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Zoning Adjustment shall be open to the public and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the Board and shall be a public record.
2. Upon the request of an applicant, the Board of Zoning Adjustment may conduct joint meetings with the County Planning and Zoning Commission.

**B. Notice Of Meetings.**

1. The Board of Zoning Adjustment shall give public notice of meetings in at least one (1) publication in a newspaper of general circulation in the County at least fifteen (15) days before the date of the meeting. The notice shall state the time and place of the hearing, the official docket of the Board, and the place where the application or appeal will be accessible for examination by interested parties. The Board of Zoning Adjustment shall give notice to other owners of property adjoining and opposite the property affected by such application or appeal, by mailing by certified mail, a copy of such notice to such persons. However, a failure to give such additional notice shall not invalidate any action of the Board or affect its jurisdiction, nor shall the giving of such additional notice render any such person an aggrieved person who otherwise is not aggrieved under the law. The party filing the application or appeal shall be responsible for supplying the Board with names and addresses of all persons who are to receive notice by mail pursuant to this Section.
2. In addition to the published and mailed notifications described in the preceding paragraph, the Enforcement Officer shall furnish the applicant with distinctive signs giving notice of the hearing and of the relief requested. The Enforcement Officer shall provide the applicant with a minimum of two (2) signs. However, the Enforcement Officer shall provide an additional sign for each five hundred (500) feet of street frontage over and above the first one thousand (1,000) feet of street frontage of the subject property. The applicant shall post the signs in a conspicuous place visible from every street along the frontage of the subject property. The signs shall remain posted on the property until after the public hearing.

**C. Voting.** A quorum shall consist of a simple majority of the total membership of the Board. In order to reverse an administrative decision or to authorize a variance or special exception, an affirmative vote of three (3) members of the Board shall be required.

**D. Written Decision.** Every decision of the Board shall be in writing. The decision shall contain findings and conclusions as required by law and by this Order. The decision shall be filed promptly in the office of the Board not later than sixty (60) days after the close of the public hearing on the application or appeal. The decision of the Board shall be a public record.

- E. *Postponement.* Any party appealing any decision to the Board or requesting the Board to grant a variance or special exception may request that the hearing be postponed or tabled and the Board shall have the discretion to grant such tabling or postponement; provided however, even that after the Board has granted one (1) such postponement, it may thereafter, upon motion made, seconded and passed by an affirmative vote of three (3) members of the Board, dismiss the appeal or request for variance or special exception without prejudice. If the applicant desires to pursue such appeal or request for variance or special exception, they must reapply unless such appeal or reapplication is otherwise barred by law. (County Order of 1990)

**SECTION 400.720: POWERS**

The Board shall have all powers and duties prescribed by law, to specifically include the following:

1. *Interpretations.*
  - a. The Board shall hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of this Order.
  - b. The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end the Board shall have all the powers of the official from whom the appeal is taken.
2. *Special exceptions.* The Board shall hear and decide applications for a special exception to the terms of this Order under the following circumstances and conditions:
  - a. In cases where a plot lies between two (2) districts, the Board may permit the extension of any existing or proposed building, structure or accessory off-street parking space across a district boundary, under such conditions as will safeguard the character of the district into which such use is extended. However, no such extensions shall exceed seventy-five (75) feet measured at right angles to such district boundary. The power under this Subsection shall not permit the moving of the zoning district line but only the extension of the building, structure or accessory off-street parking space.
  - b. The Board may grant exceptions to the off-street parking requirements set forth in Article V when it is determined that the size or shape of the subject lot is such that the applicant is unable to comply with the off-street parking requirements and that the proposed use will not create undue traffic congestion in the adjacent streets.
  - c. The Board may grant exceptions to the off-street parking requirements set forth in Article V for dwellings when it is determined that the occupancy of such dwellings shall be restricted to elderly or handicapped persons.
  - d. The Board may grant exceptions to the restoration of damaged building requirements as set forth in Article VI when the non-conforming building or structure was a residential use that was non-conforming due to density, height or setback requirements and it is determined that the restoration of the building will not create undue congestion in the adjacent streets or be detrimental to other properties in the area.
  - e. The Board may grant exceptions to the requirements set forth in Article V, Sections 400.620 and 400.630 concerning the paving of off-street parking areas and driveways when it is determined that the lot in question is unplatted, is particularly narrow and has an especially long driveway area such as to make the requirements of Article V, Sections 400.620 and 400.630 unreasonable in their application to the specific lot.

- f. The Board may grant exceptions to the front yard requirements set forth in Article II, Sections 400.130 through 400.220, inclusive, in connection with subdivision preliminary or final plat approval and upon recommendation by the County Planning and Zoning Commission when it is determined that because of excessive slopes or the retention of existing trees, the normal front yard requirements would be unreasonable in their application.
- g. The Board may hear and decide all other matters referred to it or which it is required to determine under this Order.

3. *Variances.*

- a. A request for a variance may be granted only where the strict application of height, yard setback, parking or sign regulations under this Order would result in peculiar and exceptional practical difficulties to or exceptional undue hardships upon the owner of such property. A variance to the property from the strict application can be made to relieve such difficulties or hardships if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any order or resolution. Grounds for variance are:
  - (1) By reason of exceptional narrowness, shallowness or shape of the specific piece of property at the time of the enactment of this Order,
  - (2) By reason of exceptional topographic conditions, or
  - (3) By other extraordinary and exceptional situations or conditions of a piece of property.
- b. A request for a variance may be granted upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition and the findings shall be entered in the record.
  - (1) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district or vicinity and is not created by an action or actions of the property owner or applicant.
  - (2) The granting of the permit for the variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by granting the variance.
  - (3) The strict application of the provisions of this Order of which the variance is requested will constitute undue hardship upon the property owner represented in the application.
  - (4) The granting of the variance is based upon reasonable, demonstrable and exceptional hardship as distinguished from variations for purpose of convenience, profit or caprice.
  - (5) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

- (6) The granting of the variance desired will not be opposed to the general spirit and intent of this Order.
- (7) The condition or situation of the property concerned or the intended use of the property is not so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Order. (County Order of 1990)

#### **SECTION 400.730: APPEALS**

- A. Appeals to the Board of Zoning Adjustment may be taken by any owner, lessee or tenant of land or by a public officer, department, board or bureau affected by any decision of an Administrative Official (as such term is hereinafter defined) in administering this Order. Such appeal shall be taken within a period of not more than three (3) months and in the manner provided by the rules of the Board.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken shall certify to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.
- C. For purposes of this Subsection, the term "Administrative Official" shall include the Director of Planning and Zoning, the County's Building Inspectors, Zoning Enforcement Officers, parties enforcing the County's various Building, Electrical and Plumbing and other construction-related Codes, the Subdivision Regulations, the Zoning Ordinance (as such codes, regulations and ordinances from time to time be amended), the County's Planning and Zoning Commission and the County Engineer. The term "Administrative Official" shall not include the County Commission nor any board which it appoints unless expressly provided herein.
- D. Any limitations on appeals imposed by the enactment of this Section shall only apply to matters or decisions decided, issued or made after the day and date this Subsection, as amended, is adopted. (County Order of 1990)

#### **SECTION 400.740: APPEAL TO CIRCUIT COURT**

- A. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board of Zoning Adjustment may present to the Circuit Court of Platte County a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. All such appeals must be filed within thirty (30) days of the Board of Zoning Adjustment's decision.
- B. Upon the presentation of the petition, the court shall allow a writ of certiorari directed to the Board of Zoning Adjustment or the County Commission, respectively, of the action taken and data and records acted upon and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the Appellate Court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases. (County Order of 1990)

**ARTICLE VIII. ADMINISTRATION****SECTION 400.750: ENFORCEMENT**

- A. *Enforcement.* This Zoning Order shall be enforced by the Planning and Zoning Director or a duly designated alternate who are hereby empowered:
1. To inspect any building, structure or land as permitted by law to determine whether any violations of this Order have been committed or exist, whether or not such building, structure or land is occupied, and whether or not a certificate of occupancy has been issued.
  2. To issue a building permit and certificate of occupancy when compliance is made with the regulations; to refuse to issue the same in the event of non-compliance; and give written notice of such refusal and the reason therefore to the applicant, which shall be endorsed on the application.
  3. To keep the County Commission advised of all matters pertaining to the enforcement of this Order; to make and keep records necessary and appropriate to the office, including, but not limited to, all maps, amendments, special use permits, records of the issuance and denial of all building permits and certificates of occupancy and receipts of written complaints of violation of this Order and action taken on the same and shall keep a record of all permits and certificates of occupancy issued that shall be available for public inspection.
  4. To issue and post notices of violations, stop orders, revocation of building permits and certificates of occupancy and order the remedying of any condition or omission that is found to be in violation of this Order. In addition, by resolution, the County Commission may direct the Planning and Zoning Director or a duly designated alternate to revoke such building permits and certificates of occupancy, issue stop orders, make inspections and reports, initiate and take such court proceedings and perform all other actions as required by the County Commission as may be necessary to enforce this Order or to invoke penalties for its violation.
  5. To forward to the appropriate officials, agencies or bodies all applications for special use permits, variances and amendments to this Order that are initially filed with the Planning and Zoning Department and to seek recommendations from such officials, agencies or bodies as from time to time shall be deemed appropriate to the proper enforcement of this Order.
- B. *Building Permits And Certificates Of Occupancy Granted Only In Conformance With Regulation.*
1. No building permit or certificate of occupancy shall be issued unless the proposed construction or use is in conformance with all the provisions of this Order and other applicable laws, orders or regulations.
  2. However, a building permit or temporary certificate of occupancy may be issued if all of the following conditions exist:
    - a. A non-conforming mobile home used as a residence is located on the subject property.
    - b. The applicant proposes to replace the non-conforming mobile home with a conforming residential structure and to remove the non-conforming mobile home from the property.



- c. The building permit issued for construction of the conforming residential structure shall be valid for a period of two (2) years from the date of issuance and shall not be renewed under any circumstances.
  - d. The applicant, all property owners of record and all residents of the non-conforming mobile home execute a contract in which they agree to waive the non-conforming mobile home from the subject property within fifteen (15) days of the issuance of a temporary certificate of occupancy for the conforming residential structure. (The temporary certificate of occupancy shall expire fifteen (15) days after its issuance.)
  - e. In all other respects, the proposed construction or use is in conformance with all the provisions of this Order and other applicable laws, orders and regulations.
3. If the Planning and Zoning Director or a duly designated alternate finds that no substantial hazard will result from occupancy of any building or portion thereof before the building is fully completed in accordance with the building permit issued for the building, a temporary Certificate of Occupancy may be issued for the use of a portion or portions of a building or structure prior to completion. A temporary certificate of occupancy, when issued, shall be issued for one (1) six (6) month time period by the Planning and Zoning Director or a duly designated alternate for due cause shown by the building permit applicant and approved by the Planning and Zoning Director or duly designated alternate. If a temporary Certificate of Occupancy expires and a final Certificate of Occupancy has not yet been issued, the applicant or owner is in violation of this Code and in addition thereto such applicant shall be required by the Planning and Zoning Director or duly designated alternate to obtain a new building permit for the entire project before a new temporary or final Certificate of Occupancy may be issued.
4. The Planning and Zoning Director or a duly designated alternate may issue a temporary Certificate of Occupancy for a one- or two-family dwelling or building or structure accessory thereto without having to receive a performance bond, letter of credit or other surety from the building permit applicant for the work remaining to be completed. However, for all other buildings or structures a performance bond, letter of credit or other type of surety shall be required and shall be in a form and amount acceptable to the County Commission of Platte County.
5. Whenever the Planning and Zoning Director or a duly designated alternate determines upon reasonable grounds that work on any building or structure is being or has been constructed in violation of any of the provisions of the County Building Code, state or federal laws, building laws, orders, local laws, regulations, rules or specifications of the County or other applicable laws or regulations or the requirements of any approved site plans or subdivision plat, including required drainage, grade, erosion and sediment control plan or elevation plans, are not in conformity with the provisions of any application, plans or specifications upon which a building permit was issued or that work is being conducted in a dangerous or unsafe manner, then the Planning and Zoning Director or a duly designated alternate may notify the owner of the property, the owner's agent or the person performing the work to suspend such remaining work on any building or structure which is or could be affected by the violation located within the plot or subdivision where the violation exists. If work remains to be performed on such buildings or structures, such persons shall forthwith stop such work and suspend all building activities on the affected buildings or structures until the stop order has been rescinded. Such stop order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it

personally to him or by posting the same upon a conspicuous portion of the building or structure under construction and/or by sending a copy of the same by registered mail.

6. Where the determination of violation concerns a building or structure for which a certificate of occupancy has already been issued, the Planning and Zoning Director or a duly designated alternate may terminate the certificate of occupancy in accordance with Subsection (D)(5) below.

*C. Issuance Of Building Permit.*

1. Building permit is required for:

- a. The construction, reconstruction, renovation, remodeling, moving, demolition, structural alteration or change in the use of a building or a structure affixed into the ground.
- b. Any change in the bulk of a building or structure affixed into the ground or non-building use, but not including ordinary repairs which are not structural in nature.

2. *Application for permit.*

- a. Application for a building permit shall be made to the Planning and Zoning Director or a duly designated alternate on forms provided by the Planning and Zoning Department and shall contain the following information:

- (1) A legal description of the land on which the proposed work is to be done;
- (2) A statement of the use or occupancy of all parts of the land and of the building or structure;
- (3) The full name and address of the owner and of the applicant, including the names and addresses of each officer and director of any corporation;
- (4) A brief description of the nature of the proposed work;
- (5) Evidence of applicable approval or exemption by the following political subdivisions:
  - (a) Platte County Health Department for on-site sewage disposal systems.
  - (b) Platte County Regional Sewer District or other applicable entity for connection to a central sanitary sewer system.
  - (c) Applicable County water district for connection to a central water supply system.
  - (d) Applicable County road district for location of driveway and for culvert permit.
- (6) The total square footage of the new construction.

- (7) The applicable Site Plan, erosion and sediment control plan, elevation plans and all other documents as required for the development of the plot, building or structure. All Site Plans submitted with construction drawings for new construction of any commercial, industrial, one and two family dwellings, townhomes, multi-family units, main structures, or any structure on property in which a portion of said property is located within the 100 year flood plain, shall be required to be completed by a surveyor or engineer licensed in the State of Missouri.

Sheds, decks, swimming pools, gazebos, room additions, pole barns, detached garages, storage buildings and other residential accessory buildings do not require a Site Plan by a licensed surveyor or engineer. Applicants may amend an existing Site Plan that may be on file, or provide a new Site Plan that is to scale with the correct dimensions from property lines and illustrates that the new construction meets all setback requirements within the applicable zoning district and does not encroach into established utility or drainage easements.

Site Plans by a licensed surveyor or engineer will be required for building permits requested where after review by the Director of Planning and Zoning or duly designated alternate, it is found that the construction may encroach near the required setbacks, established utility or drainage easements.

- b. Each application for a building permit is to be accompanied by plans and specifications, including plot plans as required drawn to scale, showing the location and size of all proposed new construction and all existing structures on the site, the nature and character of the work to be performed, the materials to be incorporated, distance from plot lines. Construction plans for all commercial, industrial, residential buildings, and other main structures, shall be sealed by an engineer or architect registered in the State of Missouri. Plans and specifications shall bear the signature of the person responsible for the design and drawings.

Sheds, decks, swimming pools, gazebos, room additions, pole barns, detached garages, storage buildings and other residential accessory buildings do not require a Site Plan by a licensed surveyor or engineer. Applicants may amend an existing Site Plan that may be on file, or provide a new Site Plan that is to scale with the correct dimensions from property lines and illustrates that the new construction meets all setback requirements within the applicable zoning district and does not encroach into established utility or drainage easements.

Site Plans by a licensed surveyor or engineer will be required for building permits requested where after review by the Director of Planning and Zoning or duly designated alternate, it is found that the construction may encroach near the required setbacks, established utility or drainage easements.

- c. One (1) set of plans and specifications for one- and two-family dwellings and for buildings or structures accessory thereto shall be submitted along with all other required information. Two (2) sets of plans and specifications shall be submitted for all other types of building permit applications. When two (2) sets of plans and specifications are required to be submitted, one (1) set of the approved plans and specifications shall be returned to the applicant, together with the building permit, and shall be kept at the building site and open to inspection by the Planning and Zoning Director or his duly designated alternate at all reasonable times.

- d. Application shall be made by the owner or lessee or agent of either or by the architect, engineer or builder employed in connection with the proposed work. If the application is made by a person other than the owner, it shall be accompanied by an affidavit of the owner or applicant that the proposed work is authorized by the owner and that the applicant is authorized to make the application.
  - e. Any amendment to the application plans or specifications must be filed with and approved by the Planning and Zoning Director or a duly designated alternate prior to the commencement of the additional work and the amendment shall comply with all provisions of this Order.
3. *Approval or disapproval of building permit.* The Planning and Zoning Director or a duly designated alternate shall examine or cause to be examined all applications for permits and the plans, specifications and documents filed therewith and may require the submission of such additional information as may be required to determine the conformity of the application with applicable building regulations and this Zoning Order. A building permit application for a one- or two-family dwelling and for any building or structure accessory thereto shall be reviewed and acted upon within five (5) working days of receipt. A building permit application for all other types of buildings or structures shall be reviewed and acted upon within thirty (30) days of receipt.
- a. If the application, together with plans, specifications and other documents filed therewith describe proposed work which does not conform to all of the requirements of the applicable building regulations and this Order, the Planning and Zoning Director or a duly designated alternate shall disapprove the same and shall return the plans and specifications to the applicant. Any determination of disapproval shall be indicated in writing, with copies thereof filed in the Planning and Zoning Department delivered to the applicant.
  - b. Upon approval of the application and upon receipt of the fees therefore, the Planning and Zoning Director or a duly designated alternate shall promptly issue a building permit to the applicant upon the form prescribed by the Planning and Zoning Department and the signature of the Planning and Zoning Director or a duly designated alternate shall be affixed thereto. Upon approval of the application, the plans and specifications shall be endorsed with the word "approved".
  - c. One (1) set of such approved plans and specifications shall be retained in the files of the Planning and Zoning Department. When two (2) sets of plans and specifications are required to be submitted, one (1) set of the approved plans and specifications shall be returned to the applicant, together with the building permit, and shall be kept at the building site and open to inspection by the Planning and Zoning Director or a duly designated alternate at all reasonable times.
4. *Expiration and extension of building permits.*
- a. *New construction.* Every building permit for new construction of residential or commercial buildings shall expire by limitation at the end of two (2) years from the date issued. If construction is not completed within said two (2) year period, the Planning and Zoning Director or a duly designated alternate may, for due cause shown, extend the permit for a period not to exceed six (6) months. No more than two (2) building permits may be issued for the same or substantially the same new construction.

- b. *Other construction.* Building permits for room additions, reconstruction, renovations, remodeling, demolition, structural alterations, swimming pools, pole barns, detached garages, sheds and exterior modifications to existing structures and building permits for repair or to correct situations which otherwise might be subject to the Platte County demolition of dangerous buildings ordinance (Ordinance Number 24-94) shall expire at the end of six (6) months from the date issued. If construction is not completed within said six (6) month period, the Planning and Zoning Director or a duly designated alternate may, for due cause, extend the permit for one (1) additional three (3) month period. No more than three (3) building permits may be issued for the same or substantially the same construction.
5. *Fees for building permit.* Every application for a building permit pursuant to this Order and any adopted Building Code shall be accompanied by such fees as ordered by the County Commission.

D. *Issuance Of Certificate Of Occupancy.*

1. *Certificate of occupancy required.*

- a. No building, structure or land shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Planning and Zoning Director or a duly designated alternate.
- b. Upon request, the Planning and Zoning Director or a duly designated alternate shall perform a final inspection of all buildings and structures for which a building permit has been issued. Upon completion of the final inspection if the building or structure complies with all aspects of this Order and the County's Building Code, a Certificate of Occupancy shall be issued. In cases where a final inspection has been completed but the building or structure for which the building permit has been issued does not fully comply with this Order or the County's Building Code, the Planning and Zoning Director or a duly designated alternate may, upon request by the building permit applicant, issue a temporary Certificate of Occupancy if the Planning and Zoning Director or a duly designated alternate find that no substantial hazard will occur to the residents of the building or structure, public or public welfare from occupancy of any building or portion thereof before the building is fully completed in accordance with the issued building permit.
- c. A temporary Certificate of Occupancy for a one- or two-family dwelling or building or structure accessory thereto may be issued without having to receive a guarantee from the building permit applicant. However, all other temporary Certificate of Occupancies shall be accompanied by guarantee such as cash, performance bond or letter of credit from the owner or holder of the building permit. If a performance bond is submitted, it must be submitted by a surety company licensed to do business in the State of Missouri. All guarantees shall run to the benefit of the County for a term not to exceed six (6) months. The Planning and Zoning Director or a duly designated alternate shall determine the sum of the guarantee in such amount as is sufficient to cover the cost to complete the work uncompleted. Prior to issuance of a temporary certificate of occupancy for anything but a one- or two-family dwelling or a building or structure accessory thereto, the County Commission shall approve the issuance, amount and sufficiency of the guarantee. The fee for such partial certificate of occupancy shall be as ordered by the County Commission.

- d. If the Planning and Zoning Director or a duly designated alternate finds that no substantial hazard will result from occupancy of any building or portion thereof before the building is fully completed in accordance with the building permit issued for the building, a temporary Certificate of Occupancy may be issued for the use of a portion or portions of a building or structure prior to completion. A temporary certificate of occupancy, when issued, shall be issued for one (1) six (6) month time period by the Planning and Zoning Director or a duly designated alternate for due cause shown by the building permit applicant and approved by the Planning and Zoning Director or duly designated alternate. If a temporary Certificate of Occupancy expires and a final Certificate of Occupancy has not yet been issued, the applicant or owner is in violation of this code and in addition thereto such applicant shall be required by the Planning and Zoning Director or duly designated alternate to obtain a new building permit for the entire project before a new temporary or final Certificate of Occupancy may be issued.
  - e. No change shall be made in the use or type of occupancy of an existing building or structure, requiring a building permit or change in the use of land, except to any use which is primarily agricultural, unless a certificate of occupancy authorizing such change in use shall have been issued by the Planning and Zoning Director or a duly designated alternate. A change in use shall include a change in the type or general class of goods or services sold or manufactured and any substantial change in manufacturing operation involving new equipment and machinery.
2. *Application and affidavit for certificate of occupancy.* The owner or his agent shall request a certificate of occupancy. Accompanying this request and before the issuance of a certificate of occupancy, there shall be filed with the Planning and Zoning Director or a duly designated alternate an affidavit of the owner. This affidavit shall state that the approved plans of the structure for which a certificate of occupancy is sought have been examined, that the structure has been erected in accordance with approved plans and as erected complies with this Order and the laws governing building construction, including all Subdivision Regulations and the requirements of any approved subdivision, plat or site plan except insofar as variations therefrom have been legally authorized. Such variations shall be specified in the affidavit.
  3. *Issuance of certificate of occupancy.* Before issuing a certificate of occupancy, the Planning and Zoning Director or a duly designated alternate shall examine or cause to be examined all buildings, structures and sites for which an application has been filed for a building permit to construct, enlarge, alter, repair, remove, demolish or change the use or occupancy; and he may conduct such inspections as he deems appropriate from time to time during and upon completion of the work for which a building permit has been issued. There shall be maintained in the Planning and Zoning Department a record of all such examinations and inspections, together with a record of findings of violations of the law.
    - a. If, after such examination, the application for a certificate of occupancy does not conform to all of the requirements of the applicable building regulations and this Order, the Planning and Zoning Director or a duly designated alternate shall disapprove the same. Any determination of disapproval shall be indicated in writing, with copies thereof filed in the Planning and Zoning Department and mailed to the applicant.

- b. Upon approval of the application and upon receipt of the fees therefore, the Planning and Zoning Director or a duly designated alternate shall promptly issue a certificate of occupancy to the applicant upon the form prescribed by the Planning and Zoning Department and shall have the Planning and Zoning Director's or a duly designated alternate's signature affixed to the Certificate of Occupancy.
4. *Fees for certificate of occupancy.* Every application for a certificate of occupancy shall be accompanied by a fee as ordered by the County Commission.
5. *Termination.* A certificate of occupancy shall be deemed to authorize and is required for both initial and continued occupancy and use of the building or land to which it applies and shall continue in effect so long as such building or land is used for use authorized in the certificate of occupancy. If terms of such certificate of occupancy are violated by the holder thereof, the Planning and Zoning Director or a duly designated alternate may, by service of notice of violation, terminate such certificate of occupancy. (County Order of 1990)

#### **SECTION 400.760: PROCEDURE FOR AUTHORIZING SPECIAL USE PERMITS**

- A. *Authorization.* The Planning Commission is authorized to issue special use permits for those uses described as "Special Uses" in the specific district regulations. Property owners are not entitled to conduct such special uses as a matter of right, but only upon issue of a special use permit by the Planning Commission after public hearing as an exception to the general provisions of the Zoning Order.
- B. *Application.* An application for a special use permit shall be filed with the Enforcement Officer. The application shall include the location and intended use of the site, the names of all property owners located within one thousand (1,000) feet of the parcel of land for which the special use permit is proposed, the names of any incorporated municipality lying within one and one-half (1½) miles of the perimeter boundary of any portion of the property and such additional information as required for site development plan approval as set forth in Article III, Section 400.350(b)(3)(a–e), inclusive. The application must be signed by the owner of the property for which the use is proposed.
- C. *Public Hearing.*
  1. Upon receipt of the formal application and all accompanying material, the Enforcement Officer shall call a public hearing for the next scheduled meeting of the Planning Commission. The Enforcement Officer shall submit a notice for publication in one (1) newspaper of general circulation in the county at least fifteen (15) days prior to the hearing. The Enforcement Officer shall also give notice at least fifteen (15) days prior to the hearing by certified mail to all owners of any real property located within one thousand (1,000) feet of the parcel of land for which the special use permit is proposed. In addition, the Enforcement Officer shall provide notice by certified mail to the legislative body of any incorporated municipality within one and one-half (1½) miles of the perimeter boundary of any portion of the property and to any political subdivision in which the tract is located.

2. In addition to the published and mailed notifications described in the preceding paragraph, the Enforcement Officer shall furnish the applicant with distinctive signs giving notice of the hearing and of the special use permit requested. The Enforcement Officer shall provide the applicant with a minimum of two (2) signs. However, the Enforcement Officer shall provide an additional sign for each five hundred (500) feet of street frontage of the subject property. The applicant shall post the signs in a conspicuous place visible from every street along the frontage of the subject property. The signs shall remain posted on the property until after the public hearing.
  3. The actual public hearing shall be conducted pursuant to rules and regulations as established by the Planning Commission.
- D. *Standards.* A special use permit shall not be granted unless specific written findings of fact, directly based upon the particular evidence presented, support the following conclusions:
1. The proposed special use complies with all applicable provisions of this Order, including use regulations, height and area regulations, parking regulations and building requirements.
  2. The proposed special use at the specific location will not adversely affect the welfare or convenience of the public.
  3. The proposed special use will not cause substantial injury to the value of property in the neighborhood in which it is to be located.
  4. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it and the location of the site with respect to the streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to the location, nature and height of the buildings, structures, walls and fences on the site and the nature and extent of landscaping and screening on the site.
  5. Off-street parking and loading areas will be provided in accordance with the standards set forth in this Order. Parking and loading areas will be screened from adjoining residential uses and be located to protect the adjoining residential uses from any injurious effect.
  6. Adequate access roads or entrance and exit drives will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion in public streets and alleys.
  7. Adequate utility, drainage and other necessary improvements and facilities have been or will be provided.
  8. The proposed special use shall be subject to the regulations outlined in the Platte County Subdivision Regulations of 1992, as amended, Article IV, Section 405.175.



- E. *Conditions.* Prior to the granting of any special permit use, the Planning Commission may recommend and stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, operation, architectural design and aesthetics of the special use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection (D). In all cases in which special use permits are granted, the Planning Commission may require proof of compliance with the conditions previously stipulated. Violation of the conditions of a special use permit shall be considered a violation of this Zoning Order.
- F. *Decision And Appeals.*
1. The Planning Commission shall render and file as public record with the Enforcement Officer its decision not later than sixty (60) days after the close of the public hearing on the application. The Planning Commission's decision shall be in writing and contain appropriate findings of fact and conclusions of law. Approval of a special use applies only to the specific parcel designated in the application at the time the approval was granted. The Planning Commission's approval of a special use shall run with the land.
  2. The applicant or any owner or lessee of land aggrieved by an approval or denial or any conditions imposed upon a special use permit may appeal such approval or denial or any conditions imposed upon to the Board of Zoning Adjustment. All appeals must be filed within ninety (90) days after the decision of the Planning Commission.
- G. *Expiration.*
1. The Planning Commission may require as a condition of issuance of any special use permit that the permit be periodically renewed or that it issue only for a specific period of time. At the conclusion of such time period, the Planning Commission may grant such extension of the special use permit as it sees fit or it may require termination of the use. Any such renewal or extension shall be subject to the same procedure and requirements as specified herein for the original issue of the special use permit.
  2. A special use permit shall expire automatically, without revocation, unless a building permit to effectuate the use is obtained within twelve (12) months after the Planning Commission decision granting the special use permit is filed with the Enforcement Officer. If a building permit is not required, the special use permit shall expire automatically unless substantial evidence of the use is filed with the Enforcement Officer within the twelve (12) month period. A special use permit, including the use of all buildings, structures and land in connection therewith, shall expire if the special use shall cease or be abandoned for more than twelve (12) consecutive months for any reason.
- H. *Prior Approval Of Special Use Permits.* A special use permit previously approved under the provisions set forth at Article IV of the Zoning Order of the County of Platte, Missouri, of December 21, 1972, and subsequent amendments thereto is hereby deemed to constitute approval as a special use permit under this Order, subject however to the same terms and conditions set forth with the prior special use permit approval. (County Order of 1990)

**SECTION 400.770: AMENDMENTS**

- A. *Authority.* For the purpose of promoting the public health, safety, convenience, comfort and general welfare, the County Commission may from time to time, in the manner hereinafter set forth, amend this Order.
- B. *Initiation Of Amendment.* Amendments may be proposed by any governmental body or any interested person or organization.
- C. *Form Of Application.* Such application shall be in writing and shall contain a description and map of the property affected, if affecting a change in the Zoning Map, together with such other information as the County Commission shall require. Such application shall contain the names and addresses of all property owners and existing land uses within one thousand (1,000) feet of the property for which a zoning change is requested and any incorporated municipalities lying within one and one-half (1½) miles of the perimeter boundary of any portion of the property proposed for Zoning Map amendment.
- D. *Procedure.*
1. Upon receipt of the formal application and all accompanying material, the Enforcement Officer shall call a public hearing for the next scheduled meeting of the Planning Commission. If the application requests a zoning change, the Enforcement Officer shall give notice at least fifteen (15) days prior to the hearing by certified mail to all owners of any real property located within one thousand (1,000) feet of the parcel of land for which the rezoning is proposed. In addition, the Enforcement Officer shall provide notice by certified mail to the legislative body of any incorporated municipality within one and one-half (1½) miles of the perimeter boundary of any portion of the property and to any political subdivision in which the tract is located.
  2. In addition to the published and mailed notifications described in the preceding paragraph, the Enforcement Officer shall furnish the applicant with distinctive signs giving notice of the hearing and of the special use permit requested. The Enforcement Officer shall provide the applicant with a minimum of two (2) signs. However, the Enforcement Officer shall provide an additional sign for each five hundred (500) feet of street frontage of the subject property. The applicant shall post the signs in a conspicuous place visible from every street along the frontage of the subject property. The signs shall remain posted on the property until after the public hearing.
  3. No more than two (2) applications for a Zoning Map amendment for a particular parcel may be placed on a Planning and Zoning Commission agenda in a calendar year.
  4. The application shall be subject to the regulations outlined in the Platte County Subdivision Regulations of 1992, as amended, Article IV, Section 405.175.
- E. *Notice Of Hearing.* Not less than fifteen (15) days' notice of the time and place of a public hearing by the Planning Commission shall be published by the Enforcement Officer in at least one (1) newspaper having general circulation within the County.

- F. *Hearing On Application.* The Planning Commission shall hold a public hearing on each application for an amendment. The meeting shall be held at such time and place as shall be established by the Planning Commission. The applicant or his authorized representative shall attend the hearing and answer any questions raised by the Planning Commission. The failure of an applicant or his authorized representative to attend the hearing may serve as cause for the denial of the application. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Planning Commission shall prescribe. Such hearing may be adjourned from time to time.
- G. *Finding Of Fact And Recommendation Of The Planning Commission.* The Planning Commission shall submit recommendations to the County Commission within sixty (60) days after the close of the public hearing and any adjournment thereof. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Planning Commission shall make its findings after considering all relevant factors and the evidence presented to it in each specific case. The Planning Commission shall submit its findings and all evidence to the County Commission simultaneously with its recommendations.
- H. *Action By County Commission.*
1. The County Commission shall not act upon a proposed amendment to this Order until it shall have received a written recommendation from the Planning Commission on the proposed amendment. The County Commission shall not act upon any proposed amendment until at least five (5) business days after the Planning Commission vote on the proposed amendment.
  2. The County Commission may grant by order or may deny any application for an amendment, provided however, that in the case of a written protest against any proposed change or amendment, signed and acknowledged by the owners of thirty percent (30%) of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed or by the owners of thirty percent (30%) of the frontage directly opposite or directly in the rear of the frontage proposed to be altered or in cases where the land affected lies within one and one-half (1½) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof and filed with the County Clerk, such amendment may not be passed except by the favorable vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the County Commission. (County Order of 1990)

#### **SECTION 400.780: FEES**

Any application for a permit or approval under this Order shall be accompanied by such fees as set forth in a fee schedule established by the County Commission. (County Order of 1990)

**SECTION 400.790: VIOLATIONS****A. Penalties.**

1. Any owner, lessee or tenant of land who shall construct, reconstruct, alter, relocate or maintain any building or other structure or use such land in violation of any of the provisions of this Zoning Order shall be guilty of a misdemeanor.
2. Any owner, lessee or tenant of land having been served with an order in writing signed by the Enforcement Officer to correct or remove any violation, who shall fail to comply with such order within ten (10) days after such service or who shall continue to violate any of the provisions of this Zoning Order named in such order or who shall construct, alter or use and occupy any plot, building or structure or part thereof in a manner not permitted by an approved building permit or certificate of occupancy shall be guilty of a misdemeanor.
3. The owner or general agent of any land, building, structure or premises where a violation of the provisions of this Zoning Order or order of the Enforcement Officer has been committed or shall exist or the lessee or tenant of any entire building or entire premises in which such violation has been committed or shall exist or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist or the owner, general agent, architect, builder or contractor or any other person who knowingly commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor.
4. Each week that a violation continues shall be deemed a separate offense.

- B. *Abatement And Injunctive Relief.* In the event that any building or structure is constructed, reconstructed, relocated or maintained or any building, structure, lot or land is used in violation of any of the provisions of this Zoning Order, the County Commission, the Planning and Zoning Department, the Planning Commission, the Prosecuting Attorney or the owner of any private property or any public body, the property of whom or which is or may be affected by any such violation, may institute in the Circuit Court any appropriate action or proceeding in law or in equity to prevent such unlawful development or erection, construction, reconstruction, alteration, relocation or maintenance or use or to restrain, abate, enjoin or correct such violation or to prevent the occupancy of such building or structure or unlawful use of such land and to prevent illegal act, conduct, business or use in or about the premises and these remedies shall be in addition to the penalties prescribed in Subsection (A) above. (County Order of 1990)

**SECTION 400.800: APPLICATION FORMS**

The staff of the Planning and Zoning Department may create for the convenience and use of the general public such forms (such as, but not limited to, amendment and appeal applications) as they believe to be necessary, proper and consistent with this Zoning Order and the Subdivision Regulations. (County Order of 1990)