

**Lafayette County, Missouri**

# **Land Development Code**

**Adopted: December 31, 2016**

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# Chapter 1 ADMINISTRATION

## 1.1 GENERAL PROVISIONS

### 1.1.1 Enacted

An Ordinance enacted pursuant to chapter 64 Revised Statutes of Missouri to repeal the previously enacted Zoning Regulations of Lafayette County, the previously enacted Subdivision Regulations of Lafayette County, and the previously enacted Lafayette County Subdivision Road Requirements and to establish in their place the following regulations contained in this LDC.

### 1.1.2 Title

This shall be known and may be cited as the Land Development Code (LDC) of Lafayette County, Missouri.

### 1.1.3 Applicability

The provisions of these regulations shall apply to all land, property, and development in the unincorporated area of Lafayette County, except as expressly and specifically authorized in this LDC. No development shall be undertaken or building constructed without prior authorization pursuant to these regulations. No building or structure shall be erected, converted, or structurally altered, nor shall any building, structure, or land be used for any purpose without complying with this LDC.

### 1.1.4 Exemption

Property owned by the County and used for public purposes are exempt from the provision of this LDC. However, all such property leased to private individuals or private corporations must comply with this LDC.

### 1.1.5 Purpose and Guiding Principles

The Code and all development approvals issued pursuant to the LDC are designed to implement and be consistent with the goals, objectives, policies, and strategies of the Comprehensive Plan through comprehensive, concurrent, consistent, integrated, effective, and concise land development regulation. The Code is designed to protect and promote the health, safety and general welfare of the present and future residents of the County. The Code is a police power, public nuisance, environmental and land use regulation designed to establish and implement standards to protect land use, economic development, public health and safety and protect from adverse public nuisance or land use effects and impacts resulting from public or private development within the County.

- A. Preserve and protect agricultural resources and rural character;
- B. Direct most new development in or around incorporated areas;
- C. Ensure that Urban Service Area development supports city growth plans;
- D. Allow rural residential development in unsewered areas with adequate roads;
- E. Direct most non-urban lots to rural residential areas;
- F. Strictly limit development in the Agricultural/Resources Tier; and
- G. Ensure that new development funds its full share of infrastructure costs.

### **1.1.6 Compliance with These Regulations Required**

- A. Subdivision. From and after the effective date of the adoption of zoning regulations by Lafayette County, no land shall be subdivided within the unincorporated area of Lafayette County and no permit or other approval shall be granted and no construction of any public or private improvements shall take place or be commenced until the subdivider or his agent shall have complied with the provisions of this LDC and the laws of the State of Missouri and until the subdivided land is recorded in the office of the County Recorder.
- B. Recordation. It shall be unlawful for any person to file or record any plat, survey or other instrument of sale, or transfer or convey with the County Recorder, which affects a subdivision of land subject to this LDC unless such land has been subdivided in compliance with the provision of these regulations and the laws of the State of Missouri.
- C. Enforcement. No land governed by these regulations shall be entitled to be recorded with the County Recorder or have any validity until it shall have been approved in the manner prescribed herein. In the event any such unapproved property description is recorded, proceedings shall be instituted to have such plat or deed declared invalid.

### **1.1.7 Comprehensive Plan Consistency Required**

These regulations are intended to implement the goals and policies of the Lafayette County Comprehensive Plan and are hereby deemed to be consistent with the adopted Comprehensive Plan for the County. Any amendments or changes to these regulations shall be consistent with the Comprehensive Plan as it may be amended. An amendment to the text of these regulations is consistent with the Comprehensive Plan if it complies with the goals, objectives, policies and standards established in the Comprehensive Plan. An amendment to the Zoning Map is consistent with the Comprehensive Plan if it is consistent with the Growth Tiers and Future Land Use Maps of the Comprehensive Plan and with the text and policies of the Comprehensive Plan explaining and implementing the Growth Tiers and Future Land Use Maps.

### **1.1.8 Relationship to Other Regulations and Plans**

The use of buildings and land within the County shall be subject to these Regulations and to all other Ordinances adopted by the County Commissioners or the County Health Department, regardless of whether said Ordinances are cross-referenced or otherwise referred to in these Regulations. In land located within the Urban Service Areas on the Growth Tier Map of the Comprehensive Plan, the use of buildings and lands and development of land shall also be consistent with any Mutual Agreements between the County and the adjoining city. These Regulations shall be interpreted as minimum requirements. In granting permits or considering development plans or plats, the Planning Administrator, Planning Commission, or County Commissioners may impose higher standards when required by the conditions of a lot and surrounding property.

### **1.1.9 Relationship to Deed Restrictions**

The provisions of these Regulations shall not affect the validity of any private deed restriction, covenant, easement, or any other private agreement on the use of land. If the provisions of these Regulations impose more restrictive or higher standards than such private restrictions, the requirements of these Regulations shall control. If the private restrictions are more restrictive or impose higher standards than these Regulations, such private restrictions shall control but only if enforced by a private person having the right to enforce such private restrictions. No such private restrictions shall be enforced by the County.

### 1.1.10 Limitations

Nothing in this LDC shall be interpreted as affecting the terms of any members of the Planning Commission or the Board of Zoning Appeals serving at the time of the adoption of this revision to the Zoning Regulations of Lafayette County, nor to affect the validity of any permit previously granted or plat previously approved. Furthermore, nothing in this LDC shall be interpreted as extending or reducing the time for filing a final plat or the term of a permit previously granted. Finally, nothing in this LDC shall be interpreted as transforming any use not permitted under any prior zoning ordinance into a permissible non-conforming use or non-conforming conditional use.

### 1.1.11 Interpretation

- A. Goals. This LDC shall be interpreted and applied so as to further the following goals:
- (1) The promotion of the best use of the resources of Lafayette County given current and future needs;
  - (2) The promotion of a sustainable rate of growth in Lafayette County;
  - (3) Directing and controlling growth in such a way as to minimize any adverse impact from such growth;
  - (4) Minimizing the number of locations where incompatible uses of land occur in close proximity; and
  - (5) The promotion of the health, safety, and general welfare of the residents of Lafayette County.
- B. Generally.
- (1) This LDC shall be interpreted to promote the safety, health, convenience, comfort, prosperity, and general welfare of the public. Interpretation and application of the LDC are the basic and minimum requirements for the protection of public health, safety, comfort, morals, convenience, prosperity, and welfare.
  - (2) The Code shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms, or phrases in the Code shall be construed in accordance with Chapter 5 - Definitions.
  - (3) The LDC contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying the Code. However, to the extent that there is any inconsistency between the text of the Code and any such graphic, picture, illustration, or drawing, the text controls unless otherwise provided in the specific section.
  - (4) Words and phrases are construed according to the rules of grammar and according to their common and approved usage; but technical words and phrases and such others as have acquired a special meaning, or are defined by this LDC, are construed according to the special meaning or their definition.
  - (5) All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended.

- C. Rules of Language. The Code shall be interpreted by considering:
- (1) The intent of the County Commissioners when adopting this LDC; the occasion and necessity for the provision; the circumstances under which it was enacted;
  - (2) The threat to the public health, safety and welfare to be remedied;
  - (3) The former provision, if any, including other provisions upon the same or similar subjects;
  - (4) The consequences of a particular interpretation;
  - (5) Legislative, administrative, and County Counselor interpretations of the provision.

#### **1.1.12 Severance**

If any section, subsection, sentence, clause or phrase of this LDC is held to be invalid, such decision shall not affect the validity of the remaining portions of this LDC.

## **1.2 ADMINISTRATION AND ENFORCEMENT**

### **1.2.1 Fees**

The County Commissioners shall establish a schedule of fees for all applications permitted and all permits required under this LDC.

### **1.2.2 Jurisdiction**

This LDC shall apply only to property located within the unincorporated areas of the County. If any land previously covered by this LDC is annexed by a city, such land shall become subject to the Zoning Ordinance of said city.

### **1.2.3 Powers**

In the case of any structure erected in violation of this LDC or any related Ordinance and/or in the case of any land use which is in violation of this LDC or any related Ordinance, the County is authorized, in addition to any other remedy provided by law, to institute appropriate legal action to prevent such illegal activity or to require the abatement or correction of such violation. Furthermore, any individual who has been served with an order to remove or cease such a violation and who fails to comply with such an order shall be guilty of a misdemeanor.

### **1.2.4 Violations and Enforcement**

When the Planning Administrator, upon preliminary investigation, finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation.

- A. Notice of Violation. If upon Notice of Violation to the owner of a property that the Planning Administrator finds that the building or development is in violation of this LDC, the Planning Administrator shall prepare an Order of Violation to the owner, requiring the owner to promptly remedy the violations. Any person found to be violating this LDC shall be guilty of a misdemeanor, subject to fines and other penalties as allowed by law.
- B. Order of Violation. If the owner of a building or property shall fail to undertake prompt corrective action as instructed by the Planning Administrator in the Notice of Violation, then building or property is in violation of this LDC and the Administrator may proceed as follows:
  - (1) The Administrator shall provide written Order of Violation to the owner of the property and any tenant in possession of the property of the violation.

- (2) The Order shall specify the acts alleged to violate this LDC and the provisions of this LDC violated and a time table for eliminating the violation.
    - (a) Violations which pose an imminent threat to health and safety shall be eliminated within five (5) days.
    - (b) All other violations shall be eliminated within thirty (30) days. A request for an extension will not be unreasonably denied upon a showing of good faith of violation elimination.
  - (3) The Order shall also inform the parties of their right to appeal to the County Commissioners within five (5) business days of receiving notice.
  - (4) For purposes of penalties, the Order of Violation will be deemed to have commenced on the date that the Notice of Violation was sent. However, each day a violation occurs shall be a separate violation, punishable as a separate offense.
  - (5) All notices required under this LDC shall be sent by certified mail, return receipt requested, to the last known address of the owner of the property and any tenant in possession of the property. If the notice is not received by either the owner or any tenant, a second notice shall be sent by posting it on the door of a principal building located on the property or other prominent location on the property.
- C. Probable Cause Statement. If the owner of a building or property shall fail to undertake corrective action within the time limit established in this Section and identified in the Order of Violation, then the Planning Administrator shall deliver a Probable Cause Statement to the County Prosecutor for prosecution.
- D. Civil Remedies and Enforcement Powers. In addition to the remedies allowed by law, the regulations and standards contained in this LDC may be enforced through the issuance of a civil citation by the Planning Administrator or his designee.
- (1) Stop Orders. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this article, the Planning Administrator may order the work to be immediately stopped if the violation poses an imminent threat to life, safety and/or the environment; or where no permits have been issued prior to work commencing. The stop order shall be in writing and directed to the person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop order constitutes a misdemeanor.
  - (2) Revocation of Permits or Approvals. Development approvals may be revoked in accordance with this LDC.
    - (a) Initiation. The Planning Administrator shall investigate alleged violations of imposed condition or conditions, and shall determine whether or not to terminate or suspend a development approval. If the Planning Administrator determines that a termination, or suspension, of a development approval is appropriate, a recommendation, including the reason or reasons for their determination, shall be made to the Hearing Body who shall conduct a public hearing on the matter.

- (b) Grounds for Revocation. The following are grounds for revocation of a development approval:
    - (i) The intentional provision of materially misleading information by the Applicant (the provision of information is considered intentional where the Applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence); and
    - (ii) The failure to comply with any condition of a development approval.
  - (c) Notice and Decision.
    - (i) Notice of the public hearing before the County Commissioners to revoke a permit or approval shall be provided to the development approval holder at least ten (10) working days prior to the hearing. Said notice shall be in writing and delivered by personal service or certified mail and shall advise of the Planning Administrator's recommendation as well as the date and location of the hearing before the Hearing Body.
    - (ii) The County Commissioners shall approve, approve with conditions or deny the Planning Administrator's recommendation, which shall contain findings that address the basis for the decision, the condition or conditions that have been violated, the harm such violation has caused, if there is a suspension of the use then the length of time such violation can be cured, and if there is a termination then the reason such violation cannot be cured.
  - (3) Right Cumulative. The right to revoke a development approval, as provided in this section, is cumulative to any other remedy allowed by law.
  - (4) Appeal. Any owner who has received an order to take corrective action may appeal in writing to the Planning Administrator within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Planning Administrator shall be final. The County Commissioners shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. Temporary Restraining Order. In the case of any proposed or actual subdivision of land in violation of this LDC, the County is authorized, in addition to any other remedy provided by law, to institute appropriate legal action to prevent such subdivision of land or to invalidate such subdivision of land. A prima facie case shall be made for the issuance of a temporary restraining order, preliminary injunction and/or permanent injunction upon a showing that the person or persons subject to such restraint has:
- (1) Filed a plat or survey for a subdivision, for which plat approval is required by this LDC but which has not been approved pursuant to this LDC; or
  - (2) Advertised for sale a portion of an existing lot, tract, or parcel of land in an unincorporated part of Lafayette County for which no plat or survey (or waiver of plat) has been approved pursuant to this LDC.

### **1.2.5 Subdivision Violation**

The subdivision of land in violation of this LDC shall be a misdemeanor with no culpable mental state required.

Any person who commits, takes part in, or assists in such a violation shall be guilty of such a misdemeanor. It shall be prima facie evidence that land is being subdivided in violation of this LDC if a person:

- (1) Files a plat or survey or aids another in filing such a plat or survey purporting to show a change in lot lines, for which plat approval is required by this LDC, which has not been approved pursuant to this LDC; or
- (2) Sells or aids another in selling a portion of an existing lot or parcel of land in an unincorporated part of Lafayette County, for which plat approval is required by this LDC, when such subdivision has not been approved pursuant to this LDC or the requirements of this LDC for sale of land in an approved subdivision have not been met.
- (3) Each separate portion of land sold in violation of this LDC and each plat or survey filed without approval pursuant to this LDC for which plat approval is required shall constitute a separate violation of this LDC.
- (4) If any person is found guilty of a violation of this LDC arising out of their involvement in such subdivision as a professional licensed by the State of Missouri, the County Prosecutor shall forward a record of such finding to the appropriate disciplinary authority for such profession.

### **1.2.6 Junk, Trash, and Derelict Vehicles**

The regulations of this section are intended to prohibit the accumulation of junk, debris, building materials, used furniture, or other waste items or the repair, restoration, assembly, disassembly, storage or standing of inoperable vehicles of any kind where they are visible and uncovered from surrounding property and roads. In order to adequately investigate property nuisance complaints, the County does not accept anonymous complaints.

#### **A. Determination of Junk or Debris Status**

Piles or accumulation of junk or debris shall be determined to be a nuisance when any one or more of the following conditions exist:

- (1) Accumulation of junk, debris, building materials, used furniture, household trash, tires, barrels, or other waste items appear on any property which has the potential to be a:
  - (a) Health hazard;
  - (b) Fire hazard;
  - (c) Nuisance to adjacent property owners;
  - (d) Degrade water quality of active streams.
- (2) Burial of junk, debris, building materials, used furniture, household trash, tires, barrels, or other waste items on a property zoned Residential Agriculture (RA), Rural Estates (RE), or Rural Residential (RR), or on any property less than twenty (20) acres in size.
- (3) Any complaint regarding the accumulation or burial of junk, debris, trash, building materials, used furniture, or other waste items located on property within unincorporated Lafayette County shall be processed by the Planning Administrator or designee by:
  - (a) Receiving a complaint from any citizen of the County;

- (b) Completing a Complaint form, which will include the name and phone number of the person lodging the complaint;
  - (c) Inspecting the property for any violation(s).
- (4) Upon completion of the inspection the Planning Administrator or designee will:
- (a) Make a determination that there was no violation of this ordinance;
  - (b) Contact the informer(s) (person(s) reporting the problem) and share the results of the investigation with the informer(s); or
  - (c) Make a determination that there is a violation of this ordinance;
  - (d) Send a certified letter to the property owner on which the violation is occurring;
  - (e) Indicate the nature of the violation, Land Development Code reference, number of days to correct the problem, and the follow-up process;
  - (f) Staff will contact the informer(s), to advise them a certified letter has been sent;
  - (g) At the end of the allotted time, the property will be inspected for compliance;
  - (h) If not in compliance, the complaint will be turned over to the County Prosecutor for prosecution;
  - (i) Each incident of a complaint shall be considered a separate citation.

**B. Determination of Vehicle Status**

- (1) Inoperable  
A vehicle, whether automobile, aircraft, railed vehicle, or watercraft powered or otherwise shall be determined to be inoperable when any one or more of the following conditions exist:
- (a) It is disassembled in whole or in part;
  - (b) If a wheeled vehicle, it is unable to move or it has not been moved under its own power within a continuous period of ninety (90) days or more;
  - (c) If a non-wheeled or railed-vehicle, the vehicle has not been moved within a continuous period of one (1) year; or
  - (d) Its license plates have been expired for thirty (30) days or more.
- (2) Storage  
Two (2) or more inoperable vehicles as described above shall not be stored, nor shall they be allowed to stand in any zoning district in any manner except as follows:
- (a) In a legally established and conforming salvage yard, per the requirements of this LDC;
  - (b) In a fully enclosed storage structure such as a garage or barn;
  - (c) Where it is covered and/or is not visible from adjacent roads or property. A suitable fence that screens inoperable motor vehicles from public view may be acceptable, per the requirements of this LDC.

- C. Non-conformity, Applicability  
Junk, trash, debris, and/or derelict vehicles are not 'grandfathered' and all violations are effective on January 31, 2016.

### **1.3 RESPONSIBILITIES FOR APPLICATION OF CODE**

#### **1.3.1 Planning Administrator**

The County Commissioners shall appoint a Planning Administrator and such assistants as deemed necessary. The duties of the Planning Administrator shall include:

- A. The Planning Administrator shall make annual reports to the County Commissioners summarizing development activity and Comprehensive Plan and LDC implementation, and shall make such other reports as the Administrator may deem proper or required by the County Commissioners.
- B. Inspecting all property located within the unincorporated areas of the county to determine whether they are in compliance with this LDC, and related Ordinances;
- C. Investigating all complaints regarding violations of this LDC, and related Ordinances;
- D. Issuing permits, to the extent authorized by this and other Ordinances, to qualified applicants;
- E. Reviewing applications for zoning changes and subdivision plats and making recommendations thereon to the Planning Commission;
- F. Maintaining the records of the Planning Commission, including all zoning maps and documents related to the comprehensive plan; and
- G. For uses not expressly covered by this LDC in which zones and under which conditions such uses shall be permitted based on similar uses.

#### **1.3.2 Planning Commission**

- A. Appointment and Composition. Lafayette County, having adopted planning and zoning, shall appoint a Planning Commission. The Planning Commission shall consist of eight (8) residents of the county, one per Township, whom shall be residents of unincorporated areas of the county. Members of this Commission shall serve terms of four (4) years and shall be appointed by the County Commissioners. Members can be removed for cause by the County Commissioners upon written charges and after public hearings. Vacancies shall be filled by the County Commissioners for the unexpired term of any member whose term becomes vacant.
- B. Members, Meetings. Members of the Planning Commission shall serve without compensation, but may be reimbursed for expenses incurred for attendance in an amount to be set by the County Commissioners. The Planning Commission shall elect its own chair and shall adopt rules of procedure consistent with this LDC and state laws. The Chair, or acting Chair if the Chair is absent, may administer oaths and compel the attendance of witnesses. All meetings shall be open and minutes shall be kept of all proceedings and actions. The minutes shall be filed in the Planning Department and shall be a public record.

C. Responsibilities.

- (1) The Planning Commission shall make annual reports to the County Commissioners covering their investigations, transactions and recommendations; in addition it shall make such other reports as it may deem proper, or as may be required by the County Commissioners.
- (2) Make recommendations for the Comprehensive Plan for the future development, including recommendations relative to the location, length, width, and arrangements of the streets, alleys, bridges, viaducts, parks, parkways, playgrounds, boulevards, or other public grounds or improvements, the platting of public property into lots, plots, streets or alleys, the locations of railroad or street car lines, transportation or other channels for communication of any kind, the grouping of public buildings, the design and placing of memorials, works of art, power or lighting plants, street lighting standards, telegraph and telephone poles, street name signs, billboards and projecting signs.
- (3) Make recommendations in connection with the execution and detailed interpretation of the Comprehensive Plan, and make such changes and adjustments in the plan as may be deemed desirable from time to time.
- (4) Make recommendations upon any matter relating to zoning regulations which may be referred to it by the County Commissioners, and assume such other related duties and responsibilities as may be delegated to it by the County Commissioners.
- (5) Prepare and recommend to the County Commissioners rules controlling the subdivision of land.
- (6) Make recommendations regarding the approval or disapproval of plats for land subdivision, lots splits zoning and conditional use permits.
- (7) Recommend from time to time legislation which may be desirable to further the purpose of County planning.
- (8) In addition to all other powers and duties provided by the provisions of this chapter, the Planning Commission shall have such other powers and/or duties as may be provided by the County Commissioners.

### 1.3.3 Board of Zoning Appeals

- A. Appointment and Composition. Lafayette County, having adopted planning and zoning, shall appoint a County Board of Zoning Appeals. The Board of Zoning Appeals shall consist of five residents of the county, no more than two of whom shall be residents of incorporated areas of the county, and no more than one of whom may be a member of the County Planning Commission. Members of this Board shall serve terms of four years and shall be appointed by the County Commissioners. Members shall be removable for cause by the County Commissioners upon written charges and after public hearings. Vacancies shall be filled by the County Commissioners for the unexpired term of any member whose term becomes vacant.
- B. Members, Meetings. Members of the Board of Zoning Appeals shall serve without compensation, but may be reimbursed for meetings in an amount to be set by the County Commissioners. The Board of Zoning Appeals shall elect its own chair and shall adopt rules of procedure consistent with this LDC and state laws. The Chair, or acting Chair if the Chair is absent, may administer oaths

and compel the attendance of witnesses. All meetings shall be open and minutes shall be kept of all proceedings and actions. The minutes shall be filed in the office of Planning and shall be a public record.

C. Responsibilities.

- (1) Appeals to the Board of Zoning Appeals may be taken by any owner, tenant, or lessee, or by any public officer or agency aggrieved by the decision of the Planning Administrator in administering any county zoning ordinance. Such appeal shall be taken within three months of such a decision and in the manner provided by the rules of the Board of Zoning Appeals. The appeal shall stay all proceedings or actions based on such a decision unless the Planning Administrator certifies to the Board that a stay would cause imminent danger to life or property.
- (2) The Board of Zoning Appeals shall hear and decide appeal 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 county zoning regulations.
- (3) The Board of Zoning Appeals shall hear and decide all matters referred to it or which it is required to determine under the zoning regulations adopted by the County Commissioners.
- (4) In exercising its powers, the Board of Zoning Appeals may reverse, affirm, or modify, in whole or in part, any decision from which an appeal is taken, and make any orders or decisions which ought to be made. To these ends, the Board shall have all the powers of the officer from whom the appeal is taken.
- (5) Any party seeking a variance shall file an application with the Planning Administrator. In addition to sufficient information to demonstrate that a variance is warranted, the application shall include the name and address of all owners of property located within 1,000 feet of the boundary of the property for which a variance is sought. No action shall be taken prior to a meeting of the Board of Zoning Appeals for which sufficient notice has been given by the Board of Zoning Appeals, which shall, at a minimum, comply with the provisions of Chapter 64 and Chapter 610 of the Revised Statutes of Missouri. Furthermore, such notice shall be mailed to the last known address of all owners of property located within 1,000 feet of the boundary of the property for which a variance is sought. Any person opposed to such a variance may file a formal petition opposing the proposed record prior to the date set for consideration of the variance by the Board of Zoning Appeals. Such petition shall be part of the record before the Board of Zoning Appeals.
- (6) Upon receipt of an application, the Planning Administrator shall provide one or more signs to the applicant to be placed upon the tract or tracts for which a variance or exception is being considered. Such sign shall, at a minimum, state that an application for variance has been filed and that further information may be obtained from the Planning Administrator. The sign shall be installed by the applicant in a location adjacent to and clearly visible from a public street at least fifteen days prior to the date of the hearing before the Board of Zoning Appeals and shall remain in place until the application has been finally resolved. The sign shall be the property of the Lafayette County Planning Office and shall be returned to the Planning Office after the application has been finally resolved. The

placement of such sign is for the convenience and information of the public and the absence, through no fault of the applicant, of such sign during part of the specified period of time shall in no way impair or nullify proceedings on the action being considered.

#### **1.3.4 County Commission**

##### **A. Responsibilities.**

- (1) Appoint members to the Planning Commission, Board of Zoning Appeals and any other committee, Commission or board as the County Commissioners determine.
- (2) Decide all requests for amendments to the Comprehensive Plan upon receipt of recommendations from the Planning Commission;
- (3) Decide all requests for amendments to the Code map and text upon receipt of recommendations from the Planning Commission;
- (4) Decide all requests for planned developments, major subdivisions, conditional use permits, special use permits and vested rights determinations upon recommendation of the Planning Commission;
- (5) Review and decide on all site plan and plat applications upon recommendation of the Planning Commission;
- (6) Approve development agreements and rules and regulations for public improvements from the Planning Administrator or other staff members;
- (7) Adopt fees and authorize waivers to fees;
- (8) Decide applications for waivers from public improvement requirements;
- (9) Decide requests for closing or abandoning roads or streets;
- (10) Other responsibilities assigned by this LDC, other sections of the County Code or State Law.

## Chapter 2 PROCESS

### 2.1 GENERALLY

#### 2.1.1 Development Approval Required

No development or development activity is permitted unless all development approvals applicable to the proposed development are issued in accordance with this LDC. Development approvals are required for all development, unless otherwise excepted, to ensure compliance with the various adopted codes, standards, and laws, and to ensure consistency with the Comprehensive Plan and policies of the County. This Chapter describes procedural elements common to all applications. The specific procedures followed in reviewing various applications for development approval differ. Reference shall be made to the appropriate section in this chapter, which addresses the procedures and requirements of a particular application. Generally, the procedures for all applications have five common elements:

- A. Submittal of a complete application, including required fee payments and appropriate information and studies;
- B. Review of the submittal by appropriate staff, agencies, and boards;
- C. A decision to approve, approve with conditions, or deny together with the description of the actions authorized and the time period for exercising rights;
- D. If necessary, amending or appealing the decision; and
- E. Recording the decision.

#### 2.1.2 Hearings Before Committees, Commissions and Boards, Generally

- A. Administration. Each Committee, Commission or Board (hereinafter referred to as a Hearing Body) shall identify a chairman and vice-chairman. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.
- B. Appropriations and Staff Support. The County is authorized to make appropriations necessary to the Hearing Body to employ planners, engineers, clerks, technical experts or other persons and to obtain the equipment, supplies, and other materials necessary as may be required for the performance of the Hearing Body's duties as may be authorized by the County Commissioners. All expenses and appropriations are subject to County and state law.
- C. Members. Each member of a Hearing Body shall be eligible for reappointment. Vacancies shall be filled by the County Commissioners, and appointments to fill vacancies shall be for unexpired terms only. All members of the Hearing Body shall serve without pay. If an appointed member of a Hearing Body is absent for two consecutive meetings without excuse, then the member may be removed by the County Commissioners, with recommendation from the Hearing Body.
- D. Quorum. A quorum shall consist of one more than half the number of the Hearing Body.
- E. Disqualification of Members by Conflict of Interest. Members of a Hearing Body whose professional services are being used by an Applicant must disqualify themselves from that

application. Such disqualification shall prohibit all action by the Member including discussion, deliberation, voting, recommendation or participation as a Hearing Body member because the County may possess few residents with experience in the individual fields of history, architecture, archaeology, urban planning, law or real estate, and the County does not want to impair such residents from practicing their trade for hire. In such cases the County shall, upon the request of the chairman of the Hearing Body or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member and who will serve for that particular case only. Likewise, any member of the Hearing Body who has an interest in the property in question or who is employed with a firm that has been hired to aid the Applicant in any matter whatsoever, or who has a proprietary, tenancy, or personal interest in any case to be considered by the Hearing Body shall be disqualified from participating in the consideration of any request for a permit. In such cases, a qualified substitute shall be appointed as provided above.

### **2.1.3 Application Required**

- A. No application for development approval shall be considered complete, and the Planning Administrator or any other agency or official of Lafayette County shall not process any application for development approval, unless all of the information required this LDC is provided.
- B. The Planning Administrator or any other agency or official of the County shall not delay the processing of any application for development approval if it contains the information prescribed by this LDC.
- C. The Planning Administrator may modify the application forms in this section to assist in the administration, interpretation, and enforcement of this LDC, and shall maintain such forms at the offices of the Planning Department. The forms shall require the information set forth in this LDC for any application for development approval.

### **2.1.4 Digital Submittals Required**

Digital submittals are required to minimize the number of paper copies and to facilitate accurate record keeping by Lafayette County.

### **2.1.5 Conduct of Hearing**

- A. Any party may appear at any hearing, in person, or by agent or attorney.
- B. Public hearings must be conducted in a fair and impartial manner, but the formalities of an evidentiary hearing (oaths, exhibits, cross-examinations, avoiding gathering evidence outside of the hearing, and the like) need not be observed.
- C. The deliberations of the Hearing Body shall be guided by Robert's Rules of Order (most current edition). The County may adopt reasonable rules governing the conduct of the public hearing, including but not limited to rules:
  - (1) Fixing the maximum time allotted to each speaker;
  - (2) Providing for the designation of spokesmen for groups of persons supporting or opposing the same positions;

- (3) Providing for the selection of delegates from groups of persons supporting or opposing the same positions when the number of persons wishing to attend the hearing exceeds the capacity of the hall; and
  - (4) Providing for the maintenance of order and decorum in the conduct of the hearing.
- D. The Hearing Body may question the applicant, other parties, witnesses and County staff at any time during the hearing.
  - E. The Hearing Body may receive petitions, hear personal opinions or talk to members of the public about the issue prior to the hearing.
  - F. Though no written findings of fact or explanation of the decision is required, the Chair may decide that the Hearing Body should make findings of fact and conclusions as to applicable standards and any conditions. The Chair may direct the Planning Administrator or County Attorney to draft a written decision for approval by the Hearing Body at its next regularly scheduled meeting, which approval may be on a consent agenda.

#### **2.1.6 Continuances and Deferrals**

The Hearing Body shall consider requests for continuances and may grant continuances in its sole discretion. If, in the opinion of the Hearing Body, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue presented, then the Hearing Body may continue the matter to a time certain to allow for such research or review.

#### **2.1.7 Modification of Application at Hearing**

- A. In response to questions or comments by person appearing at the hearing or to suggestions or recommendations by the Hearing Body, the applicant may agree to modify his application, including the plans and specifications submitted.
- B. Unless such modifications are so substantial or extensive that the Hearing Body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the Hearing Body may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

#### **2.1.8 Record of Proceedings**

The Hearing Body shall record the minutes of the proceedings by any appropriate means as prescribed by rule and consistent with statute and case law. Such record shall be provided at the request of any person upon application to the Planning Administrator and payment of a fee set by the County Commissioners to cover the cost of duplication of the transcribed record.

#### **2.1.9 Judicial Appeal**

Any party with a legitimate interest in property or public official or agency jointly or severally aggrieved by any decision of the Planning Commission, Board of Zoning Appeals or of the County Commissioners may present to the Circuit Court of Lafayette County a petition, duly verified, stating that the decision is illegal in whole or in part, specifying why the decision is illegal, and asking for relief from that decision. Upon presentation of the petition, the court shall issue a writ of certiorari directed to the Planning Commission, Board of Zoning Appeals or the County Commissioners for all records and data related to that decision. The Court may appoint a referee to take additional evidence. The Court may reverse or affirm or modify the decision brought up for review. After

entry of judgment by the Circuit Court, an appeal may be taken to the appellate courts in the same manner provided for other circuit court judgments in civil case.

## 2.2 DEVELOPMENT REVIEW PROCESS OVERVIEW

### 2.2.1 Generally

The processes for public hearings and administrative approvals are identified in the individual subsections of this chapter, consistent with state statute, and summarized in **Exhibit 2A**. Any inconsistency between the provisions of this section and state statute are governed by state statute.

**Exhibit 2A: Development Review Process Overview**

Development Application	Recommendation	Final Decision	Appeal
<b>Approvals that Require a Public Hearing:</b>			
<b>Comprehensive Plan / Plan Amendment</b>	Planning Commission	County Commission	Circuit Court
<b>LDC Text Amendment</b>	Planning Commission	County Commission	Circuit Court
<b>LDC Map Amendment</b>	Planning Commission	County Commission	Circuit Court
<b>Variance</b>	Planning Administrator	Board of Zoning Appeals	Circuit Court
<b>Administrative Appeal</b>	Planning Administrator	Board of Zoning Appeals	Circuit Court
<b>Conditional Use Permit</b>	Planning Commission	County Commission	Circuit Court
<b>Preliminary Concept Plan</b>	Planning Administrator	Planning Commission	County Commission
<b>Preliminary Plat</b>	Planning Commission	County Commission	Circuit Court
<b>Final Plat</b>	Planning Administrator	County Commission	Circuit Court
<b>Plat Amendment</b>	Planning Commission	County Commission	Circuit Court
<b>Preliminary Plan (Planned Development)</b>	Planning Commission	County Commission	Circuit Court
<b>Final Plan (Planned Development)</b>	Planning Commission	County Commission	Circuit Court
<b>Site Plan</b>	Planning Commission	County Commission	Circuit Court

Development Application	Recommendation	Final Decision	Appeal
<b>Approvals that May NOT Require a Public Hearing:</b>			
<b>Permits, Generally:</b>			
<b>Sewer/Septic Permit</b>	-	Planning Administrator	County Commission
<b>Building Permit</b>	-	Planning Administrator	County Commission
<b>Driveway Permit / Access Permit</b>	-	Planning Administrator	County Commission
<b>Farm Split / Family Farm Split</b>	-	Planning Administrator	County Commission
<b>Sign Permit</b>	-	Planning Administrator	County Commission
<b>Minor Subdivision</b>	-	Planning Administrator	County Commission
<b>Special Event Permit</b>	-	Planning Administrator or Planning Commission	County Commission
<b>Boundary Line Adjustment</b>	-	Planning Administrator	County Commission
<b>Waiver of Plat</b>	-	Planning Administrator	County Commission

## 2.3 NOTICE PROVISIONS

### 2.3.1 Generally

The notice requirements for each type of application are prescribed in the individual subsections of this chapter and/or the state statute. The notice requirements for certain types of public hearings are established in **Exhibit 2B** provided, however, that to the extent of any inconsistency between the provisions of this section and any state statute, the state statute governs.

**Exhibit 2B: Notice Provisions**

Development Application	Publication	Mail	Signage	Internet
<b>Comprehensive Plan / Plan Amendment</b>	✓	○	○	✓
<b>LDC Text Amendment</b>	✓	○	○	✓
<b>LDC Map Amendment</b>	✓	✓	✓	✓

Development Application	Publication	Mail	Signage	Internet
Variance	✓	✓	✓	✓
Administrative Appeal	✓	✓	✓	✓
Conditional Use Permit	✓	✓	✓	✓
Preliminary Concept Plan	✓	O	✓	✓
Preliminary Plat	✓	O	✓	✓
Final Plat	✓	O	✓	✓
Plat Amendment	✓	O	✓	✓
Preliminary Plan (PD)	✓	✓	✓	✓
Final Plan (PD)	✓	✓	✓	✓
Site Plan	✓	O	✓	✓
Special Event (if public hearing)	✓	✓	✓	✓
Conditions unless otherwise indicated in Code:	Notice shall be published in the nearest newspaper of general circulation for the first time not less than fifteen (15) days before the date affixed for the hearing.	Notice shall be sent certified mail to all owners of property owners in the area being changed or within 1,000 feet of the boundary of any parcel located either partially or entirely within that area at least fifteen days prior to the hearing on the proposed change.	Post at least one (1) sign, provided by Lafayette County, not less than fifteen (15) days prior to the hearing in conspicuous places visible from each street along the frontage of the subject property.	A copy of the notice must be posted on the County's website from the time of publication until the proceeding has been completed.
✓ - Required O - Optional				

**2.3.2 Contents of Notices**

The notice shall state the time, date, and place of hearing, and a description of the property subject to the application that includes, at a minimum:

- A. The street address or, if the street address is unavailable, the legal description by metes and bounds;
- B. The current zoning classification, if any;
- C. The category of development approval requested and a brief description of the proposed development, including density or building intensity, revised zoning classification (if any), and uses requested; and
- D. The real property tax assessment roll parcel number.

### **2.3.3 Action to be Consistent with Notice**

The Hearing Body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval (if applicable) of the application, or denial of the application.

### **2.3.4 Minor Amendments Not Requiring Re-Notification**

This section governs to the extent consistent with provisions relating to minor amendments for a specific type of application. The Hearing Body may allow minor amendments to the application without re-submittal of the entire application. For purposes of this section, minor amendments are amendments that do not:

- A. Increase the number of dwelling units, floor area, height, impervious surface development, or any additional land-use disturbance;
- B. Introduce different land uses than that requested in the application;
- C. Request larger land area than indicated in the original application;
- D. Request greater variance than that requested in the application;
- E. Allow any reduction in buffer or transition areas, reduction in landscaping, reduction of required yards, or any change in the design characteristics or materials used in construction of the structures; or
- F. Reduce or eliminate conditions attached to a legislative or quasi-judicial approval unless a new notice is provided.

### **2.3.5 Notice Requirements for Approvals Requiring a Public Hearing**

No action shall be taken before a public hearing has been conducted which complies with this LDC and the Revised Statutes of Missouri.

## **2.4 AMENDMENTS TO THE COMPREHENSIVE PLAN**

The Planning Commission may consider Amendments to the text and all maps of the Comprehensive Plan on its own motion, or on proposal by the Planning Administrator. The Planning Commission may also consider Amendments to the Future Land Use Map and Growth Tier Map upon the application of an interested party as described herein.

### **2.4.1 Notice**

- A. Upon application by a party with a legitimate interest, notice of the proposed change shall be sent by certified mail to all owners of property owners in the area being changed or within 1,000 feet

of the boundary of any parcel located either partially or entirely within that area at least fifteen days prior to the hearing on the proposed change.

- B. Notice of all proposed changes whether to the Future Land Use Map and/or Growth Tier maps or to any other part of the Comprehensive Plan shall be published in a newspaper at least fifteen days prior to the hearing on the proposed change.
- C. No action shall be taken before a public hearing has been conducted by the Planning Commission which complies with this LDC and the provisions of Chapter 64 and Chapter 610 of the Revised Statutes of Missouri.

#### **2.4.2 Application**

A party with a legitimate interest in any parcel located within the area covered by the application may file an Application to Amend the Growth Tier Map and Future Land Use Map. The minimum area that may be covered by an application is:

- A. For a change to the Growth Tier Map from current tier to:
  - (1) Urban Tier, 40 acres or the equivalent of a quarter of a quarter of a section of the United States Geological Survey
  - (2) Rural Residential, 160 acres or the equivalent of a quarter of a section of the United States Geological Survey;
  - (3) Highway Commercial, 40 acres or the equivalent of a quarter of a quarter of a section of the United States Geological Survey;
  - (4) Agricultural Resource, 160 acres or the equivalent of a quarter of a section of the United States Geological Survey.
- B. For a change to the Future Land Use Map from current projected future use to:
  - (1) Urban Mix/Industrial, 40 acres or the equivalent of a quarter of a quarter of a section of the United States Geological Survey;
  - (2) Rural Residential, 160 acres or the equivalent of a quarter of a section of the United States Geological Survey;
  - (3) Highway Commercial, 40 acres or the equivalent of a quarter of a quarter of a section of the United States Geological Survey;
  - (4) Agricultural Resources, 160 acres or the equivalent of a quarter of a section of the United States Geological Survey.

#### **2.4.3 Contents of Application**

- A. An application for a change to the Future Land Use Map and/or Growth Tier Map shall describe the boundaries of the proposed change by quarter-quarter sections, existing roads, railroad line, or waterway and shall be in a form approved by the Planning Administrator.
- B. The applications shall be accompanied by a filing fee in the amount established by the County Commissioners and a list of the names and last known addresses of the owners of all property

within the area of the proposed change or within 1,000 feet of any tract in the area of the proposed change.

- C. The applicant shall attach to the application information that demonstrates that the revision is consistent with the Comprehensive Plan and satisfies the provisions of this LDC.

#### **2.4.4 Decision**

- A. Upon completion of the public hearing, the Planning Commission shall consider whether to recommend changes to the Comprehensive Plan to the County Commissioners.
- B. If the change is upon request of an applicant, a decision shall be made within 75 days of the public hearing. If no decision is made within 75 days, the application shall be forwarded to the County Commissioners without recommendation and shall be deemed to have been approved by the Planning Commission for the purposes of state law.
- C. The Planning Commission may choose to reject an application without forwarding it to the County Commissioners. Such rejection shall constitute a final decision on an application.
- D. If the Planning Commission favorably recommends a change or the application is forwarded without recommendation, the Planning Administrator shall forward the decision and the records of the Planning Commission to the County Clerk for placement on the agenda of the County Commissioners. After the conduct of its own hearing on the application, the County Commissioners shall then decide to accept or reject the proposed change.
- E. If an application is rejected by either the Planning Commission or the County Commissioners, no further application may be made for property covered by that application for one year after the rejection of the application.

#### **2.4.5 Joint Application for Amendments to Comprehensive Plan and Zoning District**

Upon submission of a Joint Application for an Amendment to the Future Land Use Map and/or Growth Tier Maps of the Comprehensive Plan and to the Zoning District Map of these regulations, the hearing on all Applications shall be held at the same time. However a decision on the Application for Amendment to the Zoning District Map shall not precede the approval of an Amendment to the Comprehensive Plan.

#### **2.4.6 Criteria for Amendment to Comprehensive Plan**

In considering amendments to the Comprehensive Plan, the Planning Commission and the County Commissioners shall consider whether the information presented indicates either a clear error in the original Comprehensive Plan or a substantial change in circumstance subsequent to the adoption of the Comprehensive Plan warranting a change.

#### **2.4.7 Comprehensive Plan Text Amendment**

The Planning Commission and County Commissioners shall periodically update the statistical and historical portions of the Comprehensive Plan to reflect trends, conditions, and projections. The Planning Commission and County Commissioners shall make changes to:

- A. Policies only upon a determination that such changes are necessary to better achieve the Objectives and Goals of the Comprehensive Plan.

- B. Objectives only upon a determination that such changes will result in a better mechanism for determining progress toward the achieving of Goals.
- C. Goals only upon a determination that the Goal is not achievable or that the Goal no longer adequately reflects the public interest and desires of Lafayette County.

#### **2.4.8 Comprehensive Plan Map Amendment**

The following criteria shall be considered when reviewing the Growth Tiers Map or Future Land Use Map:

- A. Original Errors. Whether there was an error in the original Comprehensive Plan adoption in that the County failed to take into account then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future;
- B. Subsequent Events. Whether events subsequent to the Comprehensive Plan adoption have invalidated the County's original premises and findings made upon plan adoption;
- C. Premises and Findings. Whether any or all of the County's original premises and findings regarding Comprehensive Plan adoption were mistaken; and
- D. Change in Character. Whether events subsequent to the Comprehensive Plan adoption have changed the character and/or condition of the area so as to make the proposed change to the treatment of the area consistent with the goals, objectives, and policies of the Comprehensive Plan and the character of the area.

## **2.5 AMENDMENTS TO THE CODE**

The Planning Commission may consider Amendments to the text of this Land Development Code on its own motion, or upon the application of an interested party, or on proposal by the Planning Administrator.

### **2.5.1 General Zoning District Map Revision**

- A. At the discretion of the Chair, the Planning Commission may conduct a hearing for the purpose of considering general revisions to the zoning maps for the County.
- B. In considering the conducting of rezones pursuant to this LDC, the Planning Commission shall limit itself to proposed amendments necessary to bring the zoning map into conformity with:
  - (1) The actual use of the property, should that use be permissible by this LDC; and
  - (2) The Comprehensive Plan Growth Tiers Map and Future Land Use Map.
- C. In considering these changes, the Planning Commission shall use the criteria set forth in this LDC.

### **2.5.2 Parcel Specific Zoning District Map Revision**

In addition to the general review of the entire County, the Planning Commission may consider changes to one or more parcels of land upon application by the Planning Administrator, an interested party or upon its own motion.

### 2.5.3 Pre-application meeting

- A. A party with a legitimate interest in a property desiring to seek an amendment to the zoning map shall arrange a meeting with the Planning Administrator to discuss the requirements for applying for an amendment to the Zoning Map.
- B. At such meeting, the Planning Administrator shall inform the prospective applicant of the potential zoning districts permitted under the Comprehensive Plan and shall review the requirements for applications to amend the Zoning Map and related requirements for development plans and plats.
- C. The Planning Administrator shall also discuss the uses permitted in the proposed zoning districts and the requirements of the zoning district with regards to lot size, lot coverage, setback, and other area dimensions.
- D. The Planning Administrator shall provide the applicant with blank copies of the Land Evaluation and Site Assessment forms for the amendment to the Zoning Map and the Concept Plan.
- E. If applicable, the Planning Administrator shall discuss the procedures for amendments to the Comprehensive Plan and the criteria for the same.

### 2.5.4 Contents of Application

- A. No sooner than 7 working days after the pre-application meeting, the party may file an application for an amendment to the Zoning Map.
- B. Such application shall not be deemed to be filed until the application is complete. Such application shall not be deemed to be complete until the date that all requirements of this Chapter are met and the application:
  - C. Is completed and filed the application form established by the Planning Administrator;
  - D. Includes payment the filing fee in the amount established by the County Commission;
  - E. Is accompanied by a complete Preliminary Concept Plan for the development;
  - F. Includes a list of all owners of record by name and last known address of property located within 1,000 feet of the boundary of the tract or tracts covered by the application; and
  - G. Includes an application for a Plan Amendment if the proposed zoning is not consistent with the Growth Tier Map or the Future Land Use Map of the Comprehensive Plan.

### 2.5.5 Public Notice and Hearing

- A. No action shall be taken before a hearing has been conducted by the Planning Commission for which sufficient notice has been given by Planning Commission. At the very least, such notice shall comply with the provisions of Chapter 64 and Chapter 610 of the Revised Statutes of Missouri. Furthermore, such notice shall be mailed to the last known address of all owners of property located within 1,000 feet of the boundary of any tract or tracts covered by the proposed change.
- B. Sign announcing pending change

- (1) Upon receipt of an application, the Planning Administrator shall provide one or more signs to the applicant to be placed upon the tract or tracts for which rezoning is being considered. Such signs shall, at a minimum, state that an application for rezoning has been filed and that further information may be obtained from the Planning Administrator.
  - (2) The sign shall be installed by the applicant in a location adjacent to and clearly visible from a public street at least fifteen days prior to the date of the hearing before the Planning Commission and shall remain in place until the application has been finally resolved.
  - (3) The sign shall be the property of the Lafayette County Planning Office and shall be returned to the Planning Office after the application has been finally resolved.
  - (4) The placement of such sign is for the convenience and information of the public and the absence, through no fault of the applicant, of such sign during part of the specified period of time shall in no way impair or nullify proceedings on the action being considered.
- C. Resubmission of Application  
Following a final decision on the application, no further application regarding any property covered by the original application shall be submitted within the six months following the decision.
- D. Petitions Opposing Application  
A person or persons with a legitimate interest opposed to a proposed rezoning may file a formal petition opposing the proposed rezoning with the Planning Administrator. Such a petition shall be deemed to be part of the record of the public hearing.

### **2.5.6 Action on Zoning District Map Amendments**

- A. Planning Commission Action
- (1) After a hearing on an application, the Planning Commission may forward, to the County Commissioners, a proposed amendment to the zoning map with a recommendation for approval, approval subject to conditions, or denial.
  - (2) Such recommendations shall also include a recommendation regarding the Preliminary Concept Plan, if applicable.
  - (3) The Planning Commission shall reject the application and not forward it to the County Commissioners if the Planning Commission finds that the application is inconsistent with the Comprehensive Plan.
  - (4) A denial by the Planning Commission shall be deemed a final decision on the application.
  - (5) Notice of any action by the Planning Commission on an application shall be forwarded to the County Clerk who shall advise the County Commissioners of such action.
- B. County Commissioners Action
- (1) Upon receipt of a proposal for an amendment to the Zoning Map, the County Commissioners shall approve, approve with conditions, or deny the amendment as proposed by the Planning Commission.

- (2) For all amendments proposed by an interested party, no amendment shall be approved unless the County Commissioners also approves a Preliminary Concept Plan, if applicable.
  - (3) If the County Commissioners rejects the Preliminary Concept Plan, the proposed amendment shall be remanded back to the Planning Commission for further proceedings consistent with this LDC.
- C. **Rejection of Preliminary Concept Plan**
- If a Preliminary Concept Plan is rejected by the County Commissioners, the application for amendment to the Zoning Map shall be tabled for a period not to exceed 180 days to allow for the submission of an alternative Preliminary Concept Plan with the Planning Commission. If no alternative Preliminary Concept Plan is submitted within that time frame, the application for an amendment to the Zoning Map shall be deemed denied.

### **2.5.7 Development Required**

- A. Approval of an amendment to the Zoning Map is conditioned upon the timely submission and approval of a Final Plat and/or a Site Plan as required by the appropriate provisions of these Regulations.
- B. Such Final Plats and/or Site Plans must be approved within twenty-four months of the approval of the amendment to the Zoning Map or such other time period established at the time of rezoning. However, for phased developments, only the first phase need be included in the first Final Plat or Site Plan. Submission and approval of the first Final Plat or Site Plan governing the first phase of development shall be deemed to comply with this requirement.
- C. If no such Final Plat and/or Site Plan has been approved within that time period, the Planning Commission may schedule and hold a hearing regarding whether the property should be rezoned to AG District or its previous Zoning District. Failure to secure Final Plat and/or Site Plan approval shall be deemed to be consent by the applicant for the rezoning action.
- D. In such a hearing, the presumption shall be that such rezoning is appropriate subject to the applicant showing good cause for the failure to proceed to the completion of a Final Plat or Site Final Development Plan.

### **2.5.8 Factors Determining Appropriateness of Zoning District Map Amendments**

In establishing and revising the boundaries of zoning districts, the Planning Commission and the County Commissioners shall consider what constitutes a reasonable use of the land subject to compliance with the goals, objectives, and policies of the Comprehensive Plan. No amendment shall be approved if the zoning is inconsistent with the Comprehensive Plan. In addition, the Planning Commission and the County Commissioners shall consider the following factors in determining the appropriateness of a Zoning District Map Amendment:

- A. The LESA score of the property, pursuant to this LDC, if applicable;
- B. Whether the existing zoning was in error at the time of adoption;
- C. Whether there is a community need for and benefit from the proposed rezoning;
- D. Whether the proposed change is consistent with the character of the area in which the proposed rezoning is located;

- E. Whether the property is suitable for the development of the uses authorized under the proposed zoning classification;
- F. Whether the proposed change will be conducive to proper community planning and is a logical extension of an existing urban area or growth center; and
- G. Whether there are, for the uses authorized under the proposed zoning, adequate public and community facilities serving the property, which may include, but are not limited to, sanitary and storm sewers, water, electrical service, police and fire protection, schools, parks and recreation facilities, roads, libraries, and solid waste collection and disposal;
- H. Whether the authorized uses under the proposed rezoning will adversely affect the capacity or safety of the street network in the vicinity of the property; and
- I. Whether potential environmental impacts (e.g. excessive storm water runoff, water pollution, air pollution, noise pollution, excessive lighting, or other environmental harms) of authorized uses will be mitigated.

## **2.6 VARIANCE**

### **2.6.1 Applicability**

- A. The Board of Zoning Appeals shall have the power to vary these regulations when it can be shown by the Applicant that extraordinary hardships are brought about by strict compliance with this LDC.
- B. No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts, shall be considered as grounds for issuance of a variance permitting similar uses.

### **2.6.2 Initiation**

A variance application shall be filed with the Planning Administrator. The application shall state fully the special conditions and circumstances applying to the building or other structure or land for which such variance is sought. The application shall demonstrate that the existing conditions and circumstances are such that the strict application of the provisions of this LDC would deprive the Applicant of reasonable use of said land, building, or structure, equivalent to the use made of lands, buildings, or structures in the same district and permitted under the terms of this provision and that the peculiar conditions and circumstances are not the result of the actions of the Applicant.

### **2.6.3 Decision**

The Planning Administrator shall submit a report to the Board of Zoning Appeals who shall evaluate the application based on the criteria required by this section. The Board of Zoning Appeals shall render a decision and deny, approve, or approve with conditions the variance after considering the evidence presented at this hearing or agreed on by the parties. Any approved variance must be entered into the minutes of the Board of Zoning Appeals along with the reasons and justifications set forth.

### **2.6.4 Approval Criteria**

In passing upon such applications, the Hearing Body shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article and:

- A. The danger that materials may be swept onto other lands to the injury of others;
- B. The danger of life and property due to flooding or erosion damage;
- C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- D. The importance of the services provided by the proposed facility to the community;
- E. The necessity to the facility of a waterfront location, where applicable, provided it conforms to the Waterview Protection guidelines;
- F. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- G. The compatibility of the proposed use with existing and anticipated development;
- H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- J. The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;
- L. Upon consideration of factors listed above, and the purpose of this article, the County Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article; and
- M. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

### **2.6.5 Findings**

- A. Generally. Variances shall only be approved when there is a finding of:
  - (1) A showing of good and sufficient cause;
  - (2) A determination of exceptional narrowness, shallowness, shape, or topography or other extraordinary situation or condition of a specific piece of property,
  - (3) A determination that the variance is the minimum necessary to afford relief;
  - (4) A determination that failure to grant the variance would result in exceptional hardship;
  - (5) A determination that a variance and can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and maps; and

- (6) A determination that the strict application of any zoning regulation would result in peculiar and exceptional difficulties to or exceptional and undue hardship upon the owner of property, as an unreasonable deprivation of use.
- B. For property located in floodzones. Variances shall only be approved when general findings are supported by determinations, as provided in this Section, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, conflict with existing local laws or ordinances,

## **2.7 ADMINISTRATIVE APPEAL**

### **2.7.1 Applicability**

Should anyone be aggrieved by the final decision of the Planning Administrator, they shall have the right to appeal such decision within thirty (30) days thereafter to the Board of Zoning Appeals.

### **2.7.2 Stay of Proceedings**

When an appeal is filed, all proceedings in furtherance of the action affected by the decision being appealed shall be stayed, unless:

- A. The Planning Administrator certifies to the Board of Zoning Appeals that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property; or
- B. The appellant is not diligently pursuing the appeal.

### **2.7.3 Criteria**

In considering all appeals from rulings made under these regulations, the Board shall, in making its findings on any specific case, determine the effect of the proposed change upon factors relating to the interpretation of the LDC and the public health, safety, comfort, morals and general welfare. Every ruling made upon any appeal to the BZA shall be accompanied by a written finding of fact based upon the testimony received at the hearing afforded by the Board and shall specify the reason for granting or denying the appeal.

### **2.7.4 Decision**

- A. The Board of Zoning Appeals shall give public notice of the hearing as provided in this LDC, shall hold the hearing, and shall decide the appeal within a reasonable time after such hearing.
- B. Any party may appear before the Board of Zoning Appeals at any hearing, in person, or by agent or attorney.
- C. The Board of Zoning Appeals may:
  - (1) Reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed;
  - (2) Make such order, requirement, decision, or determination as ought to be made; and
  - (3) Exercise all the powers of the officer or Hearing Body from whom the appeal is taken.

### 2.7.5 Exemptions

- A. The Board of Zoning Appeals may approve an exemption from any of the requirements of this LDC, to the extent necessary to comply with or conform to federal or state law, or to avoid or resolve any alleged violation of the freedom of religion-based rights afforded to any person under federal or state law caused by the enforcement of any regulation imposed by this LDC.
- B. Any person desiring such an exemption shall file a written petition with the Planning Administrator, who shall forward the petition to the Board of Zoning Appeals for purposes of conducting a public hearing on the petition and issuing a final determination. The petition shall include separate statements that:
  - (1) Advise to which particular regulation of the LDC the requested exemption relates;
  - (2) Explain how the regulation is not in conformance with federal or state law, or how it allegedly violates the person's rights afforded under federal or state law;
  - (3) Describe how granting the exemption would be in the public interest and not be contrary to health, safety, and welfare considerations; and
  - (4) Describe the intended use of land or activity for which the exemption is being sought.
- C. The petitioner shall submit any additional information requested by the Board of Zoning Appeals and shall appear before the Board of Zoning Appeals at the public hearing to explain the request and to answer any questions relative to the petition.
- D. In considering an exemption from the requirements of this LDC, the Board of Zoning Appeals may approve the exemption, provided that it makes findings, based on the evidence presented, regarding at least one of the following criteria:
  - (1) The exemption is in the public interest and is not contrary to health, safety, and welfare considerations;
  - (2) The exemption is necessary for the petitioner or the County to comply with or conform to federal or state law;
  - (3) The exemption is necessary to avoid or resolve any alleged violation of rights afforded to any person under federal or state law caused by the enforcement of any regulation of the LDC; and
  - (4) The County regulation does not constitute or further a compelling governmental interest in need of protection and is not the least restrictive alternative for satisfying or achieving the governmental interest.
- E. The petitioner may file a written request with the Board of Zoning Appeals for a temporary certificate of compliance to allow the use or activity during the pendency of the exemption petition process pursuant to this LDC.

## 2.8 CONDITIONAL USE PERMIT

Conditional uses are those types of uses which, due to their nature are dissimilar to the normal uses permitted by right within a given zoning district or where product, process, mode of operation, or nature of business may prove detrimental to the health, safety, welfare, or property values of the immediate neighborhood and its

environs unless specific controls or limitations are invoked. Within the various zoning districts, specific uses may be permitted only after additional requirements are complied with as otherwise established within this LDC.

### **2.8.1 Application**

- A. An Application for a conditional use permit shall be filed with the Administrator. Any party with a legitimate interest in a property may file such an application. The application shall include the following:
  - (1) Plan of lots or tracts showing existing and proposed building locations, parking areas, location and type of outdoor lighting, interior drives, and landscaped buffer strips;
  - (2) Topography, existing utilities, abutting streets and alleys, easements, and the square footage of land within the lots or tracts;
  - (3) Name and address of the owner of land subject to the application;
  - (4) Description of architecture and exterior materials to be utilized;
  - (5) A list of all the names and addresses of all owners of property located within 1,000 feet of the boundary of the tract or tracts on which the conditional use will be located; and
  - (6) An application for approval of Preliminary Concept Plan if applicable.
- B. On receipt of an application for a conditional use, the Administrator shall forward copies of the application and accompanying information to affected public or governmental agencies and the Planning Commission. The Planning Commission shall request and consider reports from such public or governmental agencies before determination.

### **2.8.2 Petitions Opposed to Conditional Use**

A person or persons opposed to a proposed conditional use permit may file a formal petition opposing the proposed conditional use permit with the Planning Administrator. Such a petition shall be deemed to be part of the record of the public hearing.

### **2.8.3 Approval Criteria**

- A. A conditional use is permitted only if the applicant demonstrates that:
  - (1) The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations.
  - (2) The proposed conditional use shall conform to the character of the area in which it is located.
  - (3) The proposed use shall have no adverse effects on health, safety or comfort of persons living or working in the area;
  - (4) The proposed use shall not be injurious to property or improvements in the area than would any other use generally permitted in the same district.
- B. In making such a determination, consideration shall be given to:
  - (1) The location, type, and height of buildings or structures;
  - (2) The type and extent of landscaping and screening on the site;

- (3) Whether the proposed use is consistent with the Comprehensive Plan;
- (4) Adequate utilities shall be provided as set forth herein.
- (5) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads
- (6) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas;
- (7) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood;
- (8) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district;
- (9) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (10) The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

#### **2.8.4 Conditions**

In approving any CUP, the Planning Commission or County Commissioners may:

- A. Impose such reasonable standards, conditions, or requirements, in addition to or that supersede any standard specified in the LDC, as it may deem necessary to protect the public interest and welfare. Such additional standards may include, but need not be limited to:
  - (1) Financing and availability of adequate public facilities or services;
  - (2) Dedication of land;
  - (3) Reservation of land;
  - (4) Creation of special assessment districts;
  - (5) Creation of restrictive covenants or easements;
  - (6) Special setbacks;
  - (7) Increased screening or landscaping requirements;
  - (8) Area requirements;
  - (9) Development or operational limits;
  - (10) Development phasing; and
  - (11) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics.
- B. Require that a performance guarantee, acceptable in form, content, and amount, be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified; and

- C. Require that a Development Agreement be entered into by the applicant.
- D. Establish a time limit on the continuation and renewal of conditional uses, unless expressly deemed detrimental to the community interest to do so. The conditional use permit shall be renewable at the discretion of the Planning Commission.
- E. Approved CUPs that are abandoned or discontinued for a period of at least one (1) year shall require a CUP re-application.
- F. Impose additional requirements deemed reasonable and necessary.

### **2.8.5 Approval**

- A. Upon review by the Planning Commission, Group I and Group II Conditional Uses shall be approved or denied.
- B. Upon review by the Planning Commission, Group III and Group IV Conditional Uses shall be recommended for approval or denial by the Planning Commission, then submitted to the County Commissioners for approval or disapproval.

### **2.8.6 Scope of Approval**

Once a CUP is granted, such use may be enlarged, extended, increased in intensity, or relocated only in accordance with this section unless the County in approving the initial development approval has specifically established alternative procedures for consideration of future expansion or enlargement. The provisions of this LDC relative to expansion of nonconforming uses, do not supersede this requirement unless the conditionally permitted use for which the development approval was initially granted is no longer a use permitted as of right or as a conditional use in the zoning district in which it is located.

- A. **Minor Amendments.** An amendment is a request for any enlargement, expansion, increase in intensity, relocation, or modification of any condition of a previously approved and currently valid CUP. Amendments shall be processed as follows: shifts in on-site location and changes in size, shape, intensity, or configuration of less than 5 percent, or a 5 percent or less increase in either impervious surface or floor area over what was originally approved, may be authorized by the Planning Administrator, provided that such minor changes comply with the following criteria:
  - (1) No previous minor modification has been granted pursuant to this section;
  - (2) There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;
  - (3) Nothing in the currently valid CUP precludes or otherwise limits such expansion or enlargement; and
  - (4) The proposal conforms to the LDC and is in keeping with the spirit and intent of any adopted comprehensive plan.
- B. **Major Amendments.** Any proposed amendment other than those considered minor amendments as described in this chapter are considered a major amendment and shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original development approval.

### 2.8.7 Requirements for Group I Conditional Uses

- A. Purpose. Group I Uses are, in general, those requiring or utilizing large tracts of open land. These uses tend to be recreational or of a quasi-public service nature, but on occasion having accessory uses or limited characteristics that can be detrimental to adjoining property if not controlled or constrained. In general, these uses are positive community assets.
- B. Setback. No building or use of land shall be permitted within one hundred (100) feet of a lot line unless the district requirements establish a higher minimum yard size, in which case the district requirements shall be the minimum. The Planning Commission shall have the authority to impose a higher minimum yard size as an additional condition.
- C. Lot Coverage. Lot coverage, incurred by improvements that are structural in nature including buildings, towers, light poles, parking lights, etc. shall not exceed five (5) percent of the gross plot or tract area.
- D. Signs. There shall be no more than two non-animated accessory signs of not more than ten (10) square feet each.
- E. Parking. Off-street parking and off-street loading shall be in accordance with the requirements of this LDC.

### 2.8.8 Requirements for Group II Conditional Uses

- A. Purpose. Group II Uses are, in general, uses or functions relating to communications or utilities which by their nature require a site or location that meets technical or geophysical limitations in order to serve the community in an efficient manner and, therefore, tend frequently to be out of character to the land uses in the immediate vicinity or neighborhood.
- B. Setback. No building or use of land shall be within twenty-five feet of a lot line unless the district requirements establish a higher minimum yard size, in which case the district requirements shall be the minimum. In either case, the Planning Commission shall have the authority to impose a higher minimum yard size as an additional condition.
- C. Height. Shall be in accordance with district requirements, except for telephone relay towers, transmitting stations and towers, and similar communication tower, which shall be required to comply with FAA and FCC height requirements. However, in no case shall any building exceed a height equal to the dimension of its least yard dimension.
- D. Lot Coverage. Lot coverage shall never exceed twenty-five (25) percent. Due to the nature of some conditional uses and their impact on the visual environment, additional regulations may be found elsewhere in this LDC to control for their intensity or dispersion.
- E. Fence or Screen. When in or abutting a residential district, all buildings or structures non-residential in use or nature shall be screened with a screen or fence with a density of not less than eighty (80) percent and at least five (5) feet in height.
- F. Signage. There shall be no more than one (1) illuminated, non-animated, accessory sign of not more than ten (10) square feet.

- G. Parking. Off-street parking and loading shall be in accordance with the requirements of this LDC.
- H. Ingress and Egress. Shall be approved by the Planning Commission based on a report from the Administrator.

### **2.8.9 Requirements for Group III Uses**

- A. Purpose. Group III Uses tend to have a unique characteristic and the potential to produce nuisance impacts such as light glare, noise, litter, traffic, etc., on sites that are sometimes used quite intensively. It is intended that careful consideration be given to potential off-site impacts and steps be taken to minimize any potential degradation of the neighborhood character and environment.
- B. Setback. No building or use of land shall be permitted within two hundred (200) feet of a lot line, unless the district requirements establish a higher minimum yard size, in which case the district requirements shall be the minimum. Notwithstanding the preceding sentence, automobile parking areas may be permitted up to ten (10) feet from the lot line unless the district requirements establish a higher minimum yard size, in which case the district requirements shall be the minimum. In any of these cases, the Planning Commission and the County Commissioners shall have the authority to impose a higher minimum yard size as an additional condition.
- C. Height. Shall be in accordance with district requirements; however, in no case shall any building exceed a height equal to the dimension of its least yard dimension.
- D. Lot Coverage. Lot coverage shall never exceed thirty (30) percent. Due to the nature of some conditional uses and their impact on the visual environment, additional regulations may be found elsewhere in this LDC to control for their intensity or dispersion.
- E. Fence or Screen. When in or abutting a residential district, all buildings or structures non-residential in use or nature shall be screened with a screen or fence with a density of not less than eighty (80) percent and at least five (5) feet in height.
- F. Signage. There shall be no more than one (1) illuminated, non-animated, accessory sign of not more than twelve (12) square feet.
- G. Parking. Off-street parking and loading shall be in accordance with the requirements of this LDC.
- H. Ingress and Egress. Shall be approved by the Planning Commission based on a report from the Administrator but shall not be located on a local residential street.

### **2.8.10 Requirements for Group IV Conditional Uses**

- A. Purpose. Group IV Uses are basically industrial operations which frequently generate hazardous or intense nuisance factors. The Planning Commission shall have the responsibility to provide for such uses where feasible, but also to control, mitigate, or eliminate those attributes of such uses as are deemed hazardous or detrimental to the community's health, safety and general welfare through site location, environmental buffering, technological reduction or elimination of hazardous emissions or other detrimental attributes, and appropriate monitoring of potential nuisance factors.

- B. **Setback.** No building or use of land shall be permitted within two hundred (200) feet of a lot line, unless the district requirements establish a higher minimum yard size, in which case the district requirements shall be the minimum. In either case, the Planning Commission and the County Commissioners shall have the authority to impose a higher minimum yard size as an additional condition.
- C. **Height.** Shall be in accordance with district requirements; however, in no case shall any building exceed a height equal to the dimension of its least yard dimension.
- D. **Lot Coverage.** Lot coverage shall never exceed seventy-five (75) percent. Due to the nature of some conditional uses and their impact on the visual environment, additional regulations may be found elsewhere in this LDC to control for their intensity or dispersion.
- E. **Fence or Screen.** Any storage or accumulation of waste, scrap, junk, trash or similar materials shall not be permitted on open ground unless in an area enclosed by a fence or screen of one hundred (100) percent density and at least six (6) feet in height.
- F. **Signage.** Signs and off-street parking and loading shall be in accordance with the requirements of this LDC.
- G. **Ingress and Egress.** Shall be approved by the Planning Commission based on a report from the Administrator but shall not be located on a local residential street.
- H. **Explosives.** If explosives are used, the production or storage, other than the transshipment of explosives or use of explosives for study and research purposes - - shall not be permitted within one thousand five hundred (1,500) feet of adjoining property or within two thousand six hundred forty (2,640) feet of a residential district. As used in this section, explosives includes Class A explosives, those materials which possess detonating or other maximum hazard, such as dynamite, desensitized nitroglycerin, lead azide, mercury fulminate, black powder, blasting caps, and detonating primers; Class B explosives, those materials possessing flammability hazards such as propellants, including smokeless propellants and photographic flash powders; and Class C explosives which contain limited amounts of Class A or B explosives. Explosives do not include what are commonly called fireworks. Explosives do not include amounts of thirty (30) pounds or less of black powder, primers, and smokeless propellants which are kept for personal use.
- I. **Flammable Liquids.** All production, handling, or storage in bulk shall be in compliance with all appropriate federal, state, and county laws, Ordinances, and regulations, and, in addition, shall never be located with one thousand (1,000) feet of any residential district.
- J. **Toxic Gases.** Toxic gases shall be located based on their weights relative to the normal atmosphere in the immediate vicinity. Gases lighter than air shall be located in an area with a greater elevation than the surrounding area. However, in no case shall toxic gasses be produced, handled, or stored within two thousand six hundred forty (2,640) feet of a residential district. Furthermore, such uses shall be located so that the prevailing winds would carry such gases away from the areas with the greatest concentration of people.

## 2.9 PRELIMINARY CONCEPT PLANS

### 2.9.1 Applicability

- A. In connection with an application for Planned Development or rezoning, an applicant shall prepare and submit a Preliminary Concept Plan for approval.
- B. A Preliminary Concept Plan also shall be required prior to any subdivision of property affecting only a portion of one or more adjoining tracts owned by the same owner.
- C. For property zoned LB, RB, LI and HI, a Preliminary Concept Plan shall be required prior to the granting of any conditional use permit or approval for subdivision.

### 2.9.2 Application for Approval

- A. Pre-application meeting
  - (1) A party with a legitimate interest in a property may arrange a meeting with the Planning Administrator to discuss the requirements for filing for approval of a Preliminary Concept Plan.
  - (2) At such meeting, the Planning Administrator shall review the requirements for Preliminary Concept Plans and shall assist the party in determining whether there will be a need to file any related applications (e.g. Comprehensive Plan Amendments, Zoning Map Amendment, Conditional Use Permit, or Variance). The Planning Administrator shall also assist the party in determining submittal requirements.
  - (3) The Planning Administrator shall discuss the uses permitted in the current and/or proposed zoning district as well as the requirements with regards to lot size, lot coverage, setback, and other area dimensions. For developments in Districts LB, RB, LI and HI, the Planning Administrator shall also discuss regulations covering signage and parking space requirements for the proposed uses.
  - (4) The Planning Administrator shall provide the applicant with blank copies of the Land Evaluation and Site Assessment form if applicable.
- B. Filing. No sooner than 7 working days after the pre-application meeting, the applicant may file an application for approval of a Preliminary Concept Plan or for approval of an Amended Preliminary Concept Plan. Such application shall not be deemed to be filed until the application is complete. Such application shall not be deemed to be complete until the date that all requirements of this subsection are met and the application is:
  - (1) Completed in full on the form established by the Planning Administrator;
  - (2) Accompanied by a filing fee in the amount established by the County Commission;
  - (3) Includes all information required by the application and this LDC;
  - (4) Accompanied by a list of all owners of record by name and last known address of all property located within 1,000 feet of the boundary of the tract or tracts covered by the application; and
  - (5) Accompanied by related applications identified by the Planning Administrator in the pre-application meeting.

- C. Contents. All applications shall be accompanied by the following information:
- (1) General Requirements
    - (a) Names and addresses of the record owner, developer, and/or land planner;
    - (b) A layout of the entire proposed subdivision and its relationship to adjacent property, existing development, and recorded maps;
    - (c) Legal description of the property;
    - (d) Approximate boundaries and time of proposed phases of development;
    - (e) Proposed land use and zoning showing compatibility with the Comprehensive Plan;
    - (f) Proposed number of dwelling units and gross density of each type of residence;
    - (g) For non-residential parcels, the proposed floor area of each building;
    - (h) Proposed and existing arterial, collector, and local streets serving the area of the subdivision;
    - (i) Location of sites for parks, schools, and other public uses, and all areas of common ownership;
    - (j) Approximate boundaries of lots within the subdivision;
    - (k) Significant hydrological features and structures including any 100-year floodplains, floodways, and wetlands;
    - (l) Significant man-made features such as railroads, buildings, utilities, and drainage structures;
    - (m) Proposed water and sewer service; and
    - (n) Identification of known exceptional topographical, cultural, historical, archeological, hydrological, or any other physical condition of the property to be developed or within 100 feet on an adjacent parcel.
  - D. Additional Requirements applicable to LB, RB, LI and HI (and to multi-family dwellings in RB)
    - (1) Locations and square footage of proposed buildings;
    - (2) Uses of proposed buildings;
    - (3) Restrictions or design features ensuring compatibility with adjacent development including fencing and/or other buffering; and
    - (4) Map drawn to approximate scale showing locations and setbacks of buildings and locations and sizes of parking area and driveway layout.

### **2.9.3 Public Notice and Hearing**

No action shall be taken before a hearing has been conducted by the Planning Commission for which sufficient notice has been given by Planning Commission. At the very least, such notice shall comply with the provisions of Chapter 64 and Chapter 610 of the Revised Statutes of Missouri. Furthermore, such notice shall be mailed to the last known address of all owners of property located within 1,000 feet of the boundary of any tract or tracts covered by the proposed change.

#### **2.9.4 Sign announcing pending change**

- A. Upon receipt of an application, the Planning Administrator shall provide one or more signs to the applicant to be placed upon the tract or tracts for which the Preliminary Concept Plan is being considered. Such signs shall, at a minimum, state that an application for approval of a Preliminary Concept Plan has been filed and that further information may be obtained from the Planning Administrator.
- B. The sign shall be installed by the applicant in a location adjacent to and clearly visible from a public street at least fifteen days prior to the date of the hearing before the Planning Commission and shall remain in place until the application has been finally resolved.
- C. The sign shall be the property of the Lafayette County Planning Office and shall be returned to the Planning Office after the application has been finally resolved.
- D. The placement of such sign is for the convenience and information of the public and the absence, through no fault of the applicant, of such sign during part of the specified period of time shall in no way impair or nullify proceedings on the action being considered.

#### **2.9.5 Concept Plan Approval Criteria**

Action on a Preliminary Concept plan shall be based on the following criteria:

- A. Consistency with the comprehensive plan;
- B. Compliance with applicable development regulations;
- C. Adequacy of infrastructure to serve existing, already approved and proposed development;
- D. Achievement of a passing LESA score, if applicable and
- E. Compatibility with existing and planned land uses on adjacent land.

#### **2.9.6 Infrastructure Upgrades**

If a passing score is based on upgrades to existing infrastructure proposed by the applicant, the applicant shall submit a development agreement in a form acceptable to Lafayette County in which the applicant commits to completing the proposed upgrades concurrently with demands for the infrastructure. For agreements involving proposed subdivisions, appropriate security for the improvements shall be provided to the County Commissioners at the time that a final plat is submitted to the County Commissioners. If an agreement does not involve a proposed subdivision, appropriate security for the improvements shall be provided to the County Commissioners at the time that the Final Development Plan is submitted to the County Commissioners.

#### **2.9.7 Effect of Approval**

- A. If neither an amendment to the zoning map nor a conditional use permit is required, a Preliminary Concept Plan becomes effective upon approval by the Planning Commission.
- B. If an amendment to the zoning map is required, but no conditional use permit is required, a Preliminary Concept Plan becomes effective upon approval of the amendment to the zoning map and the Preliminary Concept Plan by the County Commissioners.

- C. If a conditional use permit is required, a Preliminary Concept Plan becomes effective upon approval of the conditional use permit.
- D. If the amendment to the zoning map is denied by the County Commissioners or the conditional use permit is denied, the approval of the Preliminary Concept Plan by the Planning Commission shall be null and void.
- E. Approval of the Preliminary Concept Plan shall constitute permission to submit a Preliminary Plat within 18 months of the effective date of the approval of the Preliminary Concept Plan or to submit a Site Plan within 24 months of the Preliminary Concept Plan.

### **2.9.8 Amendment**

Prior to the approval of a final plat or Site Plan, if major changes to the Preliminary Concept Plan as defined by this LDC are required, the applicant shall file an application for approval of a new Preliminary Concept Plan. Such an application shall be reviewed as if it were a new application and shall fully comply with the requirements of this LDC.

## **2.10 SUBDIVISION**

### **2.10.1 General Provisions**

- A. Required
  - (1) No lot, parcel, or tract of land located within the unincorporated area of Lafayette County may be subdivided or divided without a plat being approved by the County Commissioners, except as otherwise authorized in this LDC, and recorded by the Recorder of Deeds.
  - (2) No lots shall be sold within any subdivision prior to all necessary improvements, such as streets, water and sewer when applicable, having been completed to a degree that would allow such lots to be used for their intended purpose.
- B. Best Use of Land. All proposed plats shall be reviewed by the Planning Administrator and County Commissioners to determine if the proposed plat makes the best use of land. In determining whether a plat makes the best use of the land, the County shall consider:
  - (1) Whether the proposed lots can be safely used for building purposes without danger to health or peril from fire, flood, or other menace;
  - (2) Whether the proposed lots conform with the zoning regulations for the district in which the land is found;
  - (3) Whether the proposed plat makes provision for drainage, water, sewers, and capital improvements such as school, parks, recreation facilities, transportation facilities, roads, and other improvements;
  - (4) Whether the design of the plat is consistent with potential future subdivision of the lots located within the plat and neighboring property; and
  - (5) Whether subdivision of the land is consistent with the orderly development and growth of the County pursuant to the Comprehensive Plan.

### 2.10.2 Platting Procedures

- A. Preliminary Concept Plan, When Required. For all subdivisions, excluding subdivisions in the AG District, no application for approval of a Preliminary Plat shall be filed prior to the approval of a Preliminary Concept Plan by the Planning Commission. An application for approval of a Preliminary Plat may only be filed during the eighteen-month period following the approval of the Preliminary Concept Plan unless the Preliminary Concept Plan proposes developing the project in phases and the application is consistent with the approved phasing plan. For a phased development, only the first phase needs to be filed in that first eighteen-month period.
- B. For all subdivisions or divisions within the AG District, the subdivider should submit to the Planning Administrator, an original and three (3) copies of a signed statement containing the legal description of all lots within the subdivision. For all subdivisions within the AG District for which an exception or variance to the minimum lot size requirements (20 acres) for that district is being sought, the original and three copies of a map of a survey of the subdivision and the original and three copies a signed statement containing the legal description of all lots within the subdivision shall be submitted. If the Planning Administrator finds that the proposed subdivision meets the requirements for subdivisions within the Agricultural District or the Board of Zoning Appeals grants an exception or variance to the applicant, the Planning Administrator shall complete a waiver of plat and make three copies thereof. The original and two copies of the waiver of plat, the signed statement containing the legal description of the lots, and any survey required shall be returned to the applicant with the Planning Administrator keeping one copy. Upon receipt of the waiver of plat, the applicant shall cause the original and one copy of the waiver of plat, the signed statement, and any survey required to be recorded in the Office of the Recorder of Deeds of Lafayette County. If the Planning Administrator finds that the proposed subdivision does not meet the requirements for subdivisions within the Agricultural District, the Planning Administrator shall return the original and two copies of the signed statement to the applicant along with a letter setting forth the reasons for rejecting the proposed subdivision and notifying the applicant of their right to appeal the decision to the Board of Zoning Appeals or seek a variance from the Board of Zoning Appeals.
- C. Compliance with Preliminary Concept Plan Required. For all subdivision for which the approval of the County Commissioners is required, the subdivider shall file a preliminary plat with the Planning Commission which is in substantial compliance with the preliminary concept plan (if applicable) and with the provisions of this LDC:
- (1) The subdivider shall prepare and submit a minimum of six (6) copies of a preliminary plat.
  - (2) The preliminary plat shall be accompanied by a fee established by the County Commissioners.
- D. Upon receipt of the preliminary plat,
- (1) The Administrator shall cause said plat to be advertised as an agenda item in a county newspaper;
  - (2) The Administrator shall review the plat to determine whether it is in compliance with all applicable provisions of these Regulations.

- (3) The Administrator shall forward a copy of the preliminary plat to the County Health Department, the appropriate Water District, the appropriate Road District, and the Missouri Department of Transportation (or successor agencies). The Administrator may forward a copy of the preliminary plat to other political subdivisions (e.g. school districts, municipalities) as deemed appropriate.
- E. At the first business meeting of the Planning Commission more than thirty-five days after the receipt of the preliminary plat, the Planning Commission shall review the preliminary plat. At the discretion of the Planning Commission, a preliminary plat may be considered at an earlier date if all comments have been received back from the relevant utilities, road districts, Lafayette County Health Department, Missouri Department of Natural Resources, and Missouri Department of Transportation, if applicable. No preliminary plat shall be considered, however, until the application is complete and includes all applicable information required in this LDC. If the proposed plat makes the best use of the land covered by the plat, the plat shall be approved. If not the proposed plat shall be disapproved. The decision of the Planning Commission shall be forwarded in writing to the subdivider within ten (10) days of the decision of the Planning Commission.
- (1) If the plat is disapproved, the notice shall include the reason for such action and any changes necessary to gain the approval of the Planning Commission for the plat.
  - (2) If the preliminary plat is approved, the applicant may proceed with the submission of a final plat. The final plat must be in substantial compliance with the preliminary concept plan (if applicable) and with the preliminary plat. The final plat must be submitted within one (1) year of the approval of the preliminary plat unless an extension is granted by the Planning Commission. If a final plat is not submitted within that time, the preliminary plat must be re-submitted. Approval of the preliminary plat does not constitute final acceptance of the subdivision.
  - (3) If infrastructure improvements are required as part of the Preliminary Plat, prior to submission of the Final Plat, the applicant must first obtain approval from the County Commissioners as to the form and amount of bond required to guarantee the construction of such improvements.
- F. For final approval, the subdivider shall file an original and twelve (12) copies of a final plat with the Planning Administrator. In addition, the subdivider shall post a performance bond in a form and amount approved by the County Commissioners which is sufficient to assure completion of all proposed improvements. Furthermore, if requested by the Planning Commission, an overlay shall be included showing how the subdivision could be resubdivided into smaller lots by future owners. This plat shall be reviewed at the first business meeting of the Planning Commission more than ten (10) days after the submission of the plats and performance bond and approval of the bond by the County Commissioners. If no bond is required, at the discretion of the Planning Commission, a final plat may be considered at an earlier date. No final plat shall be considered, however, until the application is complete and includes all applicable information required in this LDC.
- G. Unless an extension is granted by the subdivider, a final decision on the plat shall be made by the Planning Commission within thirty days of the review of the final plat. If no decision is made within that time period, the final plat shall be deemed approved by the Planning Commission. If

approved, the original and two copies of the plat shall be signed by the Chairperson and Secretary of the Planning Commission and forwarded to the County Commissioners. Along with the approved plat, the Planning Administrator shall forward the performance bond and a letter stating that the plats have been approved.

- H. Unless an extension is granted by the subdivider, within thirty days of its receipt from the Planning Commission, the final plat shall be reviewed by the County Commissioners. If no decision is made within that time period, the final plat shall be deemed approved. If the County Commissioners approves the final plat, the bond shall be filed with the County Clerk, and the Presiding Commissioner shall sign the original and two copies which were forwarded by the Planning Commission. Those copies shall be returned to the Planning Administrator who shall forward them to the subdivider. The subdivider shall cause the original and one of the two signed copies to be recorded in the Office of the Recorder of Deeds of Lafayette County. Until the plat is properly recorded, the plat shall not be in full force and effect and no lots may be sold.
- I. Upon receiving confirmation that the plat has been properly recorded from the subdivider, the Planning Administrator shall distribute the remaining copies of the plat as follows:
  - (1) To the County Assessor, 1 copy
  - (2) To each utility serving the subdivision, 1 copy
  - (3) To the road district serving the subdivision, 1 copy
  - (4) To the school district serving the subdivision, 1 copy
  - (5) To the Planning Administrator Office, 1 copy.
- J. The Planning Administrator shall keep the overlay which accompanied the final plat as part of the records of the Planning Commission.
- K. After the plat has been duly recorded, the subdivider is authorized to proceed with the installation and construction of required improvements, subject to the acquisition of all required permits.
- L. The County shall return the performance bond, excluding any portion which is subject to the requirements of this LDC, to the subdivider upon certification by the Planning Administrator that the installation and construction of all required improvements has been completed to the satisfaction of the Administrator. Unless waived in writing by the Planning Administrator, the subdivider shall file plans, profiles, and cross-sections of the required improvements as they have been built. Nothing in this section shall be deemed to affect the provisions relating to performance bonds for roads as otherwise set forth in this LDC.

### **2.10.3 Plat Content**

- A. Preliminary Plat Content
  - (1) All preliminary plats shall be drawn to scale on a sheet size acceptable to the Administrator. The drawing shall be based on a survey conducted by a registered surveyor who shall certify that the plat meets Missouri minimum requirements for surveys. A scale of one inch equals 100 feet or larger is preferred.

- (2) The preliminary plat shall be clearly marked Preliminary Plat and shall include the name of the proposed subdivision and, if different, the title under which the plat is to be recorded.
- (3) The plat shall include the name and address of the owner and the name, address, and profession of the person preparing the plat. The plat shall also include the date on which it was prepared and the date of the survey on which the plat is based.
- (4) The subdivider shall attach to the plat a legal description of the land being platted and a copy of the title policy, verifying current title, easements, lines, etc, or a certificate for release of mortgage by all parties having any title interest in the land consenting to the preparation of the plat, and a certificate that all taxes against the property have been paid in full.
- (5) The plat shall include a key map showing the location of the proposed subdivision in relation to surrounding developments. The subdivider shall attach to the plat the names and location of adjacent subdivisions, the location of adjoining parcels of unplatted land, all development within three hundred (300) feet of the proposed plat, and the name of all record owners with such subdivisions, developments, and unplatted land.
- (6) The subdivider shall attach to the plat the zoning classification of all land within the plat, the proposed use of the area being platted, and any restrictions or covenants proposed to be included in the owner's declaration of plat.
- (7) The subdivider shall attach to the plat a written and signed statement explaining how and when the subdivider proposes to provide and install all required sewers or other systems for the disposal of sanitary wastes, pavement, and drainage structures.
- (8) The subdivider shall attach to the plat written and signed approval from the Department of Natural Resources stating their approval of the type of sewer system to be used or their recommendations.
- (9) The subdivider shall also attach written statements from the utilities which would be providing gas, electricity, and water to the subdivision of the availability of those utilities.
- (10) The plat shall include a graphic scale, north point, the boundary line (based on a survey accurately drawn to scale verifying corner pins in place, the dimensions and location of the property to be platted, the location of section or quarter section lines, and the location and description of all section corners and permanent survey monuments in or near the plat, which shall be referred with the plat boundary dimensioned in feet to the nearest 1/100th of a foot.
- (11) The plat shall show contours with intervals of not more than five feet (which may be interpolated from U.S.G.S. topographical datum), the 100-year high water line, and the location and width of all drainage ways; and any flood plain.
- (12) The plat shall show the location of existing property lines, streets, alleys, bridges, culverts, easements, public property, buildings, utilities (pipe sizes, manholes, grades, etc.), water courses, tree masses, ground covers, lakes, and other existing features or public facilities within or adjacent to the proposed subdivision. The plat shall also show how proposed improvements within the subdivision relate to these existing improvements.

- (13) The plat shall show the layout, number, and approximate dimensions of proposed lots including existing and proposed building lines and easements.
- (14) The plat shall show the location, width and dimensions of all existing and proposed streets (including names for the proposed streets), alleys, pedestrian ways, and grounds proposed to be dedicated for parks, schools, or any other public or semi-public uses, including any right-of-ways reserved for possible future dedication.

B. Final Plat Content

- (1) The final plat shall be drawn in ink on mylar or equivalent reproducible material to a scale no smaller than one inch equals 100 feet (1=100') from an accurate survey on a sheet whose overall dimensions are twenty-four inches by thirty-six inches or as approved by the Administrator. The plat shall include the location of all survey monuments and benchmarks together with their description. All survey data must be certified by a registered surveyor that the plat meets Missouri minimum requirements for survey and referenced to sections or fractional section corners or survey corners and showing in dotted lines, the lines of immediate adjacent streets and alleys with their widths and names.
- (2) The final plat shall include the correct legal description of the property being subdivided, the name of the subdivision, the name of the owner(s) and/or subdividers, the date that the plat was drawn, the date of the survey on which the plat is based, the scale of the plat, and a north arrow.
- (3) The final plat shall include all private restrictions, covenants, and trusteeships. If the restrictions, covenants, and trusteeships are of such length as to make their inclusion on the plat impracticable, a separate instrument shall be prepared and referred to on the plat.
- (4) The final plat shall include the boundary lines of the area being subdivided with accurate distances and angles.
- (5) The final plat shall include all proposed highways, streets, and alleys with the following information: a) their names, b) their lines and widths, c) grades and change in grades, d) the radii, arcs, cords, points of tangency, and central angles for all curvilinear streets and radii for rounded corners; and e) the lines of departure of one street from another.
- (6) The final plat shall include the lines of all adjoining property and the lines of the adjoining highways, streets, and alleys with their width and their names.
- (7) All lots shall be designated on the final plat by number or letter. All streets, avenues, and other grounds shall be designated on the final plat by name, number, or letter.
- (8) The final plat shall note the location and widths of building lines of front yards, the location and widths of utility easements for possible future construction, and the location and width of easements for drainage purposes.
- (9) The final plat shall include the accurate outline and boundaries of all lots and properties including any portion of the subdivision intended to be dedicated or granted to public use. The final plat shall include all dimensions both angular and linear necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other areas for

public or private use, including any flood plain. Linear dimensions are to be given to the nearest hundredth of a foot. Angular dimensions are to be given to the nearest hundredth of a degree.

- (10) The final plat shall include, as applicable, an acknowledgment by the owner of the plat and restrictions including the dedication to public use of all streets, alleys, parks, or other open spaces shown thereon and the granting of easements required, and may include all right-of-ways reserved for possible future dedication.
- (11) The subdivider shall include on the final plat the following certificates, as applicable:
  - (a) A signed and notarized acknowledgment of ownership by the owner(s) to the effect that all previous taxes have been paid and that all highways, streets, alleys, and public grounds shown on the plat are dedicated to public use;
  - (b) A signed statement by a licensed land surveyor certifying that he/she has accurately surveyed such subdivision and the correct location of all monuments shown, and that all lots, blocks, highways, streets, avenues, alleys, public ways and grounds, and other grounds are well and accurately staked off and marked;
  - (c) A certificate to be witnessed by the Chair and Secretary of the Planning Commission noting the Planning Commission's approval of the final plat;
  - (d) A certificate to be witnessed by the Presiding Commissioner and the County Clerk noting the County Commission's approval of the final plat;
  - (e) A certificate to be witnessed by the Office of the Recorder of Deeds noting the day, month, year, time, book, and page that the plat was recorded.

#### **2.10.4 Minor Subdivision**

##### **A. Purpose and Applicability**

The minor subdivision process is intended to establish an administrative approval process to facilitate divisions of land that do not require public review due to their small scale and limited impact on adjacent development or public facilities.

##### **B. Minor Subdivisions Defined**

- (1) Lot splits or resubdivision of one or more Parcels into not more than two (2) lots that:
  - (a) Are intended for single family residential or agricultural use;
  - (b) Are adjacent to public right-of-way;
  - (c) Do not require the dedication or construction of a public or private street;
  - (d) Do not involve the extension of water or sewer lines by more than 500 feet;
  - (e) Do not adversely affect the remainder of the parcel or adjoining the property;
  - (f) Are not in conflict with the Comprehensive Plan or zoning regulations; and
  - (g) Do not result in the cumulative creation through more than one minor subdivisions or more than three (3) Lots.
- (2) The consolidation of existing parcels or tracts; or

- (3) Modification of plats to reflect the dedication of rights-of-way or easements.

C. Approval Process

- (1) The Applicant shall submit an application for a Minor Subdivision containing one (1) copy of a Preliminary Plat and one (1) copy of a Final Plat to the Planning Administrator, who shall approve or disapprove in accordance with the provisions of this LDC.
- (2) Either the Planning Administrator or the Applicant may at any time refer the application to the standard subdivision approval process.
- (3) The Planning Administrator shall approve the proposed minor subdivision unless the subdivision fails to comply with any applicable requirement of this UDO.
- (4) If the subdivision is disapproved, the Planning Administrator shall furnish the Applicant with a written statement of the reasons for disapproval.
- (5) Approval of a Minor Subdivision Final Plat is contingent upon the Plat being promptly recorded after the Final Plat is signed by the Planning Administrator.

## **2.11 CHANGES BETWEEN CONCEPT PLAN, PRELIMINARY PLAT, FINAL PLAT, SITE PLAN**

### **2.11.1 Compliance with Preliminary Concept Plan Required**

Applications for approval of a preliminary plat, a final plat, or site plan are conditioned upon the preliminary plat, final plat or site plan being in substantial compliance with the preliminary concept plan. A preliminary plat, final plat, or site plan is in substantial compliance with the preliminary concept plan only if all changes from the preliminary concept plan are minor changes. A preliminary plat, final plat, or site plan is not in substantial compliance with the preliminary concept plan if there are major changes.

### **2.11.2 Minor Changes Defined**

Minor changes are changes that do not alter the overall characteristics of the total preliminary concept plan and that create no adverse impacts on adjacent uses or public services or facilities. The following changes are considered to be minor changes:

- A. Changes in location and type of landscaping and/or screening so long as the approved character and intent is maintained;
- B. Changes in the orientation of portions of parking areas so long as the effectiveness of the overall site circulation and parking is maintained; however, parking areas may not be relocated to within twenty (20) feet of any residential structure or within ten (10) feet of any street or right-of-way and the number of parking spaces may not be changed by more than five percent (5%);
- C. Changes in the location of sidewalks and pathways, provided that continuity of pedestrian circulation remains;
- D. The reorientation of buildings provided that the total floor area and the area of the footprint of the building are not altered by more than ten percent (10%) and that the size of the smallest yard is not altered by more than (10%);
- E. Any decrease in the number of lots in the subdivision;
- F. Any increase in the number of lots in a subdivision greater than five percent (5%); and

- G. Any change in interior roads that alters the percentage of lots served by interior roads by more than five percent (5%);

### **2.11.3 Major Changes Defined**

The following changes are considered to be major changes requiring the submission of an amended preliminary concept plan:

- A. Any change in the permitted uses on the property;
- B. For properties requiring a site plan, any increase in the total lot coverage by structures on the property;
- C. Any change in uses which would increase demand for traffic circulation, public utilities, or the minimum number of required parking spaces;
- D. Any decrease by more than five percent (5%) in the amount of open space;
- E. Any decrease in pavement and sidewalk widths; and
- F. Any change not defined as a minor change in this Chapter.

## **2.12 PLAT AMENDMENT**

This section provides a streamlined and efficient process for the adjustment of platted parcels. The County does not require extensive platting for every division of land otherwise within the scope of subdivision enabling legislation.

### **2.12.1 Applicability**

A plat may be amended, and the Planning Administrator may issue an amending plat, if the amending plat is signed by the Applicants only and is solely for one or more of the following purposes:

- A. To correct an error in a course or distance shown on the preceding plat;
- B. To add a course or distance that was omitted on the preceding plat;
- C. To correct an error in a real property description shown on the preceding plat;
- D. To indicate monuments set after the death, disability, or retirement from practice of the professional engineer or surveyor responsible for setting monuments;
- E. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- F. To correct any other type of clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- G. To correct an error in courses and distances of lot lines between two adjacent lots if:
  - (1) Both lot owners join in the application for amending the plat,
  - (2) Neither lot is abolished,

- (3) The amendment does not attempt to remove recorded covenants or restrictions, and
  - (4) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- H. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- I. To relocate one or more lot lines between one or more adjacent lots if:
- (1) The owners of all those lots join in the application for amending the plat,
  - (2) The amendment does not attempt to remove recorded covenants or restrictions, and
  - (3) The amendment does not increase the number of lots.

### 2.12.2 Initiation

An Applicant wishing to amend an approved plat shall file with the Planning Administrator the amending plat, together with a copy of the plat being amended and a statement detailing the amendments being proposed. The Planning Administrator will determine the extent to which the amending plat will require review by the various departments and agencies of the County. If the plat being amended has been recorded, the additional recordation fee shall be deposited with the Planning Administrator at the time of plat filing.

### 2.12.3 Decision

Notice, a hearing, and the approval of all lot owners within the plat are required for the approval and issuance of an amending plat. The amending plat shall be processed by the Planning Administrator. If the plat being amended has been recorded, the amending plat shall be clearly marked as follows:

*Amending plat of (\_\_\_\_ [PLAT NUMBER] and \_\_\_\_ [NAME]). This plat amends the plat previously recorded in the plat and deed records of Jackson, Volume \_\_\_\_, Page \_\_\_\_\_. This plat includes amendments approved by the Planning Administrator.*

### 2.12.4 Approval Criteria

The amending plat shall be approved unless it is inconsistent with any of the criteria set forth herein. The amending plat shall not be approved if it does not comply with any of the criteria set forth in herein.

### 2.12.5 Recording Procedures

The amending plat may be recorded as provided in this chapter. Once recorded, the amending plat is controlling over the preceding plat without vacation of that plat.

## 2.13 BOUNDARY LINE ADJUSTMENT

### 2.13.1 Purpose

This section provides a streamlined and efficient process for the adjustment of unplatted lot or tract lines between existing legal, or nonconforming properties. A property boundary adjustment does not vacate the platted lot lines of a recorded subdivision.

### 2.13.2 Applicability

These regulations apply to pre-existing lots and tracts in Lafayette County.

### 2.13.3 Process

- A. Application. An application and fees, as set forth in this ordinance, shall be submitted to the Planning Administrator on forms provided by the Planning Department.
- B. Application Requirements. The applicant or owner complete the following tasks:
  - (1) Cause the property to be surveyed and a record of survey prepared for recording, at the discretion of the Planning Administrator; and
  - (2) Prepare the necessary deeds to accomplish the property boundary adjustments as proposed.
- C. Approval. Upon determination by the Planning Administrator that the final property boundary adjustment is in conformance with this ordinance, the Planning Administrator shall issue a Waiver of Plat stating that the property boundary adjustment has received final approval.

### 2.13.4 Standards

- A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this LDC including regulations for individual wastewater treatment systems.
- B. The property boundary adjustment shall not create any additional building lot, tract, parcel, building site or division nor create any building lot, tract, parcel, building site or division which contains insufficient area and dimension to meet minimum requirements for a building site.
- C. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.
- D. If one or more of the properties is nonconforming as to the minimum lot size or dimensional standards prescribed by this LDC; the property boundary adjustment shall not increase the nonconformity.
- E. One or more adjustments may be made so long as the cumulative reduction in lot size is not reduced below 75% of the minimum size requirements for the applicable zone. However, a lot may be reduced further if each lot involved in the adjustment is averaged to a substantially similar size, provided that reduction of lot size would not result in the need for a variance from other county ordinance requirements.
- F. Only parcels that are legal lots of record, created pursuant to this LDC, and also qualify as building sites shall be allowed to complete the boundary lot adjustment process.
- G. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.

### 2.13.5 Binding Covenant

The boundary adjustment survey and conveyance document shall contain a binding covenant that the land being conveyed is for the sole purpose of adjusting the boundary line between parcels and is not to be sold or transferred as a separate parcel by the grantee, heirs and assigns.

### 2.13.6 Required Findings

In order to approve the application, the Planning Administrator shall find that the proposed property boundary adjustment complies with the standards below:

- A. The property boundary adjustment does not reduce the property size below the minimum dimensional standards prescribed by this LDC including regulations for individual wastewater treatment systems and wells as required by this Ordinance;
- B. The property boundary adjustment does not further increase the nonconformity of any nonconforming property;
- C. The property boundary adjustment does not diminish the minimum dimensional standards prescribed by this LDC or create a nonconforming property;
- D. The property boundary adjustment does not create any additional building lot, tract, parcel, building site or division;
- E. The property boundary adjustment did not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner;
- F. The property boundary adjustment did not constitute a relocation of a property; and
- G. For platted lots, the property boundary adjustment was in substantial conformance to the recorded plat, in terms of plan notes, setbacks, minimum lot sizes, easements, or any other specific plan requirement.

## 2.14 PLANNED DEVELOPMENT

### 2.14.1 Approval Process

- A. The general approval process for the creation of a PD involves concurrent zoning map amendments and subdivision of land. PDs may involve a mix of uses and permit the development and application of flexible development standards that deviate from the specific standards in other zoning districts, but which are consistent with the spirit and intent of this LDC and protect public health, safety and welfare.

### 2.14.2 Preliminary Plan

- A. The application shall be completed on a form established by the Planning Administrator. At the time of filing, the applicant shall pay a fee in an amount established by the County Commissioners.
- B. At the time of filing, the applicant shall submit an original and ten (10) copies of a preliminary plan for the proposed development. This preliminary plan shall show the development tract and abutting property lying within three hundred feet of the proposed development drawn to a scale of not less than 100 feet to the inch.
  - (1) The preliminary plan shall include the name of the proposed development (which should also be the name of the proposed subdivision), a legal description of the property, names and addresses of the developer, surveyor, and any other person involved in the

- development, the date of the survey on which the plan is based, and the date of preparation of the plan.
- (2) The preliminary plan shall include the north point and scale and shall show the existing conditions in the plan, including all utilities, bridges, streets, alleys, drives, and existing structures. The plan shall also show existing grades and contours (along with any proposed changes) with contour intervals not to exceed five feet and all existing water courses, wooded areas, lakes, ravines, and other relevant features.
  - (3) The preliminary plan shall show the location of all proposed buildings, streets, parking facilities, signs, landscaped buffer strips, fences, screens, open places, and other facilities applicable to the nature of the development. All buildings and uses shall be clearly labeled as to proposed use.
- C. The preliminary plan shall be accompanied by a written text describing the proposed uses and buildings.
  - D. Notice shall be given by publication in an appropriate newspaper at least fifteen days before the public hearing on the proposed planned group development. If the proposal requires rezoning, all applicable notice requirements for rezoning shall be followed as well.
  - E. Within forty-five days of the public hearing, the Planning Commission shall approve or disapprove the preliminary plan. If no decision is made within that time period, the preliminary plan shall be deemed approved unless the applicant agrees to extend that time period. In approving the preliminary plan, the Planning Commission may add additional restrictions or conditions where deemed reasonable or necessary. In considering the plan, the Planning Commission shall determine whether the lots on the current plat for the development correspond to the proposed development. If no re-platting is necessary under the approved plan, the Planning Commission shall in its determination expressly state that no new plat shall be required.

### 2.14.3 Final Plan

- A. If the preliminary plan is approved, the applicant may then submit a final plan that conforms with all additional requirements made by the Planning Commission in approving the preliminary plan. Unless the Planning Commission in its approval of the preliminary plan expressly stated that no new plat was required, the final plan shall be accompanied by a final plat for the proposed development, which shall comply with all regulations governing subdivisions in this LDC.
- B. In addition to the requirements for the preliminary plan, the following additional requirements shall apply to the final plan:
  - (1) The final plan shall be prepared on velum or similar as directed by the County Recorder, and shall include space for the date and signature of the following, certifying approval, the owners and developers of the subject property; the Chair and Secretary of the Planning Commission, the Presiding County Commissioner and County Clerk;
  - (2) Along with the final plan, the applicant shall submit a written narrative describing the proposed uses and buildings and a written guarantee for starting and completing the development within a specified time.

- C. Review and approval of the final plan (and the final plat if necessary) shall conform to the Rules governing approval of a final plat. If rezoning is required, the hearing on the rezoning shall be conducted as part of the hearing on the preliminary plan but a decision on approving or denying the rezoning shall be done at the same time as the Planning Commission and County Commissioners decide on the final plan.

## 2.15 SITE PLAN

### 2.15.1 Applicability and General Requirements

- A. A Site Plan shall be required for all proposed developments in districts LB, RB, LI and HI and for all developments involving multiple family-dwellings or a conditional use in other zoning districts.
- B. No new buildings may be constructed in such districts nor may any conditional uses be commenced on tracts for which there is not an approved Site Plan.
- C. Such application shall be on a form established by the Planning Administrator and, except as set forth in this LDC, the application shall be completed in full prior to action on the application.
- D. The application shall be accompanied by a filing fee in the amount established by the County Commissioners.
- E. Except as set forth in this LDC, an application is deemed to be filed on the date that it is completed in full.

### 2.15.2 Contents

All applications shall be accompanied by the following documents:

- A. A drawing of the proposed development at a scale of one inch to 100 feet showing:
  - (1) A survey of property boundaries showing the locations of all survey monuments and benchmarks, as well as bearings and distances along all property lines;
  - (2) The locations of existing and proposed streets, alleys, parking lots and driveways in or adjoining the property;
  - (3) Existing and proposed buildings, structures or areas designated for proposed uses including distances from lot lines and other buildings;
  - (4) All easements and dedications;
  - (5) The name and address of owner of the property and the surveyor;
  - (6) The date of the survey, a north arrow, and all adjoining property lines and streets with the names of the owner of said property or name of street; and
  - (7) All proposed improvements to the property including buffering, drainage lines and areas, sewage systems, etc.
- B. If any upgrades to existing infrastructure are proposed, the applicant shall provide documents from the political subdivision or other entity with responsibility for maintaining the infrastructure showing approval of and ability to maintain the upgrade.

- C. By attached document, the plan shall show the proposed uses for the various building by general category or categories from the table of permitted uses (e.g., retail—building materials, services—professional, manufacturing, apparel).
- D. If the Site Plan includes any dedications of roadways or easements, the survey shall be in a form which may be recorded by the Recorder of Deeds of Lafayette County, Missouri. Such survey shall include:
  - (1) A signed and notarized acknowledgment of ownership by the owner(s) to the effect that all previous taxes have been paid and that all highways, streets, alleys, and public grounds shown on the plan are dedicated to public use;
  - (2) A signed statement by a licensed land surveyor certifying that he/she has accurately surveyed such subdivision and the correct location of all monuments shown, and that all lots, blocks, highways, streets, avenues, alleys, public ways and grounds, and other grounds are well and accurately staked off and marked;
  - (3) A certificate to be witnessed by the Chair and Secretary of the Planning Commission noting the Planning Commission’s approval of the plan;
  - (4) A certificate to be witnessed by the Presiding Commissioner and the County Clerk noting the County Commission’s approval of the plan;
  - (5) A certificate to be witnessed by the Office of the Recorder of Deeds noting the day, month, year, time, book, and page that the plan was recorded.

### 2.15.3 Determination

- A. If a Site Plan includes no dedications or infrastructure improvements and proposes one building with floor space of no more than 20,000 square feet, the Planning Administrator may approve the Site Plan.
- B. If a Site Plan includes no dedications or infrastructure improvements and more than one building or a building with floor space of more than 20,000 square feet, the Planning Commission shall determine whether to approve the Site Plan.
- C. If a Site Plan includes dedications or infrastructure improvements, the Planning Commission shall initially determine whether to approve the Site Plan. If approval by the Planning Commission is required, the Planning Administrator shall schedule the matter for the next available meeting of the Planning meeting more than 10 days after it is filed.
- D. The Site Plan shall be approved if:
  - (1) The Site Plan complies with all requirements, including but not limited to yard size, building space, and lot coverage, for the applicable zoning district.
  - (2) The Site Plan shows sufficient parking space for the proposed use and provides for adequate ingress and egress as approved by the Missouri Department of Transportation for State Roads and the appropriate Road District for County Roads;
  - (3) The Site Plan makes adequate provision for retention and drainage of water;
  - (4) The Site Plan makes adequate provision for sewers and utility service;

- (5) All new infrastructure proposed in the Site Plan complies with the requirements of this LDC.
- (6) For conditional uses or Site Plans submitted within the first 36 months after rezoning, the Site Plan is consistent with the Preliminary Concept Plan approved for the conditional use or rezoning.

#### **2.15.4 Development Agreement**

If the applicant proposes any infrastructure improvements in the Site Plan, the applicant shall complete and enter into a development agreement with the County establishing a time table for the completion of the improvements. As part of any such development agreement, the applicant shall post a bond sufficient to cover 110% of estimated construction costs of the proposed improvement and authorize the County to construct the improvements if they are not completed by the date set forth in the application. Such agreement and the bond shall be filed with the County Commissioners prior to review of the Site Plan by the County Commissioners.

#### **2.15.5 Effect of Approval**

A Site Plan shall become effective on the date that it is approved by the County Commissioners. No permit may be issued for any proposed building nor may any new use proposed by the Site Plan be commenced until the Site Plan is approved.

#### **2.15.6 Amendment**

After approval of the Site Plan, any changes to the Site Plan shall be treated as if a new Site Plan. However, in reviewing any such applications, only the changes proposed shall be considered.

### **2.16 APPROVALS THAT MAY NOT REQUIRE PUBLIC HEARINGS**

#### **2.16.1 Administrative Permits and Approvals**

- A. Administrative permits and approvals, as shown in Exhibit 2A, are routine, non-discretionary LDC implementation matters carried out by the staff, including issuance of permits for permitted uses. In general, the Planning Administrator is an administrative agent following the literal provisions of this LDC. The Planning Administrator may be asked to provide interpretations of the LDC in general or with specific situations with the intent of ensuring consistent, fair, and reasonable implementation of the Comprehensive Plan.
- B. The Planning Administrator may engage in some fact finding, to determine objective facts generally that may or may not involve an element of discretion. In contrast to quasi-judicial and legislative hearings, administrative decisions are made without a hearing at all, with the staff member reviewing an application to determine if it is complete and compliant with objective standards set forth in this LDC.
- C. No notice shall be required for an administrative permit issued pursuant to this LDC unless otherwise provided by this LDC or by law.

#### **2.16.2 Application for Permit**

Written application shall be made for all permits required by this LDC. Such application shall be made by the owner of the building or structure affected or by his authorized agent or representative. The owner shall authorize any work for which a permit is required.

### **2.16.3 Records**

The Planning Administrator shall maintain a record of all administrative permits and approvals. Copies shall be furnished, upon request, to any person upon the payment of a fee established by the Planning Administrator.

### **2.16.4 Notice**

If the Planning Administrator determines that the development for which an Permit is requested will have or may have substantial impact on surrounding properties, he shall, at least ten (10) days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within 100 feet of the lot that is the subject of the application, informing them that:

- A. An application has been filed for a permit authorizing identified property to be used in a specified way; and
- B. All persons wishing to comment on the application should contact the Planning Administrator by a certain date.

### **2.16.5 Limitations on Issuance of Permits**

- A. No permit shall be issued unless the plans and specifications thereof contain information sufficient to indicate that the work proposed will conform to the provisions of this LDC.
- B. No permit shall be issued to any person who has failed after notice to remedy defective work, or has failed to pay a civil penalty assessed pursuant to this LDC which is due and for which no appeal is pending, or to otherwise comply with the LDC or the laws of the State of Missouri.
- C. No licensed contractor shall secure a permit for any other person or persons not qualified in accordance with the provisions of the technical codes to do any work covered by the regulatory codes.

### **2.16.6 Authorizing Use or Occupancy Before Completion of Development**

In cases when, because of weather conditions or other factors beyond the control of the permittee (exclusive of financial hardship), it would be unreasonable to require the permittee to comply with all of the requirements of this LDC prior to commencing the intended use of the property or occupying any buildings, the Planning Administrator may authorize the commencement of the intended use or the occupancy of buildings (in-so-far as the requirements of this LDC are concerned) if the permittee provides an adequately secured completion bond or other security satisfactory to the Planning Administrator to ensure that all of the requirements of this LDC will be fulfilled within a reasonable period (not to exceed twelve months) determined by the Planning Administrator. The bond and security shall be reviewed and approved by the County Counselor, however, prior to the Planning Administrator authorizing the intended use or occupancy.

### **2.16.7 Appeal**

If the Planning Administrator finds that the permit application fails to meet the criteria established in the LDC, the Planning Administrator shall deny the application. The Applicant may appeal such denial to the County Commissioners.

## **2.17 LAND EVALUATION AND SITE ASSESSMENT**

**2.17.1 Applicability**

Prior to action on an application for Zoning District Map Amendment or subdivision within the Agricultural Tier, the Planning Administrator shall calculate the Land Evaluation and Site Assessment Score in accordance with this LDC to determine the appropriateness of the timing and location of the proposed development.

**2.17.2 Procedures**

The applicant for a Zoning District Map Amendment or subdivision within the Rural Residential Tier shall submit the necessary information for the Planning Administrator to calculate the LESA score for the proposed development. Upon receipt of an application, the Planning Administrator shall calculate the tentative score of the Preliminary Concept Plan. A copy of the tentative score shall be provided to the applicant and the Planning Commission at least seven days prior to the date scheduled for consideration of the Preliminary Concept Plan. At the time of the consideration of the Preliminary Concept Plan, the applicant may present information contesting any part of the tentative score. A Preliminary Concept Plan shall be approved only if it obtains a favorable or neutral score.

**2.17.3 Evaluation Criteria and Scoring**

The Planning Administrator shall assign points, as established in **Exhibit 2C**, for each of the following factors based on the finding. The Planning Administrator shall then total the points for all factors to calculate the total score for the project.

***Exhibit 2C: LESA Criteria and Scoring***

Points	Factor / Finding
FACTOR 1 - Land Area in an Agricultural Use within one mile of site (%of total acreage; tracts of 20 acres or more).	
0	All of the land is in Agricultural Use
4	90-99% of the land is in Agricultural Use
5	50-89% of the land is in Agricultural Use
7	40-49% of the land is in Agricultural Use
9	10-39% of the land is in Agricultural Use
10	0-9% of the land is in Agricultural Use
FACTOR 2 - Land in an Agricultural Use adjacent to the site (% of total frontage; tracts of 20 acres or more).	
0	75% to 100% of the land is in Agricultural Use
5	50% to 74% of the land is in Agricultural Use
10	25% to 49% of the land is in Agricultural Use

Points	Factor / Finding
15	10% to 24% of the land is in Agricultural Use
20	0% to 9% is in Agricultural Use
<b>FACTOR 3 - Distance from a City with a population greater than 1,000.</b>	
0	Over 3 miles from City
4	2.5 to 3.0 miles from City
8	2.0 to 2.49 miles from City
12	1.5 to 1.99 miles from City
16	0.75 to 1.49 miles from City
20	Less than 0.75 miles from City
<b>FACTOR 4 - Land area zoned for agricultural use within one mile of the site (% of total acreage).</b>	
0	90% to 100%
5	75% to 89 %
10	50% to 74%
15	25% to 49%
20	24% to 0%
<b>FACTOR 5 - Land area zoned for agricultural use adjacent to the site.</b>	
0	The 100% of surrounding site is zoned A.
5	One side of the site is zoned non-agricultural.
10	Two sides of the site are zoned non-agricultural use.
15	Three sides of the site are zoned in a non-agricultural use.
20	All land adjacent to the site is zoned in non-agricultural use.
<b>FACTOR 6 - Compatibility of proposed zoning use with surrounding zoning use:</b>	
0	Not compatible with surround uses

Points	Factor / Finding
5	Conflicts with uses on three (3) sides
10	Conflicts with uses on two (2) sides
15	Conflicts with uses on one (1) side
20	Compatible with surrounding uses
FACTOR 7 - Environmental considerations (encroachment into areas of flood hazards, wetlands, aquifer recharge area, threatened or endangered wildlife habitat).	
0	Major negative impact (more than 50% of site encroaches)
5	Substantial negative impact (20% to 50% of the site encroaches)
10	Minor negative impact (10% to 19% of the site encroaches)
20	No negative impact (less than 10% encroaches)
FACTOR 8 - Road Surfacing.	
0	Over 1.0 miles to a hard surface road
10	From 0.5 miles to 1. 0 miles to a hard surface road
15	From 0.25 to 0.49 miles to a hard surface road.
20	Less than 0.25 miles to a hard surface road.
FACTOR 9 - Degree to which the sites' soils are not suitable for septic systems.	
0	Severe
10	Moderate
15	Slight
FACTOR 10 - Degree to which the sites soils are not suitable for basements and slabs.	
0	Severe
10	Moderate
15	Slight
FACTOR 11 - Availability of a public water system.	

Points	Factor / Finding
0	No access to public water line or a well on property
5	Access to well on property
10	Access to less than 6 inch water line
15	Access to 6 - 8 inch water line
20	Access to a more than 8 inch water line.
<b>FACTOR 12 - Distance from fire station serving the parcel in question.</b>	
0	Over 4 miles from the responding Fire District Station
3	Between 3.5 and 4 miles from the responding Fire District Station.
6	Between 3 and 3.49 miles from the responding Fire District Station.
9	Between 2.5 and 2.99 miles from the responding Fire District Station.
12	Between 2 and 2.49 miles from the responding Fire District Station.
15	Between 1.5 and 1.99 miles from the responding Fire District Station.
18	Between 1 and 1.49 miles from the responding Fire District Station.
20	Less than 1 mile from the responding Fire District Station.
<b>FACTOR 13 - Distance from EMS serving the parcel in question.</b>	
0	Over 4 miles from the responding EMS Responding Station
3	Between 3.5 and 4 miles from the responding EMS Responding Station.
6	Between 3 and 3.49 miles from the responding EMS Responding Station.
9	Between 2.5 and 2.99 miles from the responding EMS Responding Station.
12	Between 2 and 2.49 miles from the responding EMS Responding Station.
15	Between 1.5 and 1.99 miles from the responding EMS Responding Station.
18	Between 1 and 1.49 miles from the responding EMS Responding Station.
20	Less than 1 mile from the responding EMS Responding Station.

Points	Factor / Finding
FACTOR 14 - Distance from Elementary and Secondary Schools.	
0	Over 4 miles from the Elementary and/or Secondary Schools
3	Between 3.5 and 4 miles from the Elementary and/or Secondary Schools
6	Between 3 and 3.49 miles from the Elementary and/or Secondary Schools
9	Between 2.5 and 2.99 miles from the Elementary and/or Secondary Schools.
12	Between 2 and 2.49 miles from the Elementary and/or Secondary Schools.
15	Between 1.5 and 1.99 miles from the Elementary and/or Secondary Schools.
18	Between 1 and 1.49 miles from the Elementary and/or Secondary Schools.
20	Less than 1 mile from the Elementary and/or Secondary Schools.

**2.17.4 Passing LESA Score**

- A. Presumed Appropriate  
 A LESA score of 140 or greater indicates that conditions are presumed appropriate for approval of development in the proposed location at the current time. If the development proposal satisfies all other Code criteria for approval, then there is a presumption that the application should be approved.
  
- B. Presumed Marginal  
 A LESA score greater than 100 but less than 140 indicates that conditions are presumed marginal for the proposed development. Approval of applications scoring in this range should be contingent upon satisfying all other criteria for approval and may require special conditions of approval addressing infrastructure needs, land use compatibility or other factors. There is no presumption either for or against approval of the application.
  
- C. Presumed Inappropriate  
 A LESA score of 100 or less indicates that the development is presumed inappropriate at the current location and or time, based on the LESA factors. There is a presumption that the application should be denied.

## Chapter 3 ZONING DISTRICTS

### 3.1 ZONING DISTRICTS

#### 3.1.1 Zoning District Maps

All land in unincorporated areas of Lafayette County shall be placed into a zoning district by the Planning Commission, subject to the approval of the County Commissioners. Boundaries of the districts are hereby established on the maps attached hereto, which maps are hereby designated as the Zoning District Maps and said maps and all references and information shown thereon are hereby made as much a part of this LDC as if the same were set forth in full therein. It shall be the duty of the Administrator to keep on file in the Planning Office, the County Commissioners, and the Office of the County Clerk, an authentic copy of said maps and all changes, amendments or addition thereto.

- A. When definite distances in feet are not shown on these maps, the district boundaries are intended to be along existing right-of-way center lines, section lines, aliquot lines, platted lot lines, property lines or other identifiable physical features.
- B. When roads on the ground differ from roads on the maps, the district boundaries shall be interpreted to conform to the intent of the zoning maps.
- C. When a road is vacated, district boundaries shall be interpreted to conform to the new lot lines.
- D. Should any territory be de-annexed from an incorporated community or otherwise become subject to this LDC, it shall be assigned to a zoning district or districts by the Planning Commission. Until formal action is taken, such territory shall be treated as if in the AG District.

#### 3.1.2 Base Zoning Districts

- A. The base zoning districts shall be designated as follows:
  - Agricultural (AG)**
  - Residential Agriculture (RA)**
  - Rural Estates (RE)**
  - Rural Residential (RR)**
  - Local Business (LB)**
  - Regional Business (RB)**
  - Light Industrial (LI)**
  - Heavy Industrial (HI)**
  - Planned Development (PD)**
- B. Lot Development Standards are identified in §4.2, Exhibit 4a.

### 3.1.3 Overlay Zoning District

In addition to the base zoning districts, some land within a given district may lie within an overlay zoning district, designated as follows:

#### Floodplain Overlay (FO)

## 3.2 AGRICULTURAL DISTRICT (AG)

### 3.2.1 Purpose

The Agricultural (AG) District is intended primarily for agricultural use, and is beyond the outer edge of residential, commercial, or industrial development. Intense usage is usually premature and, at times, undesirable in these districts due to a lack of adequate utility services or transportation. It is possible that some lots within this district will be changed to more intense uses as utility services are extended or undeveloped areas in districts zoned for more intense uses become in short supply. Uses within this district are mostly related to farming or semi-urban functions and are not necessarily compatible with higher density development.

### 3.2.2 Accessory Uses

- A. Accessory uses for any agriculturally-oriented activity, which is subordinate and incidental to a permissible principal agricultural use shall be permitted in the AG District.
- B. Accessory to any single-family detached dwelling, one mobile home not on permanent foundation may be established for use by principal owners, family, or full-time employees of the agricultural use. The owner of the principal dwelling shall obtain a permit annually from the Administrator for such accessory dwelling unit
- C. Keeping not more than 2 non-transient boarders or roomers shall be a permissible accessory use.
- D. As an accessory use, temporary housing for transient workers, during a need period shall be permissible, subject to obtaining a permit from the administrator. Such permits shall be temporary and shall expire upon any transfer of the ownership of the lot. Mobile homes may be used as transient worker housing.
- E. It shall be permissible as an accessory use to maintain for not more than two years temporary structures for storage of equipment and materials used in connection with the construction of a lawfully authorized use. It shall also be permissible to place a Mobile Home on the property as a temporary residence during the construction or repair of a permanent residence.
- F. The owner of the property shall obtain a permit annually from the Administrator for such temporary structures or residence.
- G. Any temporary structure permitted under this LDC shall be removed within 60 days following the expiration of the permit authorizing such temporary structure.
- H. It shall be permissible to maintain one accessory dwelling unit on an agricultural plot.

### 3.2.3 Other Standards

- A. Minimum Floor Area (Residential). The minimum floor area of a residential building in the AG District shall be 900 square feet (exclusive of basements, open or screened porches and garages).

### **3.3 RESIDENTIAL AGRICULTURE DISTRICT (RA)**

#### **3.3.1 Purpose**

The Residential Agriculture (RA) District is intended for extremely low density residential development. While the typical primary use of lots in the RA District is residential, some agricultural uses are permissible as primary uses and most agricultural uses are permissible as accessory uses. This district should generally be compatible with agricultural operations.

#### **3.3.2 Accessory Uses**

- A. Accessory uses shall include no use which is unrelated to a residential use or an agricultural use except for home occupations.
- B. Any temporary structure permitted under this LDC shall be removed within 60 days following the expiration of the permit authorizing such temporary structure.

#### **3.3.3 Other Standards**

- A. Minimum Floor Area (Residential). The minimum floor area of a residential building in the RA District shall be 1,200 square feet (exclusive of basements, open or screened porches and garages).

### **3.4 RURAL ESTATES DISTRICT (RE)**

#### **3.4.1 Purpose**

District RE is intended to provide for low density, suburban ranchette or estate-type of residential development. This district should generally be compatible with agricultural operations.

#### **3.4.2 Accessory Uses**

In District RE, accessory buildings for residential uses shall be limited to buildings for domestic or household use or for the parking of motor vehicles. Accessory uses shall include no use which is unrelated to a residential use except for home occupations.

#### **3.4.3 Other Standards**

- A. Minimum Floor Area (Residential). The minimum floor area of a residential building in District RE shall be 1,200 square feet (exclusive of basements, open or screened porches and garages).

### **3.5 RURAL RESIDENTIAL DISTRICT (RR)**

#### **3.5.1 Purpose**

District RR is intended primarily for one-family detached dwelling units and related residential activities. This district is intended to accommodate a moderate population density.

#### **3.5.2 Accessory Uses**

In District RR, accessory buildings for residential uses shall be limited to buildings for domestic or household use or for the parking of motor vehicles. Accessory uses shall include no use which is unrelated to a residential use except for home occupations.

### 3.5.3 Other Standards

- A. Minimum Floor Area (Residential). The minimum floor area of a residential building in District RR shall be 1,200 square feet (exclusive of basements, open or screened porches and garages).
- B. Accessory Buildings. All detached or accessory buildings shall be less than 720 square feet.

## 3.6 LOCAL BUSINESS DISTRICT (LB)

### 3.6.1 Purpose

District LB is intended for community-oriented commercial uses. Businesses which generate traffic in volumes beyond local traffic capacity are generally not included in this district. Lots within this district are generally located on major streets near intersections. Residential uses are not generally included in this district.

## 3.7 REGIONAL BUSINESS DISTRICT (RB)

### 3.7.1 Purpose

District RB is intended for regional commercial uses, to be located on major thoroughfares outside of central or local business districts. This district is particularly appropriate alongside major highway. This district draws highway uses such as restaurants, service stations, and motels which are not totally compatible with shopping centers but which may be grouped together as highway service centers. Multi-family residential uses are permitted.

### 3.7.2 Accessory Uses

- A. Open storage shall be permitted in District RB only for retail sale. Open storage of raw materials, scrap, junk, or salvage or of automobiles or other items intended to be wrecked, scrapped, salvaged, or junked shall not be permitted in District RB.
- B. Open retail sales lots, which are adjacent to District RA, RE or RR at the time that such use is established, shall be bordered on all sides adjacent to such districts by a solid fence or wall at least six (6) feet in height.
- C. Open storage of any material permitted to be stored in the district shall not be stored, stacked, or piled to a greater height than the bordering fence or wall. Booms or other appendages of construction vehicles or equipment shall not be included in the height of the principle body of such vehicles or equipment.
- D. Open storage shall be limited to the storage of merchandise available for sale and no other permitted activity shall be carried on unless within an enclosed building.

## 3.8 LIGHT INDUSTRIAL DISTRICT (LI)

### 3.8.1 Purpose

District LI is intended for those manufacturing industries and related activities in which the production performance of the manufacturing industries characteristically produces a finished product from semi-finished materials, but requires little or no outside material storage. The effect of the production process upon surrounding areas is normally that of the traffic generated by the receipt and delivery of goods and materials. Commercial uses in this district are generally those which serve the convenience of industrial establishments

and their employees. Residential uses are not compatible with this environment and are not included in order that the district may be reserved for its intended light industrial purpose.

### **3.9 HEAVY INDUSTRIAL DISTRICT (HI)**

#### **3.9.1 Purpose**

District HI is intended for major basic manufacturing industries and related industrial activities. Many of these industries characteristically store bulk quantities of raw or scrap material for processing to semi-finished products. Commercial uses in this district are generally those which serve the convenience of industrial establishments and their employees, and the traffic generated by the receipt and delivery of goods and materials. Residential uses are not compatible with this environment and are not included in order that the district may be reserved for its intended heavy industrial purpose.

#### **3.9.2 Accessory Uses**

- A. Open storage shall be permitted in District HI if the conditions of this LDC are met. Open storage of raw materials, scrap, junk, or salvage or of automobiles or other items intended to be wrecked, scrapped, salvaged, or junked is permitted in District HI.
- B. Any open storage, other than retail sales, lots shall be bordered by a solid fence or wall at least six (6) feet in height, and such fence or wall shall set back from any property line a distance which is not less than twenty-five (25) feet. Open retail sales lots adjacent to agricultural or residential districts shall be bordered on all sides adjacent to such districts by a solid fence or wall at least six (6) feet in height, and such fence or wall shall set back from the property line a distance which is not less than twenty-five (25) feet or the height of the fence, whichever is greater.
- C. Open storage of any material permitted to be stored in the district shall not be stored, stacked, or piled to a greater height than the bordering fence or wall. Booms or other appendages of construction vehicles or equipment shall not be included in the height of the principle body of such vehicles or equipment.

### **3.10 PLANNED DEVELOPMENT DISTRICT (PD)**

#### **3.10.1 Purpose**

- A. A "PD" district is a base zoning district intended to provide for flexible site design. The purpose and intent of establishing the "PD" district are to provide procedures and standards that encourage higher density residential development or a mixture of uses anywhere in the County that are functionally coordinated, encourage innovation and imagination in the planning, design and development or redevelopment of tracts of land under single unified ownership or control and compatible with adjacent development patterns.
- B. A property owner has no legal right for approval of a "PD". Rather, the County shall approve a "PD" only when it has determined that the Applicant has demonstrated, to the satisfaction of the County, that the "PD" provides a sufficient public benefit to justify allowing the property owner to deviate from otherwise applicable minimum requirements of the LDC.
- C. Planned Development is a zoning district and a development pattern, and is established to:

- (1) Provide for the broadening demand for housing all types, sizes, and designs and to provide necessary commercial facilities conveniently located to such housing;
- (2) Encourage innovation in residential, non-residential, commercial, and industrial development and in conservation and/or renewal of existing areas so that demands of the community may be met by a greater variety in type, design, and layout of buildings, conservation and more efficient use of open space ancillary to said buildings;
- (3) Provide greater opportunities for housing, recreation, and shops conveniently located to each other;
- (4) Encourage a more efficient use of land and public or private services; and
- (5) Ensure preservation of property values within established areas.

### 3.10.2 Development Criteria

- A. All applications shall cover contiguous tract(s) of land covering a total of five or more acres;
- B. All proposed plans shall be consistent with the Comprehensive Plan and with the regulations set forth in this LDC.
- C. In order to approve a "PD" or any revision thereto, the County Commissioners, after receiving the recommendation of the Planning Commission, must determine that the following conditions, including other conditions it deems reasonable and appropriate, are met by the Applicant:
  - (1) The planned development is consistent with the Comprehensive Plan;
  - (2) The planned development is coordinated rather than an aggregation of individual and unrelated Buildings and Uses;
  - (3) The planned development incorporates a compatible mix of residential and nonresidential uses;
  - (4) The planned development incorporates three uses meeting the required minimum proportions;
  - (5) The Applicant is providing sufficient public benefit to allow the Applicant to deviate from the regulations for development of the uses in the County's base zoning districts;
  - (6) All land included is owned or under the control of the Applicant;
  - (7) The PD advances the public health, safety or welfare; and
  - (8) The planned development is compatible with existing development abutting the proposed "PD" district as demonstrated by the following factors, considered from the point of view of the abutting Development:
    - (a) Existing development patterns;
    - (b) Scale, mass, height and dimensions of existing buildings;
    - (c) Total density and density transitions;
    - (d) Intensity, as measured by floor area ratio and transitions;

- (e) Extent and location of parking, access points and points of connectivity to surrounding neighborhoods;
- (f) Amount, location and direction of outdoor lighting;
- (g) Extent and location of open space; and
- (h) The location of accessory structures such as dumpsters, recreational equipment, swimming pools or other structures likely to generate negative impacts such as noise, lights or odors;
- (i) Sufficiency of setbacks to mitigated potential nuisances; and
- (j) Proximity and use of all areas that will be utilized for any purpose other than landscaping.

### **3.11 FLOODPLAIN OVERLAY DISTRICT (FO)**

#### **3.11.1 General**

- A. **Statutory Authorization.** The Legislature of the State of Missouri, §64.510 o §64.690, delegated the responsibility to the County Commissioners of second and third class counties to adopt zoning regulations designed to protect the health, safety, convenience, prosperity, morals, and general welfare.
- B. **Lands to Which This Section Applies.** This Section shall apply to all lands within the jurisdiction of the Lafayette County, Missouri identified as numbered and unnumbered A, AE, AO, and AH Zones, on the Flood Insurance Rate Map (FIRM) for Lafayette County, Missouri on Index Map Panel 29107CINDOA dated November 26,2010, as amended, and any future revisions thereto. In all areas covered by this Section, no development shall be permitted except through the issuance of a floodplain development permit, granted by the Lafayette Planning Commission or its duly designated representative under such safeguards and restrictions as the Lafayette County Planning Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in this LDC.
- C. **Findings of Fact. Flood Losses Resulting from Periodic Inundation.** The flood hazard areas of Lafayette County, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- D. **General Causes of These Flood Losses.** These flood losses are caused by:
  - (1) The cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and
  - (2) The occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

- E. **Methods Used to Analyze Flood Hazards.** The Flood Insurance Study (FIS) that is the basis of this Section uses a standard engineering method of analyzing flood hazards, which consist of a series of interrelated steps.
- (1) Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Section. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Lafayette County, Missouri dated November 26, 2010 as amended, and any future revisions thereto.
  - (2) Calculation of water surface profiles is based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
  - (3) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
  - (4) Delineation of floodway encroachment lines within which no construction is permitted which would cause any increase in flood height.
  - (5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.
- F. **Statement of Purpose.** It is the purpose of this Section to promote the public health, safety, and general welfare; to minimize those losses described in this Section; to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this Section to:
- (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
  - (2) Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction;
  - (3) Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard; and,
  - (4) Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

### 3.11.2 Enforcement

- A. **The Enforcement Officer.** The Planning Administrator of the county is hereby designated as the county's duly designated enforcement officer under this Section.
- B. **Rules for Interpretation of District Boundaries.** The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official map, as for example where there appears to be a conflict

between a mapped boundary and actual field conditions, the Enforcement officer shall make the necessary interpretations. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

- C. Compliance. No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this Section and other applicable regulations.
- D. Abrogation and Greater Restrictions. It is not intended by this Section to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provision of this Section shall prevail. All other ordinances inconsistent with this Section are hereby repealed to the extent of the inconsistency only.
- E. Interpretation. In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall be deemed a limitation or repeal of any other powers granted by state statutes.
- F. Warning and Disclaimer of Liability. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or a natural cause, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such district will be free from flooding or flood damages. This Section shall not create liability on the part of Lafayette County or any officer or employee thereof for any flood damages that may result from reliance on this Section or any administrative decision lawfully made thereunder.
- G. Severability. If any section, clause, provision or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.
- H. Appeal. Where a request for a permit to develop or a variance is denied by the Planning Commission the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.
- I. Permit Required. No person, firm or corporation shall initiate any development for substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this Section.
- J. Administration. The Planning Commission is hereby appointed to administer and implement the provisions of this Section.
- K. Duties of the Planning Commission shall include, but not be limited to:
  - (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this Section have been satisfied.

- (2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
  - (3) Notify adjacent communities and the Missouri State Emergency Management Agency (SEMA) prior to any alternation or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.
  - (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - (5) Verify record and maintain record of the actual elevation (in relation to the National Geodetic Vertical Datum of 1929) of the lowest floor (including basement) of all new or substantially improved structures, as presented by a registered professional engineer, architect, or surveyor for the development by any applicant.
  - (6) Verify, record and maintain record of the actual elevation in relation to the National Geodetic Vertical Datum 1929 to which the new or substantially improved non-residential structures have been flood proofed by a registered professional engineer, architect, or surveyor for the development by an applicant.
  - (7) When flood proofing is utilized for a particular non-residential structure the Planning Commission shall be presented certification from a registered professional engineer, architect, or surveyor as stipulated in the Missouri Revised Statutes, 1978: Chapter 327.
  - (8) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
  - (9) Issue floodplain development permits for all approved applications.
- L. Application for Permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
- (1) Identify and describe the work to be covered by the permit.
  - (2) Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
  - (3) Indicate the use or occupancy for which the proposed development is intended.
  - (4) Be accompanied by plans and specifications for proposed construction, as to actual elevation of the lowest floor and relationship to regulatory flood.
  - (5) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority. Give such other information as reasonably may be required by the Planning Commission.
  - (6) The above plans and specifications must be certified by a licensed engineer, architect or surveyor if the proposed development is in near or adjacent to regulatory flood districts.

### 3.11.3 Establishment of Zoning Districts

The mapped flood plain areas within the jurisdiction of this Section are hereby divided into the following districts: a floodway overlay district (FW) and a flood way fringe overlay district (IT) identified in the Flood Insurance Study. Within these districts all uses not meeting the standards of this Section and those standards of all underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones (including AE, AO and AH Zones) as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.

### 3.11.4 Standards for the Floodway Overlay District and the Floodway Fringe Overlay District.

- A. No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and unnumbered A Zones (including AE, AO, and AH Zones) unless the conditions of this Section and the LDC are satisfied.
- B. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation was not provided. Development within unnumbered A Zones is subject to all provisions of this Section. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement or manufactured homes and other developments shall require:
  - (1) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy.
  - (2) New or replacement water supply systems and/ or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
  - (3) Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/ or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - (4) All utility and sanitary facilities be elevated or flood proofed up to the regulatory flood protection elevation.
  - (5) That until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the County's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot of the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference.

- D. **Storage of Material and Equipment.** The storage of processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the areas within the time available after flood warning.
- E. **Mobile Homes.** Subdivision proposals and other proposed new development including manufactured mobile home parks or subdivisions are required to assure that:
  - (1) All such proposals are consistent with the need to minimize flood damage,
  - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage,
  - (3) Adequate drainage is provided so as to reduce exposure to flood hazards, and
  - (4) All proposals for development including proposals for manufactured (Mobile) home parks and subdivisions include the regulatory flood elevation.
- F. **Agricultural Structures.** Structures used solely for agricultural purposes in connection with the production, harvesting storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-flood proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Section; and a floodplain development permit has been issued.
- G. **Accessory Structures.** Structures used solely for parking and limiting storage purposes, not attached to any other structure on the site, of limited investment value, and no larger than 400 square feet, may be constructed at grade and wet-flood proofed provided there is no human habitation or occupancy of the structure, the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Section and a flood plain development permit has been issued.

### **3.11.5 Standards for the Floodway Fringe Overlay District (including AO or AH Zone)**

- A. **Permitted Uses.** Any use permitted in the Floodway Overlay District shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of this Section are met.
- B. **Require new construction or substantial improvements of residential structures to have the lowest floor, including basement elevated to three feet above the base flood (100-year flood) elevation.**
- C. **Require new construction or substantial improvements of any commercial, industrial or other nonresidential structures to have the lowest floor, including basement, elevated to or above three (3) feet above the base flood (100-year flood) elevation or, together with attendant utility and sanitary facilities, to be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A**

registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in this Section.

- D. Require for all new construction substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- E. Within AH Zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- F. **Manufactured Homes.** All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
  - (1) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
  - (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
  - (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
  - (4) Any additions to the manufactured home are similarly anchored.
  - (5) Require that all manufactured homes to be placed within Zones AI-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is three feet above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.
- G. Located within the areas of special flood hazard established in this Section are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within ZO Zones.
  - (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as three (3) feet above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified).

- (2) All new construction and substantial improvements of nonresidential structures shall: have the lowest floor (including basement) elevation above the highest adjacent grade at least as high as three (3) feet above the depth number specified in feet on the community's FIRM (at least three (3) feet if no depth number is specified), or together with attendant utility and sanitary facilities be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in this Section.

### 3.11.6 Standards for Floodway Overlay District

- A. Permitted Uses. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by another ordinance. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base (100 year) flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of this Section. The following are recommended uses for the Floodway District:
  - (1) Agriculture uses such as general farming, pasture, nurseries, and forestry.
  - (2) Residential uses such as lawns, gardens, parking and play areas.
  - (3) Non-residential areas such as loading areas, parking, and airport landing strips.
  - (4) Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
  - (5) In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources, in meeting the standards of this Section.

### 3.11.7 Variance Procedures

- A. The Board of Zoning Appeals as established by Lafayette County shall hear and decide appeals and requests for variances from the requirements of this Section.
- B. The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Enforcement Officer in the enforcement or administration of this Section.
- C. Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision to the Circuit Court of the County as provided in 64.510 to 64.690.
- D. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluation, all relevant factors, and standards specified in other sections of the Section.
  - (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger to life and property due to flooding or erosion damage;

- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (9) The safety of access to the property in times of flood for ordinance and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Conditions for Variances.

- (1) Generally, variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (2) Variances shall not be issued within any designated flood way if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued upon:
  - (a) A showing of good and sufficient cause,
  - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (5) A community shall notify the applicant in writing over the signature of a community official that:
  - (a) The issuance of a valiance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and,

- (b) Such construction below the base flood level increases risks to life and property.
  - (6) Such notification shall be maintained with the record of all variance actions as required by this Section.
- F. Conditions for Approving Variances for Agricultural Structures. Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this Section. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-flood proofed.
- (1) All agricultural structures considered for a variance from the floodplain management regulations of this Section shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternative location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.
  - (2) Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
  - (3) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with this Section.
  - (4) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with this Section. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
  - (5) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with this Section.
  - (6) The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with this Section.
  - (7) The agricultural structures must comply with the floodplain management floodway encroachment provisions of this Section. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
  - (8) Major equipment, machinery, or other contents must be protected from any flood damage.
  - (9) No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

- (10) A community shall notify the applicant in writing over the signature of a community official if: the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage, and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Section.
  - (11) Wet-flood proofing construction techniques must be reviewed and approved by a registered professional engineer or architect prior to the issuance of any flood plain development permit by this Section.
- G. Conditions for Approving Variances for Accessory Structures. Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this Section. In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-flood proofed.
- (1) Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).
  - (2) For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with this Section.
  - (3) The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with this Section. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
  - (4) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood proofed so that they are contained within a watertight, flood proofed enclosure that is capable of resisting damage during flood conditions in accordance with this Section.
  - (5) The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with this Section.
  - (6) The accessory structures must comply with the floodplain management floodway encroachment provisions of this Section. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
  - (7) Major equipment, machinery, or other contents must be protected from any flood damage.
  - (8) No disaster relief assistance under any program administrated by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

- (9) A community shall notify the applicant in writing over the signature of a community official if: the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage, and such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Section.
- (10) Wet-flood proofing construction techniques must be reviewed and approved by a registered professional engineer or architect prior to the issuance of any flood plain development permit by this Section.

### **3.11.8 Non-conforming Use**

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Section but which is not in conformity with the provisions of this Section may be continued subject to the following conditions:
  - (1) If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Section.
  - (2) Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred except that if it is reconstructed to conformity with the provision of this Section. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alternation of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

### **3.11.9 Penalties for Violation**

- A. Violation of the provisions of this Section or failure to comply with any of its requirements (including violations of conditions safeguards established in connection with granting of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$200, and in addition, shall pay all costs and expenses involved in the case. Each day such a violation continues shall be considered a separate offense.
- B. Nothing herein contained shall prevent the County Commissioners or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

### **3.11.10 Recreation Vehicles**

- A. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones, AO, AE, and AH zones on the community's FIRM either:
  - (1) Be on the site for fewer than 180 consecutive days, or
  - (2) Be fully licensed and ready for highway use, or

- (3) Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this Section.

### 3.11.11 Amendments

The regulations, restrictions, and boundaries set forth in this Section may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in Lafayette County. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this Section are in compliance with the National Flood Insurance Program (NFIP) Regulations.

### 3.11.12 Additional Definitions

Unless specifically defined below, words or phrases used in this Section shall be interpreted so as to give them the meaning they have in common usage and to give this Section its most reasonable application.

- A. 100-year Flood: see "base flood."
- B. Accessory Structure: Means the same as "appurtenant structure."
- C. Actuarial or Risk Premium Rates: Means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
- D. Administrator: Means the Federal Insurance Administrator.
- E. Appeal: Means a request for a review of the Planning Commission's interpretation of any provision of this Section or a request for a variance.
- F. Agency: Means the Federal Insurance Administrator.
- G. Area of Shallow Flooding: Means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- H. Area of Special Flood Hazard: Is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
- I. Base Flood: Means the flood having one percent chance of being equaled or exceeded in any given year. (100 year flood).
- J. Basement: Means any area of the structure having its floor subgrade (below ground level) on all sides.
- K. Community: Means any state or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

- L. **Development:** Means any man-made change to improved or unimproved real estate, including but not limited to buildings, levees, levee system, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- M. **Elevated Building:** Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- N. **Existing Construction:** Means (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "Existing structures."
- O. **Flood or Flooding:** Means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.
- P. **Flood Hazard Factors:** The Flood Hazard Factor (FHF) is used to establish relationship between depth and frequency of flooding in any reach. This relationship is then used with depth-damage relationships for various classes of structures to establish actuarial insurance rate tables. The FHF for a river line reach is the weighted average difference between the 10- and 100-year flood water-surface elevations rounded to the nearest 0.5 foot, multiplied by 10, and shown as a 3-digit code. For example, if the difference between elevations is 0.7 feet, the FHF is 005; if the difference is 1.4 feet, the FHF is 015; if the difference is 5.0 feet, the FHF is 050. When the difference is greater than 10.0 feet, it is rounded to the nearest whole foot.
- Q. **Flood Insurance Base Map (FIRM):** Means an official map of the County, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
- R. **Flood Insurance Study:** Is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- S. **Flood Insurance Zones:** Flood insurance zones and zone numbers are assigned based on the type of flood hazard and the FHF, respectively. A unique zone number is associated with each possible FHF and varies from 1 for a FHF of 005 to a maximum of 30 for a FHF of 200 or greater.
- T. **Floodplain or Flood-Prone Area:** Means any land area susceptible to being inundated by water from any source.
- U. **Floodplain Management Regulations:** Means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof that provide standards for the purpose of flood damage prevention and reduction.

- V. Floodproofing: Means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.
- W. Floodway or Regulatory Floodway: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- X. Floodway Fringe: Is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
- Y. Floodway Encroachment Lines: Means the lines marking the limits of floodways on Federal, State and local floodplain maps.
- Z. Freeboard: Means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
- AA. Functionally Dependent Use: Means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.
- BB. Highest Adjacent Grade: Means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- CC. Historic Structure: Means any structure that is:
  - (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or,
  - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or,
  - (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  - (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
- DD. Lowest Floor: "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's

lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section.

- EE. **Manufactured (Mobile) Home:** Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- FF. **Manufactured Home Park or Subdivision:** Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- GG. **Map:** Means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).
- HH. **Market Value or Fair Market Value:** Means an estimate of what is fair, economic, just and equitable value under normal local market conditions.
- II. **New Construction:** Means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.
- JJ. **Overlay District:** Is a district in which additional requirements act in construction with the underlying zoning district(s). The original zoning district designation does not change.
- KK. **NFIP:** Means the National Flood Insurance Program (NFIP).
- LL. **Participating Community:** Also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.
- MM. **Principally Above Ground:** Means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.
- NN. **Recreation Vehicle:** Means a vehicle which is:
  - (1) Built on a single chassis;
  - (2) 400 square feet or less when measured at the largest horizontal projections;
  - (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
  - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

- OO. Remedy a Violation: Means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impact of its noncompliance.
- PP. Risk Premium Rates: Means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principals. Risk premium rates include provision for operating costs and allowances.
- QQ. Special Flood Hazard Area: Means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.
- RR. Start of Construction: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L.97 -4\*)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or together improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- SS. Structure: Means, for floodplain management purposes, a walled and roofed building, that is principally above ground, as well as a manufactured (Mobile) home, and a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alternation or repair, but does not include building materials or supplies intended for use in such construction, alternation or repair, unless such materials or supplies are within an enclosed building on the premises.
- TT. Substantial-Damage: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceeds fifty (50) percent of the market value of the structure before the damage occurred.
- UU. Substantial-Improvement: Means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial-damage," regardless of the actual repair work performed. The term does not, however, include either:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure living conditions, or

- (2) Any alteration of a "historic structure" provided that the alternation will not preclude the structure's continued designation as a "historic structure."
- VV. Variance: Is a grant of relief to a person from the requirements of this Section which permits construction in a manner otherwise prohibited by this Section where specific enforcement would result in unnecessary hardship.
- WW. Violation: Means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Section is presumed to be in violation until such time as that documentation is provided.
- XX. Water Surface Elevation: Means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or the datum where specified) of floods of various magnitudes and frequencies in the floodplain.
- YY. Zone A: Special Flood Hazard Areas inundated by the 100-year flood, determined by approximate methods; no base flood elevations are shown or FHF's determined.
- ZZ. Zones A7, A8, A11: Special Flood Hazard Areas inundated by the 100-year flood, with base flood elevations shown, and zones subdivided according to FHF's.
- AAA. Zone B: Areas between the Special Flood Hazard Areas and the limits of the 500-year flood; areas that are protected from the 100- and 500-year floods by dike, levee, or other water control structure; areas subject to certain types of 100-year shallow flooding where depths are less than 1.0 foot; and, area subject to 100-year flooding from sources with drainage areas less than 1 square mile. Zone B is not subdivided.
- BBB. Zone C: Areas to minimal flooding; not subdivided.

### **3.11.13 Methods Used To Analyze Flood Hazards**

- A. The Flood Insurance Study (FIS) that is the basis of this Section uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this Section is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this Section. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for Lafayette County, Missouri, as amended, and any future revisions thereto.

## **3.12 PERMITTED USES**

### **3.12.1 Rules for Interpreting Use Charts**

- A. The Uses in these charts are categorized based on the Standard Land Use Coding Manual issued by the United States Department of Commerce in 1965. The codes established by the Department of Commerce are included on these charts as an Arabic numeral. These codes are based on type and

intensity of use with similar type of activities having similar codes. Where a use in this chart is not found in the Standard Land Use Coding Manual, a code number has been established based on the principles contained in that Manual.

- B. All uses listed in these charts shall be deemed to include all subcategories of that use listed in the Standard Land Use Coding Manual, except for any subcategory which is individually listed in the chart.
- C. For uses not listed in this exhibit but which are contained in the Standard Land Use Coding Manual (except for those uses deemed included in the listed use), the Planning Administrator shall, when necessary, determine in which zones a use is permitted and the degree to which a use is permitted (i.e. principal use, conditional use permit, accessory use) based on how the use chart treats uses with similar code numbers to the unlisted use.
- D. For uses not listed in this exhibit but which are not contained in the Standard Land Use Coding Manual, the Planning Administrator shall, when necessary, determine in which zoning districts a use is permitted and the degree to which a use is permitted based on how the use chart treats uses which the Planning Administrator determines are similar to the unlisted use.
- E. The Land Based Classification System (LBCS) may be used by the Planning Administrator to supplement, update and refine definitions and findings. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar LBCS (or NAICS or SLUCM) code number.
- F. The Planning Administrator shall maintain a list of all final decisions made pursuant to this Chapter which shall govern the uses contained on that list as if formally included on these use charts.
- G. For all uses which are permitted in certain zoning districts only as a conditional use, the Conditional Use Type is provided for the purposes of determining the requirements for that conditional use pursuant to this LDC.

### 3.12.2 Use Matrix

- A. Uses are permitted as identified in **Exhibit 3A**, and incorporated by reference into this LDC.
- B. The following abbreviations are used in the Use Matrix, and may include specific notations and guidance as described in §3.12.3 of this LDC:
  - PR:** Use is permitted as a primary use.
  - CU:** Use is permitted as a primary use, but conditional use permit required, as provided in §2.8 and other sections of this LDC.
  - A:** Use is permitted as an accessory use without a conditional use permit.
  - PD:** Use is permitted only as part of a planned development, as provided in §2.14 of this LDC.

**Exhibit 3A: Use Matrix**

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
<b>RESIDENTIAL</b>										
Dwelling, Single Family Detached	1111	PR	PR	PR	PR					
Dwelling, Single Family Attached	1113				PD					
Dwelling, Single Family Detached, Zero Lot Line	1114				PD					
Dwelling, Two Family	1120				PD					
Dwelling, Multi-Family	1130				PD	PD	PR			
Mobile Home	1151	PR								
Accessory Dwelling	1153	A	A	A						
<b>GROUP QUARTERS</b>										
Boarding and Rooming Houses	1210	CU				PR	PR			III
Fraternity and Sorority Houses	1221	CU				PR				III
Dormitories, College	1232	CU				A	A			III
Orphanages	1242	CU				PR				III
Monasteries and Convents	1252	CU				PR				III
Mobile Home Parks	1400	CU								III
Motels, Hotels, and Tourist Courts	1510					PR	PR	PR		
<b>MANUFACTURING, FOOD PRODUCTS</b>										
Meat Products, Manufacturing	2110								CU	IV
Dairy Products, Manufacturing	2120								PR	
Canning and Preserving of fruits, vegetables, and seafoods, Manufacturing	2130								PR	
Grain Mill Products, Manufacturing	2140								PR	
Bakery Products, Manufacturing	2150							PR	PR	
Sugar Refining, Manufacturing	2160								PR	

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Candy and Other Confectionery Products, Manufacturing	2171						PR	PR	PR	
Beverage Manufacturing, Nonalcoholic	2180							PR	PR	
Beverage Manufacturing, Alcoholic	2180							PR	PR	
Oil Milling	2190								PR	
Animal and Marine Fats and oils, rendering, Manufacturing	2194								CU	IV
Coffee Roasting and Coffee Products, Manufacturing	2195							PR	PR	
Shortening, Table Oils, Margarine, and other edible fats and oils, Manufacturing	2196								CU	IV
Ice, Manufacturing	2197							PR	PR	
Noodles, Macaroni, Spaghetti, and Vermicelli, Manufacturing	2198								PR	
<b>MANUFACTURING, TEXTILE PRODUCTS</b>										
Cotton, Manmade Fibers, Silk, and Wool, Weaving and Manufacturing	2210								PR	
Knit Goods, Manufacturing	2220							PR	PR	
Dyeing and Finishing of Textiles	2230								PR	
Carpet and Rug, Manufacturing	2240								PR	
Yarns and Threads, Manufacturing	2250							PR	PR	
Other Textile Goods, Manufacturing	2290								PR	
<b>MANUFACTURING, APPAREL</b>										
Hats, Caps, and Millinery, Manufacturing	2350							PR	PR	
Leather Tanning and Products, Manufacturing	2361								PR	
Shoe, Manufacturing	2364								PR	
Leather Gloves and Mittens	2365								PR	

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Luggage, Manufacturing	2366								PR	
Handbags and Other Personal Leather Goods, Manufacturing	2367								PR	
Fur Goods, Manufacturing	2370								PR	
Apparel and Accessories, Manufacturing	2380							PR	PR	
Textile Goods, Fabricated	2390								PR	
<b>MANUFACTURING, WOOD PRODUCTS</b>										
Logging Camps and Logging Contractors	2410	CU							PR	IV
Sawmills and Planing Mills, General, Manufacturing	2421	CU							PR	IV
Hardware Dimension and Flooring, Manufacturing	2422								CU	IV
Millwork, Manufacturing	2431								PR	
Plywood and Veneer, Manufacturing	2432								PR	
Prefabricating Wooden Buildings and Structural Members, Manufacturing	2433								PR	
Mobile Homes, Manufacturing	2439								PR	
Cabinet Making-- Manufacturing	2439							PR	PR	
Wooden Containers, Manufacturing	2440								PR	
Wood Preserving, Manufacturing	2491								PR	
Pattern Shop	2499							PR	PR	
<b>MANUFACTURING, FURNITURE</b>										
Furniture, Manufacturing	2510								PR	
Shades and Venetian Blinds, Manufacturing	2591								PR	
<b>MANUFACTURING, PAPER PRODUCTS</b>										
Pulp, Manufacturing	2610								PR	
Paperboard, Manufacturing	2630								PR	

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Converted Paper and Paperboard Products, Manufacturing	2640								PR	
Boxes and Paperboard Containers, Manufacturing	2650							PR	PR	
Building Paper and Building Board, Manufacturing	2660								PR	
<b>PRINTING and PUBLISHING</b>										
Newspapers, Publishing and Printing	2710								PR	
Periodicals, Printing and Publishing	2720							PR	PR	
Books, Publishing and Printing	2730							PR	PR	
Printing, Commercial	2740							PR	PR	
Print Shops (Instant or Quick Shops)	2741					PR	PR			
Business Forms, Manufacturing	2750						PR	PR	PR	
Bookbinding and Misc. Related Work, Manufacturing	2772							PR	PR	
Photoengraving and Electrotyping	2782 2783							PR	PR	
<b>MANUFACTURING, CHEMICAL PRODUCTS</b>										
Chemicals, Industrial Organic and Inorganic, Manufacturing	2810								CU	IV
Plastics and Synthetic Resins, Synthetic Rubber and Other Manmade Fibers, Manufacturing	2820								CU	IV
Drugs, Manufacturing	2830								CU	IV
Biological Products, Manufacturing	2831								CU	IV
Soaps and Detergents (except specialty cleaners), Manufacturing	2841								CU	IV
Cleaning, Polishing, and Sanitation Prep. except soap, Manufacturing	2842								CU	IV

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Cosmetics, Perfumes, and Other Toiletries, Manufacturing	2844							PR	PR	
Paints, Varnishes, Lacquers, Enamels and Allied Products, Manufacturing	2850								CU	IV
Gum and Wood Chemicals, Manufacturing	2860								CU	IV
Agriculture Chemicals and Fertilizers, Manufacturing	2870								CU	IV
Radioactive Materials Processing, Storage and Disposal	2880								CU	IV
Other Chemical Products, Manufacturing	2890								CU	IV
<b>MANUFACTURING, PETROLEUM PRODUCTS and REFINING</b>										
Petroleum Refining	2910								CU	IV
Asphalt Mixing Plants	2920	CU							PR	IV
Paving Mixtures, Manufacturing	2921	CU							PR	IV
Asphalt Felts and Coatings, Manufacturing	2922								PR	
Greases and Lubricating Oils	2991								PR	IV
<b>MANUFACTURING, RUBBER PRODUCTS</b>										
Tires and Inner Tubes, Manufacturing	3110								PR	
Rubber Footwear, Manufacturing	3120								PR	
Reclaiming Rubber	3130								PR	
Other Rubber Products, Fabricated, Manufacturing	3190								PR	
<b>MANUFACTURING, STONE, GLASS, CLAY PRODUCTS</b>										
Glass, Flat, Manufacturing	3210								PR	
Glass and Glassware, Manufacturing	3220								PR	

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Brick and Structural Clay Products, Manufacturing	3240								PR	
Vitreous China Fixtures, China and Bathroom Accessories, Manufacturing	3251							CU	PR	IV
Porcelain Electrical Supplies, Manufacturing	3254							CU	PR	IV
Other Pottery and Related Products, Manufacturing	3259							CU	PR	IV
Concrete Products, Manufacturing	3262							CU	PR	IV
Concrete, Ready-Mix Plants	3263							CU	PR	IV
Lime Products, Manufacturing	3264							CU	PR	IV
Gypsum Products, Manufacturing	3265							CU	PR	IV
Stone Products and Cut Stone, Manufacturing	3270							CU	PR	IV
Abrasive and Misc. Non-Metallic Mineral Production, Manufacturing	3280								PR	
<b>MANUFACTURING, PRIMARY METAL</b>										
Steel Works, Blast Furnaces, and Rolling of Ferrous Metals	3311								CU	IV
Electrometallurgical Production and Processing, Manufacturing	3312								PR	
Steel Wire Drawing, Steel Nails, and Pipes, Manufacturing	3313								PR	
Foundries, Iron and Steel, Manufacturing	3320								PR	
Smelting and Refining of Nonferrous Metals	3330								CU	IV
Extrusion, Drawing and Rolling of Nonferrous Metals, Manufacturing	3350								PR	
Foundries, Nonferrous Metals, Manufacturing	3360								PR	

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
<b>MANUFACTURING, FABRICATED METALS</b>										
Guns, Ammunition and Ordnance, Manufacturing	3410								CU	IV
Office, Computing and Accounting Machines, Manufacturing	3427							PR	PR	
Electrical Transmission and Distribution Equipment, Manufacturing	3431							CU	PR	IV
Appliances and Electronics (household), Manufacturing	3433							PR	PR	
Electric Lighting and Wiring Equipment, Manufacturing	3434							PR	PR	
Communication Equipment, Manufacturing	3436							PR	PR	
Electronic Components and Accessories, Manufacturing	3437							PR	PR	
Automobile and Other Motor Vehicle and Equipment, Manufacturing	3441								PR	
Aircraft and Parts, Manufacturing	3442							CU	PR	IV
Boat Building and Repair Services	3443							PR	PR	
Railroad Equipment, Manufacturing	3444								CU	IV
Motorcycles, Bicycles, and Parts, Manufacturing	3445							CU	PR	IV
Machine Shop, Manufacturing	3450	CU						PR	PR	IV
Other Fabricated Metal Products, Manufacturing	3490							CU	PR	IV
<b>MANUFACTURING, SCIENTIFIC EQUIPMENT</b>										
Engineering, Laboratory and Scientific Instruments and Equipment, Manufacturing	3510							CU	PR	III

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Instruments for measuring, controlling, and indicating physical characteristics , Manufacturing	3520							CU	PR	III
Optical Instruments and Lenses, Manufacturing	3530							PR	PR	
Medical and Dental Instruments and Apparatus, Manufacturing	3541							PR	PR	
Orthopedic, Prosthetic and Surgical Appliances and Supplies, Manufacturing	3542							PR	PR	
Ophthalmic Goods, Manufacturing	3550							PR	PR	
Photographic Equipment and Supplies, Manufacturing	3560							CU	PR	III
Clocks, Watches, Clockwork-operated Devices and Parts, Manufacturing	3570							PR	PR	
<b>SALVAGE and RECYCLING</b>										
Salvage Yard	3610								PR	
<b>MANUFACTURING, MISCELLANEOUS</b>										
Jewelry and Precious Metals, Manufacturing	3911					A	A		PR	
Lapidary Work	3913						PR	PR		
Silverware and Plated Ware, Manufacturing	3914								PR	
Musical Instruments and Parts, Manufacturing	3920							PR	PR	
Athletic, Amusement and Sporting Goods and Toys, Manufacturing	3930							PR	PR	
Pens, Pencils and Other Office and Artists' Materials, Manufacturing	3940							PR	PR	
Costume Jewelry, Novelties, Buttons and Miscellaneous Notions, Manufacturing	3950							PR	PR	

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Tobacco, Manufacturing	3960								PR	
Brooms and Brushes, Manufacturing	3991							PR	PR	
Linoleum, Asphalted-felt-base and Other Hard Surface Floor Covering, Manufacturing	3992								CU	IV
Matches, Manufacturing	3993								CU	IV
Morticians Goods, Manufacturing	3995								CU	IV
Fur Dressing and Dyeing, Manufacturing	3996								CU	IV
Signs and Advertising Displays, Manufacturing	3997							PR	PR	
Umbrellas, Parasols, and Canes, Manufacturing	3998							PR	PR	
<b>TRANSPORT, RAILROAD</b>										
Railroad Rights-of-way	4111	PR								
Railroad Yards and Terminals	4112								PR	
<b>TRANSPORT, MOTOR VEHICLES</b>										
Bus Passenger Terminals	4211						PR			
Bus Garaging and Equipment Maintenance	4214							PR	PR	
Motor Freight Terminals	4221							CU	PR	IV
Motor Freight Garaging and Equipment Maintenance	4222								PR	
Taxicab Dispatch and Maintenance	4291						PR	PR		
<b>TRANSPORT, AIRCRAFT</b>										
Airports and Passenger Terminals	4310	CU						CU	CU	IV
Aircraft Storage and Equipment Maintenance	4315	CU						CU	CU	IV
<b>HIGHWAY, STREET</b>										
Road and Utility Maintenance Yards	4510	CU	CU						PR	II

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
<b>PARKING</b>										
Parking Lots	4600					PR	PR	PR	PR	
<b>COMMUNICATIONS</b>										
Telephone Exchange Stations	4711	CU	CU	CU	CU	PR	PR	PR	PR	II
Telephone Relay Towers	4712	CU	CU	CU	CU	CU	CU	CU	CU	II
Telegraph Communications	4720						PR	PR		
Radio Broadcasting Studios	4731					PR	PR	PR		
Radio Transmitting Stations and Towers	4732	CU								II
Television Broadcasting Studios	4741					PR	PR	PR		
Television Transmitting Stations and Towers	4742	CU								II
Cable Television Maintenance Yard	4743					PR	PR	PR		
Radio and Television Broadcasting Studios (Combined)	4751					PR	PR	PR		
<b>UTILITIES</b>										
Essential Public Utility Lines (trunk, service)		PR	PR	PR	PR	PR	PR	PR	PR	
Electric Generation Plants (excluding nuclear power plants, excluding solar panels)	4812								PR	
Solar Energy Conversion, Ground-Mounted, project area greater than 65% of primary use gross floor area (GFA) (grain bins also calculated on Ag-zoned property), or as primary use (solar farm)	4812	CU <sup>1</sup>							PR <sup>1</sup>	III
Solar Energy Conversion, Ground-Mounted, project area between 50% and 65% of primary use GFA (grain bins calculated on Ag-zoned property)	4812	A <sup>1</sup> CU <sup>1</sup>							PR <sup>1</sup>	III

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Solar Energy Conversion, Ground-Mounted, project area less than or equal to 50% of primary use GFA (grain bins calculated on Ag-zoned property)	4812	A <sup>1</sup>	PR <sup>1</sup>							
Solar Energy Conversion, Roof-Mounted	4812	A <sup>1</sup>								
Nuclear Power Plants	4819								CU	IV
Gas Production Plants	4822								CU	IV
Gas Storage and Distribution Points	4823							CU	CU	IV
Water Treatment Plants and Storage	4832 4833	CU	CU	PD	PD			CU	CU	IV
Sewage Disposal	4840	CU	CU	PD	PD				CU	IV
Solid Waste Disposal	4850	CU							CU	IV
Utility Maintenance Yard	4860								CU	IV
<b>OTHER TRANSPORTATION, COMMUNICATION, and UTILITIES</b>										
Travel Arranging Services	4923					PR	PR			
<b>WHOLESALE TRADE</b>										
Motor Vehicles and Equipment, Wholesale	5110							PR	PR	
Drugs, Chemical, and Druggist Sundries, Wholesale	5121							PR	PR	
Agricultural Chemicals and Fertilizers, Wholesale	5129						PR	PR	PR	
Dry Goods and Apparel, Wholesale	5130						PR	PR	PR	
Groceries and Food Products, Wholesale	5140						PR	PR	PR	
Farm Products, Wholesale	5150	CU					PR	PR	PR	II
Livestock, Wholesale	5156	CU							PR	II
Electronic Parts and Equipment, Wholesale	5160						PR	PR	PR	

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Appliances (Electrical), Televisions, Tape Players, Radio Sets, Wholesale	5162						PR	PR	PR	
Hardware, Wholesale	5171						PR	PR	PR	
Plumbing and Heating Equipment and Supplies, Wholesale	5172						PR	PR	PR	
Air Conditioning, Refrigerated Equipment and Supplies, Wholesale	5173						PR	PR	PR	
Commercial and Industrial Machinery, Equipment and Supplies, Wholesale	5181						PR	PR	PR	
Farm Machinery and Equipment, Wholesale	5182						PR	PR	PR	
Professional Equipment and Supplies, Wholesale	5183						PR	PR	PR	
Equipment and Supplies for Service Establishment, Wholesale	5184						PR	PR	PR	
Transportation Equipment and Supplies (excluding Motor Vehicles), Wholesale	5185						PR	PR	PR	
Metals and Minerals, except Petroleum Products and Scrap, Wholesale	5191								PR	
Petroleum Bulk Stations and Terminals	5192								PR	
Scrap and Waste Materials Nonmetallic, Wholesale	5193	CU							PR	IV
Alcoholic Beverages, Beer and Wine, Wholesale	5195						PR	PR	PR	
Paper and Paper Products, Wholesale	5196						PR	PR	PR	
Furniture and Home Furnishings, Wholesale	5197							PR	PR	
Liquid Petroleum Gas, Wholesale	5199	CU							PR	IV

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Building Materials and Lumber, Wholesale	5199							CU	PR	IV
Books, Magazines, and Newspapers Distributing, Wholesale	5199						PR	PR	PR	
<b>RETAIL, BUILDING MATERIALS</b>										
Lumber Yards and Building Materials, Retail	5210						PR	PR	PR	
Heating and Plumbing Equipment and Supplies, Retail	5220						PR	PR	PR	
Paint, Glass, and Wallpaper, Retail	5230						PR	PR	PR	
Electrical Supplies, Retail	5240					PR	PR	PR	PR	
Hardware and Farm Supplies, Retail	5251	CU				PR	PR	PR	PR	III
Farm Machinery and Equipment, Retail	5252	CU					PR	PR	PR	III
Fertilizers, Retail	5254	CU					PR	PR	PR	III
Construction Equipment, Retail	5260						PR	PR	PR	
Home Improvement Centers	5261						PR	PR	PR	
<b>RETAIL, GENERAL MERCHANDISE</b>										
Department Stores, Retail	5310						PR			
Mail Order Houses, Retail	5320						PR	PR	PR	
Discount and Variety Stores, Retail	5330					PR	PR			
Vending Machine Operators, Retail	5340						PR	PR		
Dry Goods and General Merchandise, Retail	5391				PD	PR	PR			
<b>RETAIL --FOOD</b>										
Groceries (with or without meat), Retail	5410				PD	PR	PR			
Meats, Retail	5421				PD	PR	PR			
Fish and Seafoods, Retail	5422	CU			PD	PR	PR			I
Farmers Market	5429	CU	CU				PR	CU	PR	I

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Fruits and Vegetables, Retail	5430	PR			PD	PR	PR			
Candy, Nut and Confectionary, Retail	5440				PD	PR	PR			
Dairy Products, Retail	5450	CU	CU		PD	PR	PR			I
Bakeries, Retail	5460				PD	PR	PR			
<b>RETAIL, AUTOMOTIVE MARINE and AIRCRAFT</b>										
Automobile and Other Motor Vehicle, Retail	5511						PR			
Automobile Parts and Supplies, Retail	5520					PR	PR			
Tires, Retail	5521					PR	PR			
Gasoline Service Stations, Retail	5530				PD	PR	PR	PR	PR	
Recreational Vehicle and Equipment	5540							PR	PR	
Mobile Homes and Accessories, Retail	5570							PR	PR	
Aircraft and Accessories, Retail	5592						PR	PR	PR	
<b>RETAIL, APPAREL</b>										
Apparel, Shoes, and Accessories, Retail	5600					PR	PR			
<b>RETAIL, FURNITURE, HOME FURNISHINGS</b>										
Furniture and Home Furnishings, Retail	5711					PR	PR			
China, Glassware, and Metalware, Retail	5714					PR	PR			
Appliances and Electronics (Household), Retail	5720					PR	PR			
Musical Instruments and Supplies, Retail	5732					PR	PR			
<b>RETAIL, EATING and DRINKING</b>										
Restaurants (excluding drive-ins)	5811				PD	PR	PR			
Restaurants (Drive-Ins)	5812						PR			
Private Clubs	5821					CU	CU			III

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Taverns and nightclubs (including dance halls)	5822						CU			III
<b>RETAIL, MISCELLANEOUS</b>										
Drug and Proprietary, Retail	5910					PR	PR			
Liquor, Retail	5920					PR	PR			
Antiques, Retail	5931					PR	PR			
Second-Hand Merchandise, Retail	5932						PR			
Books and Stationary, Retail	5940					PR	PR			
Sporting Goods and Bicycles, Retail	5951					PR	PR			
Bait Shops	5953						PR			
Feeds, Grains and Hay, Retail	5961	CU	CU				PR		PR	I
Garden Supplies and Landscape Nursery , Retail	5962	CU	CU				PR			I
Jewelry, Retail	5970					PR	PR			
Fuel Oil, Retail	5982						PR			
Bottled Gas, Retail	5983					A	CU	CU	PR	IV
Ice, Retail	5985					A	PR			
Retail Trades Not Listed Elsewhere	5990						PR			
Florists, Retail	5991					PR	PR			
Cigarettes and Cigars, Retail	5992					PR	PR			
Magazines and Newspapers--Retail	5993					PR	PR			
Cameras and Photographic Supplies, Retail	5994					PR	PR			
Gifts, Novelties, and Souvenirs, Retail	5995					PR	PR			
Hearing Aids, Optical Goods, Orthopedic Appliances and Similar Devices, Retail	5996					A	PR			
Hobby Supplies, Retail	5997					PR	PR			
Pets and Pet Grooming, Retail	5998					PR	PR			

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Monuments, Retail	5999						PR	PR		
<b>SERVICES, FINANCIAL, INSURANCE, REAL ESTATE</b>										
Banking Services	6111				PD	PR	PR			
Credit Unions, and Agricultural, Business, and Personal Credit Services	6122					PR	PR			
Security and Commodity Brokers, Dealers, Exchanges and Services	6130					PR	PR			
Insurance Agents and Brokers Service	6142				PD	PR	PR			
Real Estate Agents, Brokers and Abstracting Services	6150				PD	PR	PR			
Investment and Holding Services	6160					PR	PR			
<b>SERVICES, PERSONAL</b>										
Dry Cleaning and Laundering Services (cleaning on-site)	6211					PR	PR			
Linen Supply and Industrial Laundry Service	6212							PR	PR	
Carpet and Rug Cleaning and Repair Services	6215						PR	PR	PR	
Photographic Studios and Services	6220					CU	CU			III
Barber and Beauty Services	6230				PD	PR	PR			
Funeral, Mortuary and Crematory Services	6241	CU	CU	CU	CU	CU	PR	CU	CU	III
Cemeteries and Mausoleums	6242	CU	I							
Alteration, Tailoring and Garment Repair Servicing	6251					PR	PR			
Dry Cleaning and Laundry Services (Pickup Only)	6251				PD	PR	PR			
Fur Repair and Storage Service	6252						PR	PR	PR	
Shoe Repair, Shoe Shining, and Hat Cleaning Service	6253					PR	PR			
Health and Exercise Spa	6261						PR			

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Massage Services	6262						CU			III
<b>SERVICES, BUSINESS</b>										
Advertising Services	6310					PR	PR			
Outdoor Advertising Services	6312						PR	PR		
Credit Reporting, Adjustment and Collection Services	6320					PR	PR			
Photocopying and Blueprinting Service	6332						PR	PR		
Stenographic, Duplicating, and Mailing Services	6339					PR	PR			
Exterminating and Disinfecting Services	6342						PR	PR	PR	
Lawn Care, Services	6343						PR	PR		
Janitorial Services	6344						PR	PR		
News Syndicate Services	6350					PR	PR			
Employment Services	6360					PR	PR			
Farm Products Warehousing and Storage excluding Stockyards	6371	CU	CU					PR	PR	III
Stockyard	6372								CU	IV
Food Lockers and Refrigerated Storage	6374						PR	PR	PR	
Warehousing of Household Goods	6375							PR	PR	
Warehousing of Nonhazardous Products	6376							PR	PR	
Warehousing of Hazardous Products	6377								CU	IV
Warehousing of Personal Goods (Individual Access)	6378						PR		PR	
Business Offices Not Listed Elsewhere	6390					PR	PR			
Research, Development, and Testing Service	6391	CU	CU				CU	CU	CU	IV

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Business and Management Consultant Service	6392					PR	PR			
Detective and Protective Service	6393					PR	PR			
Equipment Rental and Leasing Services	6394						PR	PR	PR	
Photofinishing Services	6395					PR	PR	PR		
Automobile and Truck Rental Services	6397						PR	PR		
Motion Picture Distribution Services	6398					PR	PR			
Locksmith Services	6399						PR	PR		
<b>SERVICES, REPAIR</b>										
Automobile and Other Motor Vehicle, Repair	6411						PR			
Automobile and Truck Wash Services	6412						PR	PR		
Automobile and Other Motor Vehicles, Body Shop	6414								PR	
Electrical Repair Services (including television, radio, and appliances)	6491					PR	PR	PR	PR	
Watch, Clock, and Jewelry Repair Service	6493					PR	PR	PR		
Furniture Repair and Re-upholstery Service	6494						PR	PR		
Bicycle Repair Shops	6498						PR			
Repair Services Not Listed Elsewhere	6499						PR			
<b>SERVICES, PROFESSIONAL</b>										
Medical, Dental, and Chiropractic Services	6510					PR	PR			
Hospital and Medical Clinics (Including Rehabilitation Clinics)	6513 6517					CU	PR			I
Medical and Dental Laboratory Services	6514					CU	PR	PR	PR	

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Sanitarium	6516	CU				CU	PR			I
Nursing and Convalescent Homes	6516					CU	PR			I
Legal Services	6520					PR	PR			
Engineering, Planning, and Architectural Professional Services	6591					PR	PR			
Accounting and Bookkeeping Services	6593					PR	PR			
Professional Offices Not Listed Elsewhere	6599					PR	PR			
<b>CONSTRUCTION</b>										
Building Construction Contractors	6611						PR	PR	PR	
Carpentry and Wood Flooring Services	6625						PR	PR	PR	
Water Well Drilling Services	6628	CU						PR	PR	I
Welding and Blacksmith Services	6629	CU						PR	PR	I
Landscape Contracting Services	6630	PR					PR	PR		
<b>SERVICES, GOVERNMENT</b>										
Prisons and Correctional Facilities (Public)	6741	PR						PR	PR	
Social Correctional, Treatment and Counseling Services	6742					PR	PR			
Prisons and Correctional Facilities (Private)	6749	CU						CU	CU	IV
Armed Forces Reserve Center	6757	CU				CU	PR	PR	PR	III
<b>SERVICES, EDUCATION</b>										
Day Care Centers	6811	CU	CU	CU	CU	PR	PR			I
Schools, Primary and Secondary (Public)	6812	PR	PR	PR	PR					
Schools, Primary and Secondary (Private)	6814	CU	PR	PR	PR					I

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Schools, Universities and Colleges	6821	CU	CU	CU	CU		PR			I
Schools, Professional and Business	6823					PR	PR			
Schools, Trade, Technical and Vocational	6831						PR	PR		
Schools, Art-Music-Dance	6834 6835					PR	PR			
<b>SERVICES, MISCELLANEOUS</b>										
Churches, Synagogues and Temples	6911	PR								
Welfare and Charitable Services	6920					PR	PR			
Business Associations	6991					PR	PR			
Labor Union and Similar Labor Organizations	6993						PR	PR		
Civic, Social and Fraternal Associations	6994	CU	CU			PR	PR			III
<b>CULTURAL</b>										
Museums	7112					PR	PR			
Art Galleries and Artists Studios	7113					CU	CU	CU		III
Zoos, Aquariums, and Botanical Gardens	7120						PR			
<b>PUBLIC ASSEMBLY</b>										
Amphitheaters	7211	CU					CU	CU	PR	III
Theaters, Motion Picture, Indoor	7212					PR	PR			
Theaters, Motion Picture, Outdoor	7213	CU					CU			III
Theaters, Performance, Indoor	7214						CU			III
Stadiums	7221	CU						CU	CU	III
Race Tracks and Courses, Animal	7223	CU					CU	CU	CU	III
Race Tracks and Courses, Vehicle	7224	CU					CU	CU	CU	III

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Auditoriums and Exhibition Halls	7230	CU				PR	PR	PR	PR	III
<b>AMUSEMENTS</b>										
Fairgrounds	7311	CU					CU	CU	PR	III
Amusement Parks and Go-Cart Tracks	7312 7394						CU	CU	CU	III
Penny Arcades and Amusement Centers (Indoors)	7391						PR			
Golf Courses, Miniature	7392						PR			
Golf Driving Range	7393	CU					PR			III
Circuses and Carnivals (By Temporary Permit Only)	7395	CU	CU			CU	CU	CU	CU	III
<b>RECREATION</b>										
Golf Courses (Full Scale and Executive or 3-par)	7411	CU	CU	CU	PD	CU	CU	CU	CU	I
Skating Rinks	7415						PR			
Riding Stables	7416	CU	CU	CU						I
Bowling	7417						PR			
Ranges, Trap, Skeet, and Rifle (Outdoor)	7419	CU							CU	III
Ranges, Trap, Skeet, and Rifle (Indoor)	7419								CU	III
Ranges, Archery or similar	7419	CU	CU						CU	III
Athletic Fields (Private)	7423	CU	CU		PD		CU			I
Community and Recreation Centers	7424	CU			PD		PR			I
Athletic Clubs and Gymnasium (Includes Tennis Clubs, etc.)	7425				PD		PR			I
Swimming Pools (Public or Commercial)	7432	CU	CU	CU	CU	PR	PR			I
Swimming Pool (Residential, Private)	7432	A	A	A	A					
Marinas and Boat Rentals	7440	CU			PD		PR			I
Country Club and Athletic Clubs	7450	CU	CU	PD	PD		PR			I

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Campgrounds and Retreats	7491	CU								I
<b>RESORTS and CAMPS</b>										
Resorts and Dude Ranches	7511	CU								I
Hunting and Fishing clubs	7515	CU								I
<b>PARKS</b>										
Parks and Playgrounds, Public	7610	PR								
<b>AGRICULTURE</b>										
Farms, Crop	8110, 8120, 8130, 8140	PR	PR							
Farms and Ranches, Livestock, Dairy and Poultry	8150, 8160	PR	PR							
Apiary Farms and Processing	8193	PR	PR					PR		
Farms and Ranches-- Horses	8194	PR	PR							
Worm Farms	8199	PR	PR							
<b>AGRICULTURAL RELATED</b>										
Agricultural Processing	8210	PR	PR							
Harvesting Services, Corn Shelling, Hay Baling, and Threshing Services	8213	PR	PR							
Veterinarian Services, Outdoor and Large Animals	8221	PR	PR							
Veterinarian Services, Indoor Only, Small Animals	8221	PR	PR			PR	PR			
Poultry Hatchery Services	8223	PR	PR							
Kennels, Boarding and Breeding (Indoor)	8229	PR	PR				PR			
Kennels, Boarding and Breeding (Outdoor)	8229	PR	PR							
Green Houses (raising of plants and wholesale)	8291	PR					A	PR	PR	
Nursery Stock Farms	8291	PR	PR							
Feed Lots	8299	PR								
Farms, Commercial Forestry	8310	PR								

Use	SLUCM Code	A	RA	RE	RR	LB	RB	LI	HI	CU Type
Fish Farms and Hatcheries	8410	PR	PR							
<b>RESOURCE EXTRACTION</b>										
Mining	8510 8520	CU								IV
Gas and Petroleum Drilling	8530	CU								IV
Quarrying, Stone, Sand, and Gravel	8540	CU							CU	IV
<b>SIGNS</b>										
Non-Illuminated Business Signs		A	A	A	A	A	A	A	A	
Illuminated (including Animated or Flashing) Business Signs		CU	CU	CU	CU	A	A	A	A	I
All other Non-Illuminated Wall or Projecting Signs		CU	I							
All other Illuminated (including Animated or Flashing) Wall or Projecting Signs						CU	CU	CU	CU	I
All other Free Standing and Portable Signs (including Billboards and Outdoor Advertising Signs)		CU					CU	CU	CU	III

### 3.12.3 Use Matrix Notes.

1. The specific regulation of Solar Energy Development is contained in Land Development Code Section 5.15.3.

## Chapter 4 DEVELOPMENT STANDARDS

### 4.1 SUBDIVISION DEVELOPMENT STANDARDS

#### 4.1.1 Roads

- A. County Standards. Any roads built in subdivisions shall conform with the County's road plans and the requirements of this LDC. All roads built in residential subdivisions shall be built to current county standards. The Planning Commission may require that proposed roads be county roads. To the extent that a proposed subdivision places a burden on existing county roads in close proximity to the subdivision, the Planning Commission may require an applicant to contribute a reasonable amount, up to and including the full amount where appropriate, of the expense needed to upgrade such existing county roads.
- B. Cul-de-sacs.
- (1) Generally, permanent cul-de-sacs are not permitted. However, permanent cul-de-sacs may be permitted elsewhere only if topography or other conditions of the land justify their use. The burden shall be on the applicant to present documented support for a claim that permanent cul-de-sacs are necessary.
  - (2) Temporary cul-de-sacs may be built on roads proposed as collector or arterial roads as long as the right of way to extend the road has been dedicated in any plat.
  - (3) The roadbed of the turn around of any cul-de-sac shall have a diameter of not less than one hundred twenty (120) feet, and the right-of-way of the turnaround of any cul-de-sac shall have a diameter of not less than one hundred fifty (150) feet.
  - (4) Roads ending in a cul-de-sac shall not exceed 2400 feet in length.
- C. Residential Subdivisions. The Planning Commission can require residential subdivisions to contain at least one road proposed as a collector or arterial road. The dedicated right-of-way for that road shall extend to the property line of the proposed subdivision.
- D. Rights of Way
- (1) All right of way dedicated for public use shall be described by center line, course, and bearing. The description shall be accompanied by a plat showing all land ties.
  - (2) The minimum right of way width shall be 60 feet, except that the minimum right of way for all roads designated as potential collector roads shall be 80 feet and the minimum right of way for all roads designated as potential arterial roads shall be 100 feet.
  - (3) Additional right of way may be required at creeks, ravines, or cuts and fill areas where the back slopes run beyond the minimum required by this LDC.
  - (4) All roads must connect to an existing road or to a road proposed in the plat.
- E. Roadbed Width
- (1) All county roads shall have a minimum of two traffic lanes, except for arterial roads which shall have a minimum of four traffic lanes.

- (2) The minimum width of traffic lanes on county roads shall be ten feet on local roads, eleven feet on collector roads, and twelve feet on arterial roads.
  - (3) The minimum roadbed width on county roads shall be twenty-eight feet on local roads, thirty-six feet on collector roads, and sixty-two feet on arterial roads.
  - (4) In all other respects, the design and construction of the roadbed shall comply with the current standards of the Kansas City Chapter of the American Public Works Association, which are incorporated by reference.
- F. Intersections
- (1) No more than two roads shall intersect at one (1) point.
  - (2) Roads shall intersect at right angles, except when topography dictates, and in no case shall the angle of the intersection be less than sixty degrees.
  - (3) Two roads meeting a third road from opposite sides shall meet at the same point, or their centerlines shall be off-set by at least one hundred fifty (150) feet.
  - (4) Except when topography requires it, local roads intersecting with arterials or highways should be avoided.
  - (5) Intersections shall be designed with a flat grade whenever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having no greater than a three (3%) rate at a distance of forty (40) feet, measured from the nearest right-of-way line of the intersecting road.
- G. Design. All new roads shall be designed to meet the current standards of the Kansas City Chapter of the American Public Works Association, which are incorporated by reference.
- H. Drainage
- (1) All local roads shall have drainage structures accommodating a 25-year storm.
  - (2) All collector roads and arterials shall have drainage structures accommodating a 50-year storm.
  - (3) All drainage structures in a 100-year flood plain shall be designed to accommodate a 100-year storm.
  - (4) All drainage structures shall be designed and constructed in accordance with the current standards of the Kansas City Chapter of the American Public Works Association, which are incorporated by reference.
- I. Surfacing
- (1) At a minimum, all county roads shall be chipped and sealed.
  - (2) The surfacing of all county roads shall comply with the requirements of the current standards of the Kansas City Chapter of American Public Works Association, which are incorporated by reference.

J. Acceptance of County Roads

- (1) No part of a road in a subdivision will be accepted by the County until that part of the road in front of all lots, tracts, or divisions of land within the subdivision is complete to current county standards and the current standards of the Kansas City Chapter of American Public Works Association, which are incorporated by reference.
- (2) All laws of the State of Missouri must be complied with and the necessary letters of certifications of approval shall be made available to the County Commissioners if requested by the County Commission
- (3) All descriptions of land surveys required by this LDC shall be certified by a registered land surveyor licensed to practice in the State of Missouri. All design criteria shall be certified by a registered engineer licensed to practice in the State of Missouri.
- (4) Before commencing construction of roads in residential subdivisions, the applicant/developer shall present detailed plans to the County Commissioners.
- (5) The County Commissioners shall be notified prior to construction in order to allow such inspection of work and material as the Commission may require.
- (6) The applicant shall provide financial assurance by escrow account or security bond with the County Treasurer in an amount sufficient to insure total completion of the roads to County standards. This amount shall be released when a licensed engineer submits a certificate stating that the road has been completed to County standards and the applicant has posted financial assurance in an amount equal to 25% of the total cost of construction. by escrow account or security bond, in order to assure maintenance of said road.
- (7) Ten (10) months following preliminary acceptance and completion of the road, an inspection and a list of deficiencies will be supplied to the applicant.
- (8) The applicant may request release of the funds after a period of three years from the date of completion and preliminary acceptance, if the development project has reached a minimum of 60% of completion. If the project has not reach said 60% completion rate, then the funds shall be retained until the required 60% completion of the development has occurred. Prior to the release of any funds another inspection shall be conducted and a list of deficiencies supplied to the applicant.
- (9) Deficiencies not repaired at least ten (10) days prior to the expiration date of the financial assurance will be itemized and presented to the applicant and shall be deducted from the escrow account prior to its release to the applicant. The County may then release said remaining funds and officially accept said road as a part of the County road system.

K. Construction and Completion of Private Roads. The Planning Commission and the County Commissioners may allow a developer to construct private roads which meet all standards required of county roads in a subdivision under exceptional circumstances. In addition, the developer must comply with the following requirements:

- (1) All laws of the State of Missouri must be complied with and the necessary letters of certifications of approval shall be made available to the County Commissioners if requested by the County Commission

- (2) All descriptions of land surveys required by this LDC shall be certified by a registered land surveyor licensed to practice in the State of Missouri. All design criteria shall be certified by a registered engineer licensed to practice in the State of Missouri.
  - (3) Before commencing construction of roads in residential subdivisions, the applicant/developer shall present detailed plans to the County Commissioners.
  - (4) The County Commissioners shall be notified prior to construction in order to allow such inspection of work and material as the Commission may require.
  - (5) The applicant shall provide financial assurance by escrow account or security bond with the County Treasurer in an amount sufficient to insure total completion of the roads to County standards. This amount shall be released when a licensed engineer submits a certificate stating that the road has been completed to County standards.
  - (6) Upon completion of the roads, ownership of the roads shall be transferred to a property owners association, or to a similar organization, which shall be responsible for maintaining the roads.
- L. Road Names. All roads shall have unique names approved by the County so as to avoid confusion with existing roads. However, roads that are in alignment with existing roads shall bear the same name as the existing road.
- M. Alleys. Alleys shall be provided in commercial and industrial districts unless definite and adequate provisions are made in the plat for access to off-street loading areas and off-street parking areas. Alleys shall have a minimum width of twenty-five feet. In the case of intersecting alleys, a cut-off shall be required of at least five feet measured from the point of intersection of the alley lines.

#### **4.1.2 Sewers and Onsite Sewage Treatment**

- A. Permits Required. Permits will be required for on-site sewage disposal systems on all tracts of less than twenty (20) acres.
- B. Generally
- (1) Proper provision shall be made for the disposal of sanitary waste in a manner approved by the Department of Natural Resources of the State of Missouri (MODNR) and the Lafayette County Health Department (LCHD). The developer is responsible for obtaining all required permits from MODNR and LCHD.
  - (2) When permitted by law, regulation and ordinance, on-site sewers constructed in accordance with the laws of the state of Missouri and Ordinances of Lafayette County shall be permitted in new subdivisions and commercial and industrial districts. However, a centralized sewer system, either public or private, may be required by MODNR or LCHD.
  - (3) For all on-site sewerage systems, under no circumstances will sewage effluent be permitted to exit the property boundary of the source of generation. The property owner will be responsible for retaining said effluent on site.

### C. Standards

- (1) The results of a percolation test or a soil profile shall accompany each application for a permit for on-site sewage disposal system. Each application shall be evaluated on the basis of the following criteria so as to sewage stays on the lot on which it is generated:
  - (a) Soil conditions, properties, and permeability as shown by the percolation test or soil profile;
  - (b) Slope of the tract;
  - (c) Existence of lowlands, local surface depressions, rock outcrops, and sinkholes on the tract;
  - (d) Setback of system from the boundaries of the tract (at the very least, must comply with the minimum setbacks contained in the on-site sewage ordinance);
  - (e) Surface water flooding probability (e.g., is the system located in a floodplain);
  - (f) Location of easements and underground utilities;
  - (g) Amount of available area, for a replacement system should one be needed.
- (2) Percolation tests shall be to the depth of twenty-four inches or to the bottom of the proposed soil absorption system, whichever is greater. If the test is not to the bottom of the proposed soil absorption system, it will be required to be retested. The holes for the percolation tests shall be flagged until such time as the Planning Office has reviewed the application and determined that the percolation tests are acceptable.

#### 4.1.3 Other Utilities

- A. All lots shall contain an easement for the placement of water, sewer, power, or phone lines, or other similar utilities, or for surface drainage. The location and size of the easement shall be determined by the utility company. However, all such easements shall be connected with established easements in adjoining property.
- B. All water supply systems shall meet the requirements of the Missouri Department of Health as to quality, quantity, and pressure. Water distribution lines shall be governed by the appropriate water supply district or utility company.
- C. Gas, electricity, telephone, and cable TV should be placed underground in accordance with Public Service Commission Rules. The subdivider shall make arrangements for installation with the private utility providing the service, with financial arrangements to be made according to the appropriate rules and rates. Electric transmission and distribution lines of 138 KV or greater shall be exempt from the underground requirement.

#### 4.1.4 Dedication Of Land

- A. All developers are encouraged to dedicate land for park, recreation, or other facilities. The Planning Commission may, as a condition of approval of plats, require the dedication or reservation for future dedication of such land.

- B. In residential subdivisions in which the Planning Commission does not require the dedication of land, the County Commissioners may impose a reasonable fee to be set aside for the purpose of acquiring land for facilities serving residents of that subdivision. If such a fee is imposed, said fee shall be held in trust by the County Treasurer until such time as the County Commissioners reaches an agreement with an appropriate political subdivision or with an appropriate homeowners' association regarding a plan to acquire land for such facilities.

#### 4.1.5 Lots

- A. All lots shall be designed to provide a satisfactory and desirable building site and shall abut on a street and a utility easement. The size of the lot shall conform to the minimum requirements for the type of zoning district in which the lot is located.
- B. All side lot lines shall run perpendicular to a straight street or the tangent of a curved street when possible.
- C. Corner lots in residential districts shall be of sufficient size to observe the same setback on both streets.
- D. When possible, principal frontage should be located on local roads. Principal frontage upon a state-maintained road should be avoided when possible.
- E. Lots shall be grouped in blocks composed of one or more lot. In residential districts, blocks shall not exceed one thousand three hundred twenty (1,320) feet, unless topography or other conditions justify a departure. In district LB, blocks shall not exceed six hundred (600) feet, unless topography or other conditions justify a departure. In district RB, no block with multiple lots shall exceed six hundred (600) feet, unless topography or other conditions justify a departure. In blocks longer than eight hundred feet, pedestrian ways and/or easements through the block may be required near the center of the block.
- F. Other Improvements
  - (1) Survey Monuments
    - (a) Monuments are required in all subdivisions. Monuments shall be set permanently at the intersection of all lines forming angles in the boundaries of the subdivisions and at the intersection of road lines.
    - (b) Markers shall comply with all state regulations.
    - (c) Any monuments or markers that are removed shall be replaced by a surveyor at the expense of the individual removing them.
  - (2) The Planning Commission may require the construction of concrete sidewalks in subdivisions having more than five (5) lots to the acre. Sidewalks shall be four feet wide with four inches of concrete. Sidewalks shall be reinforced with wire mesh at driveway crossings.
  - (3) The developer shall install road name signs at all intersections.
  - (4) Numbered house markers are required at all driveway entrances. Such house markers shall be clearly visible at all times including nighttime.

- (5) The developer shall seed and plant in an appropriate manner to reduce erosion all landscaped strips, parkways, buffer screened areas, and open drainage areas dedicated to the public.

**4.1.6 Grading and Drainage**

- A. The subdivider shall provide suitable drainage facilities for surface run-off. These facilities shall be located in easements of appropriate width in accordance with County regulations and are subject to the approval of the Planning Commission. Each culvert or other drainage facility shall be large enough to accommodate potential run-off from upstream drainage areas. Drainage systems shall not discharge into any sanitary sewer facilities and shall meet the minimum standards of federal and state Clean Water Acts and regulations adopted pursuant to such acts.
- B. The grading and drainage system shall be designed and certified by a registered engineer.

**4.2 LOT DEVELOPMENT STANDARDS**

The performance standards and design guidelines established in **Exhibit 4A** apply to the zoning districts, respectively, unless otherwise indicated in this LDC.

**Exhibit 4A: Lot Development Standards**

Zoning District	Minimum Lot Size	Lot Ratio, Minimum Width, Max Coverage	Minimum Setbacks (ft)			Building Height (ft)
			Front	Rear	Side	
<b>Agricultural (AG)</b>	20 ac.	4:1 100'	50	50	25/50 <sup>c</sup>	35 <sup>d</sup>
<b>Residential Agriculture (RA)</b>	5 ac.	4:1 100'	50	50	25/50 <sup>c</sup>	35 <sup>e</sup>
<b>Rural Estates (RE)</b>	1.5 ac.	3:1 100'	50	50	25/50 <sup>c</sup>	35 <sup>e</sup>
<b>Rural Residential (RR)</b>	10,000 sf	3:1 75'	50	25	15/25 <sup>c</sup>	35 <sup>e</sup>
<b>Local Business (LB)</b>	0	3:1 60%	25/50 <sup>a</sup>	25	0/25 <sup>a,c</sup>	35
<b>Regional Business (RB)</b>	0	3:1 80%	25/50 <sup>a</sup>	25	0/25 <sup>a,c</sup>	45
<b>Light Industrial (LI)</b>	0	3:1 80%	25/50 <sup>b</sup> /100 <sup>a</sup>	25/100 <sup>a</sup>	0/15 <sup>c</sup> /25 <sup>b</sup> /100 <sup>a</sup>	75
<b>Heavy Industrial (HI)</b>	0	3:1 90%	25/75 <sup>b</sup> /150 <sup>a</sup>	25/75 <sup>b</sup> /150 <sup>a</sup>	0/15 <sup>c</sup> /75 <sup>b</sup> /150 <sup>a</sup>	none
<sup>a</sup> - If adjacent or across from agricultural or residential zoning. <sup>b</sup> - If adjacent or across from business zoning. <sup>c</sup> - If adjacent to a side street.						

Zoning District	Minimum Lot Size	Lot Ratio, Minimum Width, Max Coverage	Minimum Setbacks (ft)			Building Height (ft)
			Front	Rear	Side	
<p><i>d</i> - There are no height limits on non-dwelling permitted uses unless otherwise prescribed by State or Federal laws, or other sections of this Land Development Code.</p> <p><i>e</i> - A radio aerial or television antenna support shall not exceed forty feet in height nor shall they exceed 20' above the ridge of a roof.</p>						

**4.2.1 Rear Yard With Alley**

If the rear yard abuts an alley, one-half of the alley may be treated as part of the rear yard, provided that there is sufficient access for firefighting equipment and access is approved by the Fire Chief of the Fire District having jurisdiction prior to the issuance of any permit.

**4.2.2 Additional Standards, Building Heights and Setbacks**

- A. For all public or semi-public buildings exceeding thirty-five feet in height, the minimum yard setbacks shall be calculated by adding an additional foot to the requirement for each foot by which the building exceeds 35'.
- B. Setback alternates based for building height over 35': For all public or semi-public buildings exceeding 35' but less than 50' in height, the minimum setback shall be determined by adding an additional foot to the requirement in the previous subsection for each foot by which the building exceeds 35'.
- C. Setback alternates based for building height over 35': For all public or semi-public buildings exceeding 50' in height:
  - (1) If the required setback is 50', then 50' or 50% of the height of the building, whichever is greater.
  - (2) If the required setback is 75', then 75' or 75% of the height of the building, whichever is greater.
  - (3) If the required setback is 100', then 100' or 75% of the height of the building, whichever is greater.
  - (4) If the required setback is 150', then 150' or 100% of the height of the building, whichever is greater.
- D. Parapet walls and false mansards shall not extend more than 6' above the height limit.
- E. The height limits and minimum yard setbacks of renewable energy structures are described in §5.15 of this LDC.

**4.2.3 Flag Lots**

Lots not having frontage on a street as required by this LDC but having access to such street by means of fee title access strips, though not encouraged by the County, may be approved by the Planning Administrator, provided that there are no other reasonable layout and development alternatives available to the property owner as determined by the Planning Administrator. Flag lots, if approved, shall comply with all reasonable requirements

and conditions established by the Planning Administrator or Planning Commission to ensure safety, accessibility, privacy, to maintain or improve the general welfare of the immediate area and for the protection of property rights of adjacent properties.

#### **4.2.4 On-Site Sewage Disposal**

The minimum lot size for lots maintaining on-site sewage disposal shall be established, based on soil percolation tests, so as to assure that sewage effluent stays on the lot. The minimum area for lots shall be certified by a registered or licensed engineer or surveyor prior to the approval of any proposed plat subdividing property.

#### **4.2.5 Lot Design**

Every lot shall be designed to provide a satisfactory building site and shall abut on a street and a utility easement.

#### **4.2.6 Abutting Railway ROW**

When the rear line adjoins a railway right-of-way or there is a rear railway track connection, there shall be no minimum rear yard as long as there is sufficient access for firefighting equipment. Access is to be approved by the Fire Chief of the Fire District having jurisdiction prior to the issuance of any permit.

#### **4.2.7 Structural Features Included and Excluded from Dimension Requirements**

A. Permitted

In any district, the ordinary projection of skylights, parapets, window sills, belt courses, cornices, chimneys and chimney foundations, buttresses, eaves, and other architectural ornamental features may extend not more than two feet into any required yard area. In addition, steps to the principal entrance, walks, fences, walls, balustrades, landscape, or garden ornaments shall be permitted in the required yard area subject to any other controls affecting such features. Fire escapes may extend into any required yard area

B. Not Permitted

Roofed or screened decks having a height greater than two feet above the grade of the abutting property at the nearest lot line, porches, and balconies shall be considered as part of the property and shall not be permitted to extend into required yard areas.

### **4.3 OFF-STREET PARKING AND LOADING**

#### **4.3.1 General**

- A. To the extent required by this LDC, off-street parking and loading shall be provided at the time of the erection, conversion, or structural alteration of any building or structure or the establishment, conversion, or extension of any use of land.
- B. The provision of required off-street parking and loading space shall be a continuing obligation of the owner of the real estate on which any use is located. It shall be unlawful for an owner of any building or land use affected by the requirements of this LDC to discontinue, reduce, or dispense with the required off-street parking or loading space.

### 4.3.2 Off-Street Parking Requirements

- A. Required off-street parking space cannot be used for storage of any type and, during business hours, shall be open to its intended function at all time.
- B. If required off-street parking cannot be provided on the same lot as the principal building, the Owner of the principal building must provide off-street parking on a lot owned by said Owner or on a lot restricted to off-street parking for the principal building by a recorded agreement.
- C. Off-street parking shall be provided for such use enumerated and in the amount specified in this LDC. Surfacing of such parking area and of the ingress and egress to such parking area shall be a minimum of crushed stone. If off-street parking is provided for 3 or more vehicles, the parking must be so situated as to prevent backing into public streets.
- D. If off-street parking requirements for a particular use is not specifically identified, the Administrator shall determine the off-street parking requirement using the current edition of, which is incorporated by reference.

### 4.3.3 Off-Street Parking Requirements

Apartment / Hotel: One for each guest room or residence unit

Assembly Halls / Auditorium: One for each 3 seats of maximum seating capacity of main assembly room

Assembly Halls / Exhibition Halls without fixed seats: One for each 100 square feet of usable area

Automobile Service Station: One for each service bay and One for each 2 gasoline pumps

Auto Wash (assembly line service): Twenty spaces for customers awaiting service

Auto Wash (self-service): Two for each stall

Auto Repair Garage: One for each 500 square feet of floor area, minimum five spaces

Bank, Savings and Loan, or Credit Union Office: One for each 200 square feet of gross floor area

Barber and Beauty Shop: Two for each barber/beautician

Boarding House: One for each boarder

Bowling Alley: Five for each alley plus required space for any bar, restaurant, assembly space located within the establishment

Children's Homes: One for each 6 beds

Church, Synagogue, Mosque, or Temple: One for each 4 seats in sanctuary/auditorium

Clubs, Night: One for each 100 square feet of floor area

Clubs, Country, Golf, or Private: One for every two members

College or Other Post-Secondary Schools: One for every 4 students. If dormitories are not available, one for every 2 students  
Community Center One for each 200 square feet of gross floor area

Dance Halls or Ballrooms: One for each 100 square feet of floor area used for dancing

Dance or Music Studios: One for each 200 square feet of floor area

- Day Camp: One for each 10 persons
- Dormitories: One for each 2 beds plus 1 for each 100 square feet of usable floor area
- Drive-in eating establishments with service to car: Twelve minimum plus 1 for each 50 square feet of building floor area
- Drive-in eating establishments without service to car: One for each 100 square feet of floor area
- Drive-in establishments, generally: One for each 50 square feet of floor area
- Dry Cleaning (automatic services): One for each 2 dry cleaning machines
- Dwellings, 1 and 2 family: Two for each dwelling unit
- Dwellings, Multi-family: Two and one-half for each dwelling unit
- Fraternity and Sorority Houses: One for each two members or residents
- Fraternal Organizations: One for each 200 square feet of gross floor area with minimum of 10 spaces
- Funeral Homes: Five for each room used as a slumber room or parlor or 1 for each 75 square feet of floor area of assembly rooms used for services, whichever is greater
- Furniture and appliance stores: One for each 800 square feet of usable floor area
- Health Center: One for each 200 square feet of gross floor area
- Homes for the aged: One for each 4 beds, plus 1 space for each full-time staff member and attending physician
- Hospital: One for each bed
- Hotel: One for each guest unit plus one space for ten guest units, plus required parking for any restaurant and/or assembly space in hotel
- Industrial establishment: One for each 2 employees, based on estimated maximum daily or maximum 8-hour shift requirements in a 24-hour period
- Institution of a charitable nature: One for each 2 employees, plus one for each 10 residents
- Laundromats: One for each 2 washing machines
- Libraries and museums: One for each 500 square feet of floor area
- Machinery Sales, indoor: One for each 500 square feet of floor area, minimum 5 spaces
- Marinas: One for each boat berth, not to include area required for winter boat storage
- Mobile Home or House Trailer: One for each dwelling unit plus one additional space for each 4 lots or stands
- Motor Vehicle Sales: Indoor One for each 400 square feet of usable floor areas of sales room and one for each auto service bay in the service area
- Nurseries: One for each 600 square feet of sales area
- Nursery School: One for each ten (10) pupils
- Nursing Home: One for each 6 beds

Office building: One for each 300 square feet of floor area exclusive of basement or other interior space used for mechanical services and areas within building used for parking cars

Outdoor Sales Lot: One for each 1,000 square feet of sales area

Personal service establishment: One for each 200 square feet of floor area

Professional Office: One for each 200 square feet of floor area

Pool and Billiard Halls: One for each 100 square feet of floor area

Refreshment including sale and consumption on premises of alcoholic beverages and food:

One for each 200 square feet of floor area up to 4,000 square feet and one for each 100 square feet of floor area in excess of 4,000 square feet

Repair Shop: in building One for 400 square feet of floor area

Research and Testing Laboratories: One for each 2 employees computed on the basis of the greatest number of persons employed at any one period during the day or night

Retail Shops: One for each 200 square feet of floor area up to 2,000 square feet and one for each 400 square feet of floor area in excess of 2,000 square feet

Rooming houses: One for each guest room but not less than 2 in any case

Sanitariums: One for each 6 beds

Elementary Schools and Junior Highs: One for each teacher, employee, or administrator in addition to the requirements of the auditorium or assembly hall. If there is no auditorium or assembly hall, then an additional two spaces per classroom

Vocational Schools: One for each four students

Senior High Schools: One for each teacher, employee, and administrator and one for every ten (10) students in addition to the requirements of the auditorium or assembly hall

Shopping Center: One acre or less in size 250 square feet of off-street parking for each 100 square feet of floor area

Shopping Center: More than one acre in size 300 square feet of off-street parking for each 100 square feet of building area

Skating Rink: One for each 100 square feet of floor area

Sports Arena or Stadium: One for each 3 seats

Storage of gravel, petroleum products, sand, etc., in open:

One for each 2,000 square feet of total site area

Theater: One for each 3 seats

Tourist homes: One for each guest offered tourist accommodation, in addition to parking spaces required for permanent residents of the building

Tourist cabins: One for each lodging unit

Veterinary clinic: One for each 300 square feet of floor area

Warehouse and enclosed storage, or wholesale operation:

One for each 1,000 square feet of floor area or 1 space for each 3 employees whichever is greater  
 Welfare Center: One for each 200 square feet of gross floor area

**4.3.4 Location of Off-Street parking**

- A. Off-street parking for one and two-family dwelling units shall be located on the lot of the use it serves. Off-street parking for any other use shall be located on or within three hundred (300) feet of the lot occupied by the use it served as measured along lines of public access.
- B. No off-street parking area shall be located upon any part of a lot which would be required as a yard area.
- C. No off-street parking area shall be located on any part of a lot which is required as open space.
- D. No off-street parking area shall be located on or within a dedicated public right-of-way.
- E. Off-street parking areas for four (4) or more vehicles shall not be located within ten (10) feet from any dwelling, school, hospital or institution for human care, located either upon the same lot or upon any adjacent lot.
- F. Off-street parking areas and loading zones of four (4) or more spaces located on land adjacent to a residential district shall be screened with screen or fencing having a density of not less than one hundred percent and at least five (5) feet in height.
- G. Off-street parking and loading of four (4) or more spaces located adjacent to a residential district shall not be lighted in any manner which permits intensive light or glare beyond the parking lot boundaries. The design of same shall be submitted to the Planning Administrator for approval.

**4.3.5 Off-street Loading Requirements**

- A. For every building, structure, or part thereof intended or used for manufacturing, warehousing, retailing, wholesaling, or other uses involving the receipt or distribution of vehicles, materials, supplies, or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services. Each loading and unloading space shall be an area at least fourteen (14) feet by fifty (50) feet with a height clearance of eighteen (18) feet.
- B. For buildings used for retail, wholesale, manufacturing, and storage, etc., based upon the number of square feet of gross floor area (except floor area below the ground floor):

Square Footage	Number of Loading Spaces
Less than 25,000	1
25,000 to 84,999	2
85,000 to 154,999	3
155,000 to 234,999	4
235,000 to 324,999	5
325,000 to 424,999	6

425,000 to 534,999	7
535,000 to 634,999	8
635,000 to 774,999	9
775,000 or more	10

- C. For buildings used as office buildings, hotels, hospitals, and institutions, based on the number of square feet of gross floor area (except floor area below the ground floor):

Square Footage	Number of Loading Spaces
Less than 100,000	1
100,000 to 334,999	2
335,000 to 624,999	3
625,000 to 944,999	4
944,000 to 1,299,999	5
1,300,000 or more	6

**4.3.6 Determination of Required Number of Spaces**

- A. Floor Area. When used as a measurement for determining the number of parking or loading spaces required for office, merchandising, or service uses, floor area shall mean the gross floor area used or intended to be used for service to the public as patrons or patients, including areas occupied by fixtures and equipment. It shall not include areas used principally for non-public purposes such as storage, processing, or packaging of merchandise, show windows, offices, restrooms, utilities, or dressing, fitting, or alteration rooms.
- B. Beds. Bassinets shall not be counted as beds.
- C. Places of Assembly. In stadia, sports arenas, places of worship, and other places of assembly in which individuals occupy benches, pews, or other similar seating facilities, each twenty inches of seating facilities shall be counted as one (1) seat for determining the number of parking spaces required.

**4.4 SIGNS**

**4.4.1 General Rules**

- A. No sign shall be erected or maintained unless it is in compliance with the requirements for the district in which it is located and has been issued a sign permit.
- B. No sign shall be erected or maintained which constitutes a nuisance because of glare, focus, animation, or flashing.
- C. No private sign or its supporting structure shall interfere with the line of vision between a motorist and any official traffic sign or signal or other vehicles approaching any street intersection.

- D. No private sign shall display flashing intermittent lights resembling those customarily used by emergency vehicles or traffic signals and shall use no dominating or emphasized word that might be misconstrued to be a public safety warning, traffic sign or signal.
- E. No sign of any type used for advertising purposes shall be located on the side of a building on an interior property line which is adjacent to a residential district.
- F. No free-standing ground or pole sign for business or outdoor advertising purposes shall be located on property fronting upon or adjacent to a designated parkway or adjacent to or across the street from a public park or playground.
- G. There shall be no signs of any nature painted directly on the exterior siding or surface of any building.
- H. All signs shall be maintained so as to not become a safety hazard or a visual nuisance due to neglect deterioration, or abandonment. Building or property owners shall be liable for repair or removal.

#### 4.4.2 Additional Definitions

When used in these regulations, the terms used herein shall be interpreted as follows:

**Accessory Sign:** A sign located on the same property or lot as the subject of the sign.

**Animated Sign:** Any sign, or any portion thereof, which is set in motion by any force.

**Announcement Sign:** Any sign used to announce the use of the plot or direction or location of buildings and structures on the plot for an office, home occupation, religious, charitable, or other institutional use. An announcement sign may be indirectly illuminated.

**Billboard or Outdoor Advertising Sign:** A non-accessory, free-standing, non-flashing, nonanimated but normally illuminated sign and especially designated as an outdoor advertising sign.

**Directional Sign:** A sign with sign area of not over two (2) square feet, indicating the direction or route to an establishment.

**Flashing Sign:** Any illuminated sign on which lights revolve, rotate, or are not constant in intensity or color.

**Free Standing Sign:** Any sign not attached to a building but having its own permanent foundation and support.

**Illuminated Sign:** Any sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or illuminated tubes as part of the sign proper or illuminated by an independently located spot or flood lights.

**Non-Accessory Sign:** A sign not located on the same property or lot as its subject.

**Portable Sign:** Any movable sign not attached to a building and projecting more than fifteen inches beyond the building wall.

**Sign Area:** The entire area with a single continuous perimeter, not including the supports, uprights, or bracing unless they serve a sign function.

**Temporary Sign:** Any non-illuminated sign intended to be displayed for ninety (90) days or less.

Wall Sign: Any sign attached to or part of the building wall, supported by the wall, and projecting not more than fifteen inches beyond the building wall.

#### 4.4.3 Sign Permit

- A. Sign permits shall be acquired from the Administrator.
- B. Applications for sign permits shall provide the information necessary to determine that the proposed sign meets the requirements of this LDC.
- C. No permit shall be issued allowing the construction, erection, placement, or painting of a sign until a sign permit has been issued.
- D. If a sign for which a clearance is granted is not erected within one hundred twenty (120) days from the date of the issuance of the clearance, the clearance, unless renewed, shall be void.
- E. If a sign becomes a hazard or nuisance, the Administrator shall direct its removal.

#### 4.4.4 Signs Not Requiring a Permit

The following signs shall be allowed without permit when they are neither animated nor illuminated, however they may be illuminated by reflected or hidden non-flashing illumination. Such signs shall comply with all other requirements of this LDC. In those districts, where one of these signs would violate a rule specific to the zoning of that district, such signs shall be considered to exceptions.

- A. Memorial signs or tablets
- B. Signs required to be maintained or operated by law, statute, Ordinance or other governmental order, rule, or regulation
- C. Temporary accessory construction or subdivision site signs denoting participating architect, engineer, contractor or the like. The total sign area shall not exceed forty square feet for each major approach.
- D. Temporary, portable, accessory signs (including rent or sale signs) not to exceed eight square feet in sign area.
- E. Accessory bulletin boards or announcements for places of worship or public buildings not to exceed twenty-five square feet in sign area
- F. Name plates, address plates, or identification signs of less than one and one-half square feet for all residential buildings
- G. Accessory name plates, address plates, or identification signs not to exceed ten square feet for non-residential buildings where said sign is a permanent part of the building and does not project beyond the building wall
- H. Accessory flags, emblems, temporary signs announcing a campaign, drive or special event of civic, philanthropic, political, educational, or religious organizations
- I. Accessory signs on tracts of forty acres or more advertising farm produce or products grown on-site and not exceeding eighty square feet per sign with no more than two such signs on a forty

acre tracts, three such signs per one hundred sixty acre tracts, and one additional such sign for each additional one hundred sixty acres for tracts over one hundred sixty acres

- J. Non-accessory signs that are farm owned.

#### **4.4.5 With Conditional Uses**

Except as provided in this LDC, all signs for which conditional use permits are required pursuant to this LDC and shall comply with all the requirements imposed on other conditional uses assigned to the same conditional use group.

#### **4.4.6 Yard size**

The minimum yard size for any sign shall be ten (10) feet more than the height of the sign measured along the ground from that portion of the sign closest to the lot line.

## Chapter 5 REGULATIONS APPLICABLE TO SPECIFIC USES

### 5.1 FARM SPLIT

#### 5.1.1 Permitted

In the AG District, the owner of a parent tract may apply to the Planning Administrator for permission to create a farm split tract. Such application shall be granted if the following conditions are met:

- A. The minimum size of each farm split tract shall be three (3) acres.
- B. For each farm split tract, there shall be a remainder of the parent tract of at least 20 acres.
- C. For each farm split tract created, the applicant shall grant the County a conservation easement or a development rights restriction over a portion of the parent tract (or a contiguous tract with common ownership) such that the total of the farm split tract and the easement or restriction total at least (twenty) 20 acres. The applicant may grant other entities a similar easement or restriction consistent with the purpose of this section.
- D. An applicant may apply for farm split tracts one at a time or apply for multiple tracts at the same time, subject to the following conditions:
  - (1) The first three (3) farm split tracts may be reviewed and approved by the Planning Administrator, but any application containing the fourth or subsequent farm split tract shall be reviewed and approved by the Planning Commission, with a recommendation for approval to be forwarded to the County Commissioners.
  - (2) If more than one (1) farm split has been approved from the parent tract, the portions covered by the respective conservation easements or development rights restrictions shall be contiguous unless good cause can be shown for allowing non-contiguous easements or restrictions.
- E. The owner shall submit a survey describing and showing the proposed boundaries of the farm split tract and all existing buildings located within 200 feet of the boundary. The Planning Administrator may require that the survey include the parent tract. If the farm split is granted, the Planning Administrator shall complete a waiver of plat for the farm split.

#### 5.1.2 Standards

All farm split tracts shall comply with the following standards:

- A. Lot Clustering.
  - (1) All farm split tracts shall be clustered and contiguous to one another and designed to minimize common boundaries with the parent tract if the parent tract is to be used for agricultural operations.
  - (2) Clusters shall contain between two and four lots. Single farm split tracts are permitted only when no other farm split tracts are being created or have previously been created.
  - (3) When there are two or more clusters of farm split tracts (formed from the same parent tract), the clusters shall be separated by at least 1,320 feet, which shall be measured from the exterior boundary lines of the cluster. Where more than one cluster shares an interior

road and only one cluster abuts a state highway, county arterial road, or section line road, the Planning Commission may decrease the required separation between clusters, provided that clusters must still be separated by a minimum of 200 feet.

- (4) Each cluster shall be oriented along an interior road and buildings shall front onto the interior roads. No more than two lots in each cluster shall be adjacent to a state highway, county arterial road, or section line road, unless the cluster contains a corner lot which abuts two such roads.
- B. **Setbacks.** If any farm split tracts abut an existing conservation easement or adjacent property under separate ownership (excluding the parent tract), there shall be a minimum setback of 100 feet.
- C. **Access.** Each lot or parcel or property shall front upon a public street, a private street or an access easement twenty (20) feet or greater in width. However, each lot in a cluster shall be accessed via the interior road. If a clustered lot is adjacent to a state highway, county arterial road, or section line road, access to such a highway or road shall not be permitted. Interior roads in a cluster shall be built to County standards as established in the Code, except that such roads may be constructed as gravel road and may include cul-de-sacs.
- D. **Restriction on Mobile Homes.** No mobile homes may be placed on a farm split tract.
- E. **Shared Open Space.** Where agricultural uses are not planned for lands contained within the proposed development rights restriction or conservation easement, such lands may be held in common ownership through a homeowners association. In such circumstances, the open space shall be undivided, and a perpetual conservation easement shall be granted to the County.
- F. **Water and Septic.** For property not served with public water or public sewer, each lot shall comply with all requirements pertaining to water and septic. The minimum lot size for on-site sewage disposal shall be established based on soil percolation tests so as to assure that sewage effluent stays on the lot, and shall be certified by a registered or licensed engineer or surveyor prior to farm split approval.
- G. **Other Development Requirements.** All farm split tracts shall meet the requirements regarding utility easements, drainage and lot design criteria established in this LDC.

### **5.1.3 Agricultural Use Easement Required**

In creating the farm split tract(s), the owner of the parent tract shall reserve for himself and grant to neighboring properties an agricultural use easement.

### **5.1.4 Conservation Easement or Development Rights Restriction Required**

The conservation easement or development right restriction shall prohibit the owners of the remainder of the parent tract and of the farm split tracts from making any further division or farm split of the portion of the parent tract covered by the easement or restriction or for applying for any changes to the zoning map or comprehensive plan as it relates to the portion covered by the easement or restriction. In creating the farm split tract(s), the owner of the parent tracts shall grant to the County a conservation easement or development rights restriction which shall comply with the following provisions:

- A. The easement or restriction shall be dedicated to the County for a period of fifty (50) years in a form acceptable to Lafayette County.
- B. The owner of a tract subject to an easement or restriction may request a release from the easement or restriction after a period of not less than twenty (20) years from the creation of the restriction. The application for release shall be in a form provided by the Planning Administrator and shall document reasons why the easement or restriction should be vacated. If the original easement or restriction granted rights to entities other than Lafayette County, a notarized release by such entities shall be included with the application. The request for release shall be considered by the Planning Commission, which shall make its recommendation to the County Commissioners. The County Commissioners shall consider the request and the recommendation of the Planning Commission and may, at its sole discretion, authorize vacation of the easement or restriction in whole or in part. The County Commissioners and the Planning Commission shall base their action on the following criteria:
  - (1) The nature of development in the area near the tract;
  - (2) Changes in the Comprehensive Plan applicable to the site and surrounding properties;
  - (3) The zoning of surrounding properties;
  - (4) Restrictions and representations made to owners of the farm split lots; and
  - (5) The availability on adequate public facilities to serve potential developments on the site;
- C. If the County Commissioners denies the request for release from the easement or restriction, no new request for release shall be considered until the expiration of five (5) years from the date the release was denied.

## **5.2 FARMSTEAD SPLIT**

### **5.2.1 Permitted**

In the AG District, the owner of a parent tract may apply to the Planning Administrator for permission to create a farmstead split tract for the purpose of separating the home site, referred to as the farmstead site, from the agricultural use portion of the farm site. Such application shall be granted if the following conditions are met:

- A. Only one (1) farmstead split is permitted for each parent farm site tract;
- B. The minimum size of the farmstead tract shall be three (3) acres;
- C. There shall be a remainder of the parent farm site tract of at least 20 acres;
- D. There is a habitable single-family detached dwelling on the farm tract (a mobile home is not considered as a single-family detached dwelling for purposes of this Section);
- E. The habitable single-family detached dwelling has been on the farm tract lot for at least ten (10) years;
- F. The agricultural use portion of the tract has been actively used for agriculture for at least ten (10) years;
- G. The agricultural use portion of the tract will remain in active agricultural in use;

- H. The farmstead split shall not be permitted for the purpose of circumventing the requirements of this LDC. In determining whether a farmstead split is sought for the purpose of circumventing the requirements of this LDC, the Planning Administrator shall consider all relevant factors, including but not limited to:
  - (1) Whether the farmstead split is profit motivated for short-term investment purposes;
  - (2) The length of time the owner of the parent tract has owned the property; and
  - (3) Whether, after the farmstead split is approved, a lot created by the farmstead split is conveyed back to the grantor or to a third party.
- I. The owner shall submit a survey describing and showing the proposed boundaries of the farmstead split tract and all existing buildings located within 200 feet of the boundary. The Planning Administrator may require that the survey include the parent tract. If the farm split is granted, the Planning Administrator shall complete a waiver of plat.

### 5.2.2 Standards

All farmstead splits shall comply with the following standards:

- A. Access. The farmstead split tract shall front upon a public street, a private street or an access easement twenty (20) feet or greater in width.
- B. Restriction on Mobile Homes. No mobile homes may be placed on a farmstead split tract.
- C. Water and Septic. For property not served with public water or public sewer, each farmstead split tract shall comply with all requirements pertaining to water and septic. The minimum lot size for on-site sewage disposal shall be established based on soil percolation tests so as to assure that sewage effluent stays on the lot, and shall be certified by a registered or licensed engineer or surveyor prior to farm split approval.
- D. Other Development Requirements. Each farmstead split tract shall meet the requirements regarding utility easements, drainage and lot design criteria established in this LDC.

### 5.2.3 Agricultural Use Easement Required

In creating the farmstead split tract, the owner of the parent tract shall reserve for himself and grant to neighboring properties an agricultural use easement.

## 5.3 FAMILY FARM SPLIT

### 5.3.1 Permitted

In the AG District, the owner of a parent tract may apply to the Planning Administrator for permission to create a family farm split tract for the purposes of sale or gift to a member of the immediate family of the parent tract property owner. Such application shall be granted if the following conditions are met:

- A. Only one such division shall be allowed per immediate family member, and shall not be made for the purpose of circumventing this LDC.
- B. The minimum size of each family farm split tract shall be three (3) acres.

- C. For each family farm split tract, there shall be a remainder of the parent tract of at least 20 acres.
- D. The family farm split shall not be permitted for the purpose of circumventing the requirements of this LDC. In determining whether a family farm split is sought for the purpose of circumventing the requirements of this LDC, the Planning Administrator shall consider all relevant factors, including but not limited to:
  - (1) Whether the farm split promotes the cohesiveness of the family;
  - (2) Whether the farm split is profit motivated for short-term investment purposes;
  - (3) The length of time the owner of the parent tract has owned the property; and
  - (4) Whether, after the family farm split is approved, a lot created by the family farm split is conveyed back to the grantor or to a third party.
- E. The owner shall submit a survey describing and showing the proposed boundaries of the family farm split tract and all existing buildings located within 200 feet of the boundary. The Planning Administrator may require that the survey include the parent tract. If the farm split is granted, the Planning Administrator shall complete a waiver of plat.

### 5.3.2 Standards

All family farm split tracts shall comply with the following standards:

- A. Access. Each family farm split tract shall front upon a public street, a private street or an access easement twenty (20) feet or greater in width.
- B. Restriction on Mobile Homes. No mobile homes may be placed on a family farm split tract.
- C. Water and Septic. For property not served with public water or public sewer, each family farm split tract shall comply with all requirements pertaining to water and septic. The minimum lot size for on-site sewage disposal shall be established based on soil percolation tests so as to assure that sewage effluent stays on the lot, and shall be certified by a registered or licensed engineer or surveyor prior to farm split approval.
- D. Other Development Requirements. Each family farm split tract shall meet the requirements regarding utility easements, drainage and lot design criteria established in this LDC.

### 5.3.3 Agricultural Use Easement Required

In creating the family farm split tract, the owner of the parent tract shall reserve for himself and grant to neighboring properties an agricultural use easement.

## 5.4 HOME OCCUPATION

### 5.4.1 Purpose and Findings

- A. Establishes criteria for operation of home occupations in dwelling units within residential districts;
- B. Permits and regulates the conduct of home occupations as an accessory use in a dwelling unit, whether owner or renter-occupied;

- C. Ensures that such home occupations are compatible with, and do not have a negative effect on, adjacent and nearby residential properties and uses;
- D. Ensures that public and private services, such as streets, sewers, or water or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- E. Allows residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions, and criteria;
- F. Enables the fair and consistent enforcement of these home occupation regulations; and
- G. Promotes and protects the public health, safety and general welfare.

#### **5.4.2 Applicability**

- A. This section applies to any occupation, profession, or business activity customarily conducted entirely within a dwelling unit and carried on by a member of the family residing in the dwelling unit, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character of the dwelling unit. A home occupation is an accessory use to a dwelling unit.
- B. No home occupation, except as otherwise provided in this section, may be initiated, established, or maintained in the unit except in conformance with the regulations and performance standards set forth in this section. A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes.
- C. No home occupation, except as otherwise provided herein, shall be initiated, established, or maintained in the County except in conformance with the regulations, administrative procedures and standards set forth in this LDC. The applicant shall apply for a home occupation permit, renewable bi-annually, with the Planning Administrator and pay the fee as established by a resolution of the County Commissioners. The Planning Administrator may require an inspection prior to issuing a home occupation permit.
- D. For uses not identified as permitted or prohibited, the Planning Administrator shall make a final determination of appropriateness as a home occupation, which may be appealed to the Board of Zoning Appeals.

#### **5.4.3 Permitted Home Occupations, AG, RA, RE and RR Districts**

The following home occupations are allowed in a residential dwelling because they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level. A home occupation is permitted as an accessory use.

- A. Accounting, tax preparation, bookkeeping, and payroll services;
- B. Baking and cooking;
- C. Child care;
- D. Computer repair training;

- E. Computer systems design and related services;
- F. Computer training;
- G. Drafting services;
- H. Engineering, architecture, and landscape architecture;
- I. Financial planning and investment services;
- J. Fine arts studio (creation of individual works only, no mass production);
- K. Hair salon, barbering, hairdressing, and other personal care services;
- L. Information and data processing services, computer processing and data preparation and processing services;
- M. Computer-related services;
- N. Insurance sales;
- O. Interior decoration (no studio permitted);
- P. Legal services;
- Q. Mail order business (order taking only, no stock in trade);
- R. Musical instruction, voice, or instrument;
- S. Musical instrument tuning and repair;
- T. Offices for professional, scientific, or technical services or administrative services;
- U. Photographic services;
- V. Professional services;
- W. Real estate services and appraisal;
- X. Tailoring (e.g., dressmaking and alterations) services;
- Y. Teaching of crafts and incidental sale of supplies to students; and
- Z. Tutoring.

#### **5.4.4 Prohibited Home Occupations, RA, RE and RR Districts**

The following uses are not permitted as home occupations in residential zoning districts:

- A. Medical/dental office;
- B. Motor vehicle and engine repair;
- C. Furniture refinishing;

- D. Gymnastic facilities;
- E. Recording studios;
- F. Outdoor recreation activities;
- G. Medical/cosmetic facilities for animals, including animal care or boarding facilities;
- H. Machine shop/metal working;
- I. Retail sales;
- J. Commercial food preparation;
- K. Contractors shops;
- L. Mortuaries;
- M. Medical procedures;
- N. Body piercing and/or painting, tattoos, or any type of physical therapy or psychotherapy; and
- O. Any other use not in accordance with the spirit and intent this section and the LDC.

#### **5.4.5 Prohibited Home Occupations – AG District**

The following uses are not permitted as home occupations in residential zoning districts:

- A. Mortuaries;
- B. Medical/dental procedures; or
- C. Any other use not in accordance with the spirit and intent this section and the LDC.

#### **5.4.6 Performance Standards - RA, RE and RR Districts**

- A. The use shall be clearly incidental and secondary to residential occupancy. The home shall maintain a residential appearance. The outside appearance of the residence may not be modified to call attention to the home occupation. Not more than 25% of the gross floor area of the principal dwelling structure shall be utilized for the home occupation.
- B. The use shall be conducted entirely within the interior of the residence and/or within an enclosed accessory structure, which shall be no larger than 60% of the floor area of the residence but no more than 2,000 SF GFA. A variance may be requested for larger accessory structures.
- C. Storage of dangerous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted in residential dwellings.
- D. Outside storage is prohibited.
- E. Nonresident employees may work in the home occupation as follows:
  - (1) Dwelling with 2,000 SF GFA or less - one (1) nonresident employee; and
  - (2) Dwelling with over 2,000 SF GFA - two nonresident employees.

- F. Not more than eight (8) clients per day are permitted to visit home occupation. Hours for visits shall be between 8:00am and 8:00pm.
- G. Public facilities and utilities shall be adequate to safely accommodate equipment used for home occupation.
- H. Parking shall be provided only in the driveway.
- I. Mechanized equipment shall be used only in a completely enclosed building.
- J. Electronically amplified sounds shall not be audible to adjacent dwellings.
- K. No generation of dust, odors, noise, vibration, or electrical interference or fluctuation shall be perceptible to adjacent dwellings.
- L. Signage shall: (1) be limited to one sign of 4 square feet in area; (2) be mounted flush against the wall of principal dwelling unit; and (3) not be illuminated.

#### **5.4.7 Performance Standards - AG District**

- A. The use shall be clearly incidental and secondary to residential occupancy. The outside appearance of the residence may not be modified to call attention to the home occupation.
- B. The use shall be conducted entirely within the interior of the residence and/or within an enclosed accessory structure, which shall be no larger than 4,000 SF GFA. A variance may be requested for larger accessory structures.
- C. Storage of dangerous, combustible or volatile materials used in conjunction with the home occupation shall not be permitted in residential dwellings.
- D. Outdoor storage shall comply with the following standards:
  - (1) Storage shall be limited to materials related to the business and shall not involve any hazardous materials, or any junk, trash, debris, or derelict vehicles as defined in this LDC;
  - (2) Materials shall not be stacked to a height exceeding 4 feet and shall not be visible from the public right-of-way or an adjacent lot or parcel zoned or occupied for residential use; and
  - (3) Any screening required to comply with this subsection shall use wood or masonry fencing or a vegetative hedge.
- E. Up to six (6) non-resident on-site employees are allowed.
- F. Not more than twelve (12) clients per day are permitted to visit home occupation. Hours for visits shall be between 6:00am and 10:00pm.
- G. Public facilities and utilities shall be adequate to safely accommodate equipment used for home occupation.
- H. Off-street parking spaces shall be provided as required for the residential use, plus one (1) space for each allowed employee and one (1) space for each client allowed to visit at a given time.

- I. Noise level from the home occupation shall not exceed a level generally accepted for the area.
- J. Signage shall be limited to one sign of 4 square feet in area and not be illuminated.

#### **5.4.8 Unsafe Home Occupations**

If any home occupation has become dangerous or unsafe; presents a safety hazard to the public, motorists on a public right-of-way; or presents a safety hazard to adjacent or nearby properties, residents, or businesses, the Planning Administrator shall issue an order to the dwelling owner and/or tenant on the property on which the home occupation is being undertaken, directing that the home occupation immediately be made safe or be terminated. The property owner and/or tenant shall take the necessary corrective steps or measures but, in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Planning Administrator may take any and all available enforcement actions to render the home occupation and dwelling safe. Costs incurred by the Planning Administrator, if forced to take enforcement actions, shall be borne by the property owner and shall be treated as a zoning violation.

### **5.5 ACCESSORY DWELLINGS (TEMPORARY)**

#### **5.5.1 Purpose**

Accessory dwelling units may be temporarily allowed in certain situations to provide a mix of housing that responds to changing family needs and smaller households and provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes, and obtain security, companionship and services.

#### **5.5.2 Prohibited**

- A. Conversion of an accessory dwelling unit to a market rate rental unit is strictly prohibited.
- B. Permanent accessory dwellings.

#### **5.5.3 Standards**

An accessory dwelling is allowed incidental to a primary dwelling unit and on the same lot as the primary dwelling unit subject to the following conditions:

- A. The accessory dwelling unit is a temporary use.
- B. Mobile homes may be permitted as a temporary accessory dwelling on a lot or tract of at least 20 acres and zoned AG.
- C. An accessory structure may be converted or constructed as a temporary accessory dwelling unit in the RA, RE or RR districts.
- D. The living area of such building shall not exceed 60% of the floor area of the main building or principal residence.
- E. The owner of the principal building or lot shall be the occupant of the principal dwelling or of the accessory dwelling unit at all times.
- F. Occupancy of the accessory or principal unit is limited to family members related by blood, marriage, or adoption, or persons providing nursing or domiciliary care of assistance to the owner in exchange for lodging.

- G. Accessory dwelling units shall be limited to one (1) per primary dwelling unit, but no more than one per lot.
- H. Accessory dwellings shall be consistent with the look and scale of adjacent dwellings and development patterns.

#### **5.5.4 Dual Use**

If an accessory building has dual uses, the living area shall be equal to the floor area of the entire building unless:

- A. The non-residential portion of the building must be accessible without going through the residential portion; and
- B. The residential portion of the building must be accessible without going through the non-residential portion; and
- C. The residential portion of the building must be physically separated from the non-residential portion by means of a doorway which can be locked by the occupants of the residential portion.
- D. If there are common areas, this requirement may be waived by the Planning Administrator as to the common area, but such areas shall be considered to be part of the residential portion.
- E. For dual-use accessory buildings which meet these requirements, the living area shall be the floor area of the residential portion.

#### **5.5.5 Prior Approval Required**

Prior to construction of a dual-use accessory building or conversion of an existing building to dual-use, the owner of the building shall submit detailed plans to the Planning Administrator for purposes of determining which portion of the building shall be treated as residential and which portion shall be treated as non-residential. If the owner fails to submit such plans or deviates from such plans in the construction or conversion of the building, the entire building shall be treated as residential.

## **5.6 ANIMAL REGULATIONS FOR NON-FARM LOTS**

### **5.6.1 Purpose**

- A. The purpose of these animal regulations is to provide for the keeping of livestock on non-farm lots, limit the impact of livestock on lots adjacent to non-farm lots containing livestock; and protect health, safety and welfare.
- B. For purposes of this section, a farm is presumed to be at least twenty (20) contiguous acres in size.
- C. Lots otherwise subject to the provisions of this section may be excepted upon a finding by the Planning Administrator that animals are being kept for a temporary ag-related use, included but not limited to 4-H and FFA, and that responsible livestock management practices are being followed.

### **5.6.2 General Requirements**

- A. Livestock shall be kept within a fenced area sufficient to prevent escape.

- B. All corrals, stalls, and barns shall be located at least fifty feet from any dwelling and one hundred feet from any water well or watercourse.
- C. All corrals, stalls, and barns shall be routinely cleared of organic waste.
- D. Adequate drainage facilities and improvements must be established so as to protect adjacent properties and watercourses from runoff containing sediment or organic waste.

### **5.6.3 Livestock Limitation**

- A. A site containing livestock is limited to no more than one animal unit (AU) per acre of the lot not used for residential purposes. For purposes of this Section, two (2) acres of land is presumed to be residential purposes and is excluded from the calculation of animal units.
- B. An animal unit is defined as any of the following (animals not listed herein may be included based on an interpretation by the Planning Administrator):
  - (1) 1 beef feeder or slaughter animal;
  - (2) 0.5 horses or llamas;
  - (3) 0.7 dairy cows;
  - (4) 2.5 swine weighing over 55 pounds;
  - (5) 15 swine weighing 55 pounds or less;
  - (6) 10 sheep or goats;
  - (7) 100 laying hens, broiler chickens or pullets; or
  - (8) 55 turkeys or ducks.
- C. Whenever application of this definition to a particular lot, tract, or parcel of land would result in a fraction of an animal being permitted, said fraction shall be rounded up or down to the nearest whole number.

## **5.7 SALVAGE YARD**

### **5.7.1 Defined**

An area of land with or without buildings used for or occupied by a deposit, collection or storage (except inside a completely enclosed building) of used or discarded materials such as wastepaper, rags, scrap materials, used building materials, house furnishings, machinery, and vehicles or parts thereof for commercial purposes.

### **5.7.2 Standards**

Every junk and salvage dealer permitted to operate shall maintain the junkyard and salvage yard as regulated and required by the State of Missouri, with all required licenses available for review upon request, and that such an operation and appurtenant storage may occur only in a zoning district that allows salvage yard use per this LDC.

## 5.8 SPECIAL EVENTS

### 5.8.1 Purpose

- A. Provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public;
- B. Protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use;
- C. Preserve the public health, safety and general welfare; and
- D. Provide that all costs associated with fulfilling the requirements of this section shall be the responsibility of the applicant or landowner requesting the special event.

### 5.8.2 Special Events Defined

The term "Special Event" shall mean a temporary, short-term use of land or structure conducted on private property, not otherwise included as a permitted or accessory use by this LDC:

- A. Type 1. Any event open either to a private group or to the general public and total participants (including but not limited to spectators, event management and staff, vendors and security) are reasonably estimated to be less than 500 persons.
- B. Type 2. Any event open either to a private group or to the general public and total participants (including but not limited to spectators, event management and staff, vendors and security) are reasonably estimated to be at least 500 persons but no more than 1,000 persons.
- C. Type 3. Any event open either to a private group or to the general public and total participants (including but not limited to spectators, event management and staff, vendors and security) reasonably estimated to be more than 1,000 persons.

### 5.8.3 Approval Process

- A. Type 1. Review by the Planning Administrator is not required. Applicant is responsible for complying with all applicable local, state and federal regulations.
- B. Type 2.
  - (1) Single-Event Approval. Applicant shall submit a Special Event Notification Permit to the Planning Administrator at least 14 days prior to the occurrence of the special event. The Planning Administrator shall provide a Special Event Acknowledgement that the Notification Application has been received, and will forward the Notification to Lafayette County Sheriff's Department, the applicable Fire District and the Lafayette County Health Department who will determine approval requirements. If the Applicant has not received an Acknowledgement that the Notification Permit has been received, there is no authorization to conduct the special event.
  - (2) Multi-Event Approval

- (a) An Applicant may request multi-event approval from the Planning Commission, which shall not be unreasonably denied, for a period of no more than twenty (20) years. Applicant will be responsible for notifying the Lafayette County Sheriff, Fire Chief and Health Department Official no less than seven (7) days prior to a Type 2 event, and shall comply with all applicable local, state and federal regulations.
  - (b) Multi-event approval shall be withdrawn by the Planning Commission upon a finding of a pattern of failing to notify the Sheriff, Fire Chief or Health Department Official as required, or violating the requirements established by the Sheriff, Fire Chief, Health Department Official or this LDC. If withdrawn, then a multi-event approval shall be withheld for a period of not less than one (1) year.
  - (c) Multi-event approval does not preclude any other compliance requirements or enforcement efforts by local, state or federal regulations or officials.
- C. Type 3. Applicant shall submit an application for and receive approval for a Group II Conditional Use Permit, pursuant to this LDC.

#### 5.8.4 Development and Use Standards

The following standards apply to all Type 2 and Type 3 Special Events, unless otherwise regulated or approved by Lafayette County:

- A. Hours of operation shall be approved by the Planning Commission, unless otherwise allowed by statute.
- B. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, vibration, litter or visual pollution.
- C. The special event shall not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls. Public rights-of-way shall be kept open and traversable (i.e. provides two-way flow of emergency vehicles), with no interference with public travel during the duration of the special event.
- D. Adequate parking and parking areas as determined by the Planning Administrator. Under no circumstances shall parking be permitted in the public rights-of-way. Parking may be provided off-site with advance written consent of the affected landowner and review and approval by the Planning Administrator.
- E. The special event duration shall not exceed four (4) days, including setup and breakdown, unless an extension is granted by the Planning Administrator or the Planning Commission, as applicable.
- F. All requirements of the Lafayette County Health Department and other health authorities shall be met. These standards include proper food and beverage safety, the provision of an adequate potable water supply and adequate provisions for the disposal of solid waste and wastewater.
- G. The special event operator shall comply with all requirements identified by the health department and emergency services providers, including police, fire and emergency medical response officials.
- H. All lighting sources shall be aimed or shielded so the direct illumination is confined to the property on which the use is located. The operation of searchlights or similar lighting sources is prohibited.

- I. Any required local or state permits or licenses, shall be obtained before the special event permit is issued, and the event shall comply with all applicable County and State sales tax and other laws, rules and regulations.
- J. The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations. All improvements made to the property in conjunction with the special event shall be promptly removed upon the cessation of the event.
- K. In addition to the general requirements of this Section, all Type 2 and Type 3 events shall comply with any additional conditions deemed necessary by the Planning Administrator, Planning Commission, Sheriff, applicable Fire Chief and Health Department Inspector to protect public health, safety and welfare.

## 5.9 NON-CONFORMING USE

- A. A non-conforming use is a building, structure, or use of land which is not permissible within the zoning district in which such land, building, or use is located. A nonconforming conditional use is a conditional use which is not permissible within the zoning district in which such use is located.
- B. A non-conforming use of land, building or structure existing lawfully at the time of the passage of this LDC or at the time of a zoning change which makes such use nonconforming may be continued, but such non-conforming use, building, or structure shall not thereafter:
  - (1) Be changed to a less conforming use;
  - (2) Be reestablished if discontinued for more than six (6) months except seasonal use;
  - (3) Be enlarged; or
  - (4) Be continued if the structure or building is damaged to the extent of seventy-five (75) percent or more of its value. However, in the Agricultural and Rural Estate (RE) zoning districts, a single family dwelling unit may be replaced at the same or greater square footage as existed prior to the damage if approval is given in writing on forms provided by the Administrator by a majority of all property owners within one thousand (1,000) feet of the property.

### 5.9.2 Non-Conforming Conditional Uses

- A. If a conditional use becomes non-conforming by virtue of a change in the zoning of a property after the granting of a permit, the life of that permit will not be affected by such a zoning change.
- B. Non-conforming conditional uses must comply with standards established in this LDC. If a non-conforming conditional use is otherwise in compliance with this LDC, the non-conformity shall not be grounds for denying a new conditional use permit that the use is a non-conforming conditional use.

## 5.10 MOBILE HOME PARKS

- A. Conditional Use. Mobile home parks, where permitted, are permitted solely as a Group III Conditional Use. In addition to the other requirements for Group III Conditional Uses, mobile home parks shall comply with the requirements of this LDC.
- B. Minimum Lot Area
  - (1) Minimum tract area for a mobile home park shall be five (5) acres.
  - (2) Minimum land area devoted to individual mobile home sites shall be 3,000 square feet.
- C. Minimum Frontage. Minimum frontage shall be one hundred (100) feet on at least a secondary or primary arterial. Ingress and egress shall be from said frontage.
- D. Screening or Buffering. When abutting any agricultural or residential district or any residential use other than mobile homes, there shall be a buffer strip of not less than thirty feet in width. Such buffer strip shall be landscaped with fencing and live plant material so designed to provide an attractive visual barrier between such adjacent use and the mobile home park. The design of such landscaping and visual barrier must be approved by the Planning Commission. Maintenance of such buffer strip shall be by the owner of the mobile home park. Where such maintenance is deemed not satisfactory, the County may carry out such maintenance and assess the mobile home park owner for all costs incurred and, in addition, attach a reasonable penalty.
- E. Setbacks. District setback requirements shall be maintained at all times on all public street frontages for mobile homes as well as buildings.
- F. Classifications. The Planning Commission shall limit such mobile home park to one of the following classifications:
  - Type A: Independent Mobile Homes Only
  - Type B: Dependent Mobile Homes Only
  - Type C: Dependent Mobile Homes and Campers Only
  - Type D: Campers Only
  - Type E: Independent and Dependent Mobile Homes Only
  - Type F: Campers and Independent and Dependent Mobile Homes
- G. Wastewater Disposal. Sanitary sewer treatment and disposal must meet all requirements of the State Health Department, the Department of Natural Resources, and Lafayette County Ordinances. A letter certifying access to a public or approved water supply must be on file with the Administrator.
- H. Storm Drainage. There must be a plan for minimizing potential on-site and offsite damage which has been approved by the Planning Commission.

## 5.11 MOBILE HOMES

### 5.11.1 Standards

- A. Mobile homes are permitted in mobile home parks.
- B. A mobile home not in a mobile home park is permitted on a lot of at least 20 acres and zoned AG.
- C. Mobile homes may be permitted pursuant to the requirements for accessory dwellings on a lot of at least 20 acres and zoned AG.

## 5.12 RESOURCE EXTRACTION

### 5.12.1 Conditional Use

Except as provided in this LDC, uses classified in this Section or by the Planning Administrator, as Resource Extraction, shall comply with the requirements for Group IV Conditional Uses.

### 5.12.2 Yard

No building or use of land shall be permitted within fifty (50) feet of a lot line, unless the district requirements establish a higher minimum yard size in which case the district requirement shall be the minimum. However, for lot lines adjoining, abutting, or fronting districts RA, RE, RR, LB and RB no building or use of land shall be permitted within two hundred (200) feet of such a lot line. The Planning Commission and the County Commissioners shall have the authority to impose a higher minimum yard size than that required by this subsection as an additional condition.

## 5.13 ADULT CABARET

### 5.13.1 Authorization

- A. Findings of Fact. Having reviewed numerous legal cases citing to numerous studies on the effect of adult-oriented businesses on their immediate surroundings and the experience of Lafayette County with tobacco and alcohol related-businesses and the experience of neighboring counties with adult-oriented businesses, the County Commissioners does hereby make the following findings of facts regarding the need for regulations in Lafayette County governing adult-oriented businesses:
  - (1) Adult-oriented businesses tend to have a negative impact on community development efforts and on neighboring property values.
  - (2) Adult-oriented businesses tend to be associated with increased crime, including but not limited to drug use, prostitution, and violent crime. Such drug use and prostitution frequently involves employees of such businesses; many of whom have criminal histories related to drug use and prostitution.
  - (3) At or near the boundaries of incorporated areas, the powers granted by the Zoning Enabling Act are insufficient to protect land-owners in the unincorporated portion of the county from such businesses.
  - (4) The use of falsified identification cards by minor children makes it difficult to prevent minor children from pretending to be eighteen or twenty-one. As such, to restrict the use of adult-oriented businesses by minor children a higher age limit is needed.

- (5) Planning documents for Lafayette County have repeatedly emphasized the importance of the Interstates and Federal Highway systems as zones for community development.
- B. Determination. The County Commissioners of Lafayette County, Missouri has determined that there is a potential for adverse impacts on neighboring properties and community development efforts from adult-oriented industries, that there is a potential for violent criminal activity and prostitution associated with such activities, and that there is a potential for minor children to attempt to enter such facilities through the use of falsified identification cards; and whereas RSMO §573.507 authorizes counties to impose certain regulations on the operations of adult cabarets as defined by RSMO §573.500 the following standards shall apply.

### 5.13.2 Additional Definitions

For the purposes of this ordinance, the following definitions shall apply:

- A. "Adult cabaret" is any nightclub, bar, restaurant, private club, membership-only club or similar establishment, regardless of whether alcohol, beer, or other intoxicating beverages are sold or consumed, in which persons appear in a state of nudity in the performance of their duties;
- B. "Nudity" is the showing of the human male or female genitals or pubic area with less than a fully opaque covering or the showing of the human female breast unless the entirety of the nipple is covered with a fully opaque covering;
- C. "City limits" is the boundary between any incorporated city, town, or village and the unincorporated part of Lafayette County;
- D. "Federal Highway" shall mean any highway which is designated as part of the Interstate System or the National Highway System pursuant to 23 U.S.C. §§101, 103;
- E. "Employee" shall have the same meaning as set forth in RSMO §287.020;
- F. "Customer" shall mean any person admitted into an adult cabaret who is neither an "employee" nor a contractor performing drug tests pursuant to this ordinance;
- G. "Sexual Intercourse" and "Deviate Sexual Intercourse" shall have the same meaning as set forth in RSMO §566.010.

### 5.13.3 Standards

- A. No customer shall be admitted into an adult cabaret unless that customer presents proof by means of an official government-issued identification card demonstrating that the customer is at least twenty-five years of age.
- B. No customer may be present in an adult cabaret, outside of designated restroom areas, while in a state of nudity.
- C. No adult cabaret may be operated in Lafayette County unless, during hours when it is open for use by customers, it has security personnel present in the cabaret and parking areas of the cabaret. Any such adult cabaret shall have at least one security person stationed in the parking area and one security person stationed in the club. In addition, if the cabaret has a maximum capacity in

excess of fifty people, it shall have one additional security person either in the cabaret or the parking area for each twenty-five people of additional capacity.

- D. All adult cabarets operating in Lafayette County shall contract with a testing agency to perform random drug testing of its employees. In each quarter, such agency shall conduct an unannounced test of a random sample of no less than ten percent of the employees of such adult cabaret. Prior to beginning operations in Lafayette County, an adult cabaret shall provide to the County Clerk of Lafayette County a copy of a contract with an agency to perform such testing. If an adult cabaret switches to a new testing agency, it shall provide a copy of the contract with the new agency. In addition to any other details, such contracts shall provide that the testing agency will furnish an affidavit to the County Clerk of Lafayette County within five days of receiving the results of the drug test from a certified laboratory, and no later than the fifteenth day of the next quarter. That affidavit shall state under oath, the following details:
- (1) That the testing agency performed an unannounced random test of at least ten percent (10%) of the employees of the adult cabaret;
  - (2) That an employee of the testing agency personally observed the urine samples being submitted and that there was no opportunity for the employee to substitute a fake sample;
  - (3) That the sample was sent to a certified laboratory and that results have been received from the laboratory; and
  - (4) Without any personal information identifying the employees tested, the number of employees that tested positive for a controlled substance and the substance(s) for which they tested positive.
  - (5) No adult cabaret may operate in Lafayette County unless a copy of its current drug testing contract and the affidavit from the most recent quarter are on file with the County Clerk.
- E. No employee of an adult cabaret may appear in a state of nudity within ten feet of any customer. Furthermore, no customer of an adult cabaret shall be permitted by the owner or operator of the adult cabaret to enter within ten feet of an area in which employees are permitted to appear in a state of nudity.
- F. No employee or customer of an adult cabaret shall be permitted to engage in a public display of sexual intercourse or deviate sexual intercourse.
- G. No employee of an adult cabaret shall be permitted to appear in a state of nudity in any adult cabaret located within 500 feet of the city limits or 500 feet of a federal highway.
- H. Any employee, owner, operator, or customer of an adult cabaret who violates this Section shall be guilty of a misdemeanor. Each act by an employee or customer which violates this ordinance shall be a separate offense. In addition, each day in which an adult cabaret operates when it is in violation of this ordinance shall be a separate offense.
- I. The provisions of this Section shall be deemed to be severable.

#### 5.13.4 Adult Cabaret Background Check Tax

- A. Determination. The County Commissioners of Lafayette County, Missouri has determined that there is a potential for the involvement of employees of adult-oriented industries in criminal activity, especially related to drugs and prostitution, and that many employees of such industries may have criminal histories for such offenses; and whereas RSMO §573.503 authorizes counties to require a background check of all employees of adult cabarets as defined by RSMO §573.500 and to enact a tax pursuant to the provisions of RSMO §573.505 to pay for such background checks, the following standards shall apply.
- B. Standards
- (1) Prior to beginning employment with an adult cabaret, as defined by RSMO §573.500 all employees, as defined by RSMO §287.020 shall submit to a background check to be conducted by the Lafayette County Sheriff's Department. These background checks shall be for the purpose of ascertaining whether any prospective employee of such cabaret has been convicted of or plead guilty to any misdemeanor or felony involving prostitution, drug possession or trafficking, money laundering, tax evasion or illegal gambling activity or have any outstanding warrants.
  - (2) As part of the background check, the prospective employee shall be fingerprinted. The fingerprint card shall be forwarded by the Sheriff to the appropriate state law enforcement agency for a criminal background check. If no criminal history is identified by the background check at the state level, the fingerprint card shall be forward to the Federal Bureau of Identification for a national criminal history check.
  - (3) As part of the background check, the prospective employee shall complete a list of all cities in which he or she has lived or worked in during the previous ten years. The prospective employee shall complete an authorization form to be provided by the Sheriff's Department for each state or municipal court having jurisdiction over said cities. Said form shall authorize such courts to release to the Sheriff of Lafayette County, Missouri all records concerning any charges for prostitution, drug possession or trafficking, money laundering, tax evasion; or illegal gambling activity involving such employee.
  - (4) The Sheriff of Lafayette County shall maintain records of time and expenses involved in conducting said background checks in order that proper expenditure and accounting of tax revenue can be made.
  - (5) In order to defray the costs of said background checks conducted pursuant to this Section and RSMO §573.503 a sales tax shall be imposed on all retail sales which are subject to taxation under the provisions of RSMO §14.010 to 144.510 made in Lafayette County by any adult cabaret as defined RSMO §573.500. The tax levied shall be in the amount often percent (10%) of the gross receipts of any such adult cabaret. The tax ordered herein shall be in addition to all other sales taxes allowed by law.
  - (6) Said sales tax shall not be effective until and unless it is passed and approved by the voters at an election to be held at the direction of the County Commissioners. If said tax is approved, it shall be effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of said tax. Said tax shall be effective for a period of four years unless renewed by the voters.

- (7) The provisions of this ordinance regarding background checks shall not go into effect until March 1, 2004. At such time, all persons currently employed by an adult cabaret within Lafayette County shall have thirty days to submit to the background check required by this Section.
- (8) Neither general revenues of Lafayette County, Missouri, nor revenues from the law enforcement sales tax fund shall be used for the background checks required by this Section. All moneys received from the said law enforcement tax shall be deposited into the "Adult Cabaret Background Check" fund and all expenditures for such background checks shall be made from that fund.
- (9) Any new adult cabaret opening in Lafayette County or any adult cabaret existing in Lafayette County on the effective date of this Section shall be required to deposit the sum of \$5,000.00 with the Lafayette County Treasurer for placement in this fund to cover the initial background checks of its employees. Said sum shall be refunded upon the receipt of the equivalent amount of sales taxes attributable to said adult cabaret.
- (10) Any employee who, after the effective date of this Section, works in an adult cabaret prior to submitting to a background check under this ordinance and any owner or operator who permits an employee to work prior to submitting to a background check shall be guilty of a misdemeanor. Each shift worked by an employee in violation of this ordinance shall be a separate offense, and each employee working a shift in violation of this ordinance shall be a separate offense.

## 5.14 ACCESSORY USES

Except where expressly permitted in a particular district, accessory uses are permitted in any district only if they comply with this LDC. Even if expressly permitted in a particular district, accessory uses are permitted only when accessory to a principal use to which they are customarily related, in compliance with the regulations for that district, and in compliance with this LDC. For those uses which are permitted in any district by the other sections of this LDC, the accessory use must comply with General Limitations from this Section.

### 5.14.1 General Limits Upon Accessory Uses

- A. An accessory use shall be located upon the same lot or tract with a principal use, unless otherwise provided in this LDC.
- B. An accessory use shall be subordinate to the principal use and shall be a use or activity which is customarily incidental to the principal use.
- C. An accessory use shall not materially or substantially change or alter the character of activity of the principal use that it serves.
- D. Accessory Storage for Manufacturing or Wholesale Use. Any manufacturing or wholesale use may also include storage. However, open storage yards or sales lots are not permissible unless the regulations for a district expressly permit such uses.
- E. Any wholesale use may include retail use as a minor accessory service which is already incidental to the principal wholesale activity.

- F. Any wholesale or retail sale activity may also include accessory service activity for goods sold on the premises unless the regulations for a particular district limit the wholesale or retail sale activity to sales only.
- G. Any service activity may include retail sale of goods related to the service performed or the items serviced in that service activity.
- H. Any industrial, commercial, business, or public use may also include offices as an accessory use.
- I. A utility shed or similar accessory use that is 8 ½ feet or less in total height may be located anywhere in a side or rear yard. Any shed that exceeds 8 ½ feet in height shall meet the minimum required side yard setbacks, and shall be located no closer than a distance equal to its height to the rear lot line.

## 5.15 RENEWABLE ENERGY

### 5.15.1 Purpose

- A. Provide for the use of land to generate a less grid-dependent supply of energy in a manner and amount consistent with the primary use of the property, while lowering utility costs to the landowner and decreasing environmental pollution;
- B. Protect nearby property owners, residents and businesses from utility- and commercial-scale electricity generation uses which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use; and
- C. Preserve the public health, safety and general welfare.

### 5.15.2 Additional Definitions, Renewable Energy.

- A. *Ancillary equipment* means any accessory part or device of a renewable energy system that does not require direct access to sunlight, such as batteries, electric meters, AC/DC converters or water heater tanks.
- B. *Solar Energy Conversion, Accessory Use* shall mean a solar energy conversion system consisting of a roof-mounted, pole-mounted, or ground-rack mounted collection of solar panel modules into solar panel arrays, wiring, and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power and is scaled to the primary use of the property on which it is located.
- C. *Solar Energy Conversion, Primary, or Solar Farm* shall mean a solar energy conversion system consisting of a pole-mounted, or ground-rack mounted collection of solar panel modules into solar panel arrays, wiring, and associated control or conversion electronics, which is intended to primarily produce utility power.

### 5.15.3 Renewable Energy Generation, Solar Conversion.

- A. Solar Panel Arrays, or Solar Energy Conversion Systems, Ground-Mounted. Ground-mounted solar panel arrays are considered as an electricity generation plant use (SLUCM 4812), and as such are considered a de facto commercial use unless specific development regulations differentiate the appropriate size, and scale of proposed projects by zoning district.
- (1) Applicability. Unless permitted outright as a primary use, ground-mounted solar panel arrays may only be permitted accessory to primary uses and other accessory uses. Ground-mounted solar panel arrays may or may not be connected to a utility power grid.
    - (a) Permitted as Primary or Accessory Use, by Zoning District: Heavy Industrial (HI).
    - (b) Permitted as Accessory or Conditional Use, by Zoning District: Agricultural (Ag).
    - (c) Permitted as Accessory Use, by Zoning District:
      - (i) Residential Agriculture (RA);
      - (ii) Rural Estates (RE);
      - (iii) Rural Residential (RR);
      - (iv) Local Business (LB);
      - (v) Regional Business (RB);
      - (vi) Light Industrial (LI); and
      - (vii) Planned Development (PD).
    - (d) Minimum property size in acreage. Ten (10) acres, unless otherwise specified per Zoning Districts below.
  - (2) Standards.
    - (a) Compliance with Other Regulations. Proposed ground-mounted solar panel array(s) shall comply with all applicable local, state, and federal requirements including, but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.
    - (b) Area of Extent. While the area of solar panel arrays is generally calculated based on the surface area of the arrays, for purposes of this Code, the total area of a ground-mounted solar panel array project shall be considered to include areas of circulation between multiple arrays.
    - (c) Setbacks. No ground-mounted solar panel array nor ancillary equipment shall be placed within a setback per the Lot Development Standards of Section 4.2 of this Code or if applicable as required by the setbacks established for approval of a Conditional Use Permit per Section 2.8 of this Code.
    - (d) Height. No ground-mounted solar panel array shall exceed fifteen feet (15') above grade.
    - (e) Siting and Screening. Except when proposed as a primary use in the Heavy Industrial (HI) Zoning District, ground-mounted solar panel arrays and ancillary equipment shall otherwise not be located within the front yard unless other locations on the property are infeasible. Screening for ground-mounted solar panel arrays is required when located within 1,000-feet of another existing inhabited

structure. Structures or landscape features, existing or planned, may be considered in meeting this requirement.

- (3) Operation and Maintenance. As electricity generation uses, ground-mounted solar panel arrays should be maintained to ensure safe operation, consistent with applicable State or Federal regulations.
- (4) Cumulative Limits. The calculated maximum area of ground-mounted solar panel arrays permissible on a property without the requirement of a Conditional Use Permit is specified per each Zoning District below.
  - (a) Agricultural (Ag).
    - (i) Administrative (Building Permit only), When Required.
      - (a) Property size less than twenty (20) acres.  
Maximum project area is equal to 50% of the square footage of primary use structures on-site, plus one square foot of project area for every fifteen (15) bushels capacity of each grain bin on the property.
      - (b) Conforming Farm, property size twenty (20) acres or more.  
Maximum project area is equal to 65% of the square footage of primary use structures on-site, plus one square foot of project area for every fifteen (15) bushels capacity of each grain bin on the property. Permitted or non-permitted agricultural use structures to be constructed within one (1) year of the time of application for a ground-mounted solar panel array project may be specified in application for calculating solar panel array project area.
    - (ii) Conditional Use Permit, When Required.
      - (a) Property size less than twenty (20) acres.  
Maximum project area is greater than 50% but less than or equal to 65% of the square footage of primary use structures on-site, plus one square foot of project area for every fifteen (15) bushels capacity of each grain bin on the property.
      - (b) Conforming Farm, property size twenty (20) acres or more.  
Maximum project area is greater than 65% of the square footage of primary use structures on-site, plus one square foot of project area for every fifteen (15) bushels capacity of each grain bin on the property. Permitted or non-permitted agricultural use structures to be constructed within one (1) year of the time of application for a ground-mounted solar panel array project may be specified in application for calculating solar panel array project area.
  - (b) Residential Agricultural (RA).
    - (i) Administrative (Building Permit only), When Required. Maximum project area is equal to 50% of the square footage of power-consuming structures on-site.
    - (ii) Conditional Use Permit. Not available.
  - (c) Rural Estates (RE).
    - (i) Administrative (Building Permit only), When Required. Maximum project area is equal to 50% of the square footage of power-consuming structures on-site.
    - (ii) Conditional Use Permit. Not available.
  - (d) Rural Residential (RR).

- (i) Administrative (Building Permit only), When Required. Maximum project area is equal to 50% of the square footage of power-consuming structures on-site.
    - (ii) Conditional Use Permit. Not available.
  - (e) Local Business (LB).
    - (i) Administrative (Building Permit only), When Required. Maximum project area is equal to 50% of the square footage of power-consuming structures on-site.
    - (ii) Conditional Use Permit. Not available.
  - (f) Regional Business (RB).
    - (i) Administrative (Building Permit only), When Required. Maximum project area is equal to 50% of the square footage of power-consuming structures on-site.
    - (ii) Conditional Use Permit. Not available.
  - (g) Light Industrial (LI).
    - (i) Administrative (Building Permit only), When Required. Maximum project area is equal to 50% of the square footage of power-consuming structures on-site.
    - (ii) Conditional Use Permit. Not available.
  - (h) Heavy Industrial (HI), Administrative (Building Permit only). Allows a maximum project area limited by maximum site coverage allowance and setback distances.
- B. Solar Panel Arrays, or Solar Energy Conversion Systems, Roof-Mounted. Roof-mounted solar panel arrays are considered improvements to existing structures. Roof-mounted solar panel arrays may or may not be connected to a utility power grid.
  - (1) Applicability. Roof-mounted solar panel arrays may only be permitted accessory to primary uses and other accessory uses.
    - (a) Zoning Districts, Accessory Use: All zoning districts.
    - (b) Minimum acreage. No minimum acreage for roof-mounted.
  - (2) Standards.
    - (a) Compliance with Other Regulations. Proposed Roof-mounted solar panel array(s) shall comply with all applicable local, state, and federal requirements including, but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.
    - (b) Area of Extent. Roof-mounted solar panel arrays may not exceed the edges of the roof.
    - (c) Setbacks. Per the existing or proposed primary or accessory use structure on which the solar panel array would be mounted.
    - (d) Height. Roof-mounted systems may be mounted on principal and accessory building roofs provided they conform to the maximum height standards established in the zone. Additionally, systems shall be mounted parallel to the pitch of the roof and be no higher than eight inches (8") from the roof surface.
    - (e) Siting and Screening. A system or a portion of a system not visible from abutting street rights of way shall be exempt from the flush mount requirement, but no part

of the system shall project higher than five feet (5') from the roof surface. Ancillary equipment shall not be located within a front yard.

- (3) Operation and Maintenance. As electricity generation uses, roof-mounted solar panel arrays should be maintained to ensure safe operation, consistent with applicable State or Federal regulations.
- (4) Cumulative Limits. The maximum area of roof-mounted solar panel arrays permissible on a property is limited to the surface area of existing primary use structures located on-site.

## Chapter 6 DEFINITIONS

### 6.1 RULES OF CONSTRUCTION

Words, phrases, and terms defined in the LDC shall be given the meanings set forth below.

- A. Words, phrases, and terms not defined shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- B. The text shall control captions, titles, and maps.
- C. The word shall is mandatory and not permissive; the word may is permissive and not mandatory.
- D. Words used in the singular include the plural; words used in the plural include the singular. Words used in the present tense include the future tense; words used in the future tense include the present tense.
- E. Within the LDC, sections prefaced purpose and findings are included. Each purpose statement is intended as an official statement of legislative purpose or findings. The purpose and findings statements are legislatively adopted, together with the formal text of the LDC. They are intended to be the legal guide to the administration and interpretation of the LDC and shall be treated in the same manner as other aspects of legislative history, intent, purpose, findings and intent.
- F. In interpretation and application, the provisions of this document are considered minimal in nature. Whenever the provisions, standards, or requirements of any other applicable chapter or section of the Code are greater, or any other County Ordinance more restrictive, the latter shall control.
- G. In computing any period of time prescribed or allowed by this LDC, the day of the notice or final application, after which the designated period of time begins to run, is not to be included. Further, the last day is to be included unless it is not a working day, in which event the period runs until the next working day.

### 6.2 DEFINITIONS

The following are definitions of specialized terms and phrases used in the LDC:

**Accessory Building or Use:** A subordinate building or use customarily incident to and located near the main building or use of the property. e.g., swimming pools, garages, air conditioners.

**Accessory Dwelling Unit:** A dwelling unit that is associated with and incidental to a primary dwelling unit and is on the same lot as the primary dwelling unit. Living quarters within an accessory building located on the same lot with the main building or residence for use by guests, family members, or employees of the owners or occupants of the main building or residence or the lot.

**Agricultural Use Easement:** An easement granted by the owner of property that recognizes the rights of one or more agricultural operators to conduct agricultural operations on property adjacent to or in close proximity to the owner's property and protecting the agricultural operator from nuisance claims resulting from dust, odors, lights, noise and other impacts related to normal agricultural operations (Right to Farm).

**Agricultural District:** Any lot or group of lots zoned AG and primarily used for agricultural activities.

**Agriculture:** The principal use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal husbandry. The term agricultural use shall include dwellings but only as accessory to the operation of the agricultural use.

**Alteration:** Any change to the structural parts of a building including an enlargement or relocation.

**Basement or cellar:** Any floor, other than the top floor, of a building in which more than 50% of the area of the exterior walls are located below the surface grade. A basement or cellar will not be considered as a story for height limitations where number of stories is part of the height criteria.

**Block:** A piece or parcel of land entirely surrounded by public highways or streets. In cases where the platting is incomplete or disconnected, the Administrator shall determine the outline of a block.

**Boarding or Lodging House:** A building or dwelling or part thereof where meals or lodging are provided for compensation for two or more persons, not transients, and where there are not more than twelve (12) sleeping rooms, nor sleeping spaces for more than twenty-four (24) people.

**Bond:** Any security required by this LDC. Such security shall be in the form of a surety bond or cash deposit in an amount and form satisfactory to the County Commissioners. All such bonds must be approved by the County Commissioners before being accepted. **Buildable Width:** The width of that part of a lot not included within the open spaces herein required.

**Boundary Adjustment:** Modification of the size or alignment of adjacent parcels through relocation of their common boundary where an additional parcel is not created, and where the existing parcel which is being reduced in size is not reduced below the minimum lot size established by the zone which applies to the property, nor is any zone violation caused by moving the boundary.

**Buildings:** Anything, other than a fence or boundary wall, constructed or erected, which requires location on the ground or is attached to something having a location on the grounds, including but not limited to advertising signs or billboards.

**Building, Temporary:** Any building used during construction to house people, material, or equipment. Such buildings shall be removed within thirty days of the end of construction.

**Building Setback Line:** A line on a plat indicating the limit beyond which no buildings or structures may be erected.

**Camp:** Any plot, including its area of land or water, on which are located two (2) or more cabins, tents, shelters, houseboats, or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes, but not including a day camp, trailer camp, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction, or nursery school.

**Cemetery:** Land used for the burial of the dead and dedicated for cemetery purposes, including columbarium and mausoleums.

**Club, Private:** Any building or premises owned by a non-profit association composed of dues-paying members and the use of which is restricted to members and their guests. It shall be permissible to serve meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed, provided it is secondary and incidental to their promotion of some other common objective by the organization, and further

provided that such sale of alcoholic beverages is in compliance with the applicable Federal and State laws.

**Common Open Space:** An area of land or water or combination thereof planned for passive or active recreation, which does not include areas utilized for streets, alleys, driveways, private roads, off-street parking, or loading areas. However, the area of outdoor recreational activities such as swimming pool, tennis courts, shuffleboard courts, etc., may be included as common open space.

**Comprehensive Plan:** The duly adopted Comprehensive Plan for the development of the County including any maps, charts, illustrations, and standards incorporated within that plan.

**Conservation Easement:** An easement granted to the County on part of the parent tract (or a contiguous tract with common ownership) restricting further development or subdivision of the easement in exchange for the County allowing the creation of one or more farm split tracts.

**Convalescent or Nursing Home:** A building or group of buildings operated by an institution or agency required to be licensed by the State of Missouri under Chapter 198 of the Revised Statutes of Missouri, or such recodifications of that Chapter as may be enacted by the General Assembly, but not including facilities for the care and treatment of mental illness, alcoholism, or narcotics addiction.

**Day Care Center:** A child care facility as defined under Chapter 210 of the Revised Statutes of Missouri or an adult day care program as defined under Chapter 660 of the Revised Statutes of Missouri, or such recodifications of those Chapters as may be enacted by the General Assembly.

**Developer (Subdivider or divider):** Any proprietor, individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity that causes land to be platted or subdivided for itself or others.

**Development Rights Restriction:** A restriction or agreement granted to the County on part of the parent tract (or a contiguous tract with common ownership) restricting further development or subdivision of a portion of the parent tract in exchange for the County allowing the creation of one or more farm split tracts.

**Dwelling or Residence:** A building or structure whether built on or off site (excluding mobile homes, but including modular homes) arranged, intended or designed to be used primarily as a permanent living quarters for people. Recreational Vehicles (RV), campers, travel trailers and similar vehicle-like traveling compartments shall not be considered to be dwellings or residences under this definition.

**Dwelling, Multiple:** A building, or portion thereof, (excluding mobile homes, but including modular homes, located on one lot or parcel of land designed for or occupied as a home for three or more families or households living independently of each other, including apartment houses, condominiums, tenements, and apartment hotels.

**Dwelling, Single-Family (Detached):** A residential building, excluding mobile homes, but including modular homes, designed for and occupied by one family.

**Dwelling, Single-Family (Attached):** A portion of a residential building (excluding mobile homes, but including modular homes) designed for and occupied by one family and which is located on a separate lot apart from the remaining portion of the residential building. Each such dwelling may be sold independently of the remaining portion of the residential building.

**Dwelling, Two-Family (Duplex):** A residential building (excluding mobile homes, but including modular homes) designed for and separately operated by two families in which both portions are located on the same lot.

**Easement:** A right given by the owner of land to another party for specific limited use of that land.

**Family:** A group of persons living together as a single non-profit housekeeping unit in one dwelling.

**Farm, Parent Tract:** A single tract of land zoned Agricultural (Ag) that is twenty (20) acres or greater in area.

**Farm split, Subdivision:** The division of an existing lot, parcel, or tract of land into two or more lots for the purpose of immediate or future transfer of ownership or building development including resubdivision or any act in furtherance of such division or farm split.

**Farm Split, Tract:** For the purposes of subdivisions under these Regulations, a tract of property of less than twenty (20) acres subdivided from the parent tract.

**Flood Plain:** All lands within the jurisdiction of Lafayette County identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones; a Floodway Overlay District (FW), and a Floodway Fringe Overlay District (FF) identified in the Flood Insurance Study and accompanying maps, said maps being incorporated as part of the Zoning Map.

**Floor Area, Commercial buildings, industrial buildings, and buildings containing mixed uses:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls but not including attic space providing headroom of less than seven feet, basement space not used for retailing, and accessory water and cooling towers.

**Floor Area, Residential buildings:** The sum of the gross horizontal areas of the several floors of the dwelling exclusive of garages, basements, and open porches, measured from the external faces of the exterior walls.

**Frontage:** The length of the property abutting on one side of a street measured along the dividing line between the property and the street. Unless otherwise specified by this LDC, Corner Lots shall be deemed to front on that street on which it has the least dimension.

**Garage, Porch, or Yard Sale:** All general sales (regardless of name used), open to the public, conducted from or on a residential premise in any residential district for the purpose of disposing of personal property. Such sales shall be limited to a period of ten (10) consecutive days, and no more than two such sales may be conducted on any lot within a given year.

**Gross Acres:** Includes public right-of-ways and land dedicated to public or semi-public uses. Unless otherwise specified, gross acres shall be used to determine the lot area or size.

**Height of Buildings:** The vertical distance measured from the highest of the following three levels: from the curb level, from the established or mean street grade when no curb has been constructed, or from the average finished ground level adjoining the building when it set backs from the street line to the level of the highest point of the roof beams of flat roofs or roofs with a slope of less than one inch to the foot and to the mean height level between the eaves and the highest ridge for other roofs.

**Improvements:** Shall include, but not be limited to, streets, sanitation, water, storm drainage, utilities, survey monuments, reservations, parks, sidewalks, streets signs, street lighting, trees, and landscaping.

**Junk:** old, worn or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, aircraft, railed vehicles, or watercraft, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material

**Kennel:** Any place, area, building, or structure where dogs, cats, or other household domestic pets are boarded, bred, housed, cared for, fed, or trained by other than the owner. The occasional raising and sale of a litter of kittens or puppies or other household domestic pets shall not constitute a kennel.

**Legitimate Interest:** A party has a legitimate interest in a lot or parcel of property if they are the owner of the property, a lessee, or if they have an option or contract to purchase the property.

**Loading Space:** A space within the main building or on the same lot providing for the loading or unloading of trucks with a minimum of 14 by 50 feet and a vertical clearance of 18 feet.

**Lot:** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law which has been created and approved pursuant to this LDC, recorded by the County Recorder, to be used, developed or built upon and having its principal frontage upon a public street or place.

**Lot Area:** The computed area enclosed by the lot boundaries.

**Lot Coverage:** The measurement of land use intensity that represents the portion of the site occupied by the principal building, including the garage and all accessory buildings, but excluding all other non-principal building improvements such as sidewalks, driveways, patios, decks and open porches, recreational courts, child play structures, swimming pools, open gazebos, solar collectors and similar appurtenances.

**Lot, Corner:** A lot abutting upon two or more street at their intersections.

**Lot, Double Frontage:** A lot having a frontage on two non-intersecting streets.

**Lot, Existing:** For lots in unincorporated areas of the County, a lot shall be an existing lot if: 1) the boundaries of the lot are contained within a deed or plat filed in the Office of the Recorder of Deeds prior to December 1, 1999; 2) the lot is contained within a subdivision which has been approved pursuant to this LDC or prior adopted development regulations, the approval of which (either as a plat or a waiver of plat) has been filed in the Office of the Recorder of Deeds; 3) the lot is contained within a subdivision for which no approval is required by this LDC or prior adopted development regulations; 4) the boundaries of the lot are contained within a deed filed in the Office of the Recorder of Deeds after December 1, 1999, but only if the deed represents a boundary change between two lots which qualify as existing lots under this definition; or 5) the boundaries of the lot are contained within a judgment of a court of record in this state or a will admitted to probate in the Circuit Court of Lafayette County.

**Lot, Interior:** A lot whose side lines do not abut upon any street.

**Lot, Key:** A lot having its side lot lines coincident on one or both sides with the rear lot line of adjacent lots. **Lot Depth:** The mean horizontal distance from the front lot line to the rear lot line.

**Lot Lines:** The lines bounding a lot as defined herein. In certain cases due to unusual lot shape, the Administrator shall determine which line is the rear lot line.

**Lot Width:** The mean horizontal distance between side lines measured at a right angle to the depth.

**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 lot or series of adjoining lots under common ownership, which are occupied or intended for occupation by four or more Mobile Homes, whether or not a charge is made to the occupants of said Mobile Homes except that this definition shall not apply to temporary housing occupied by seasonal transient employees of the owner of the lot or lots.

**Modular Home:** A home manufactured in sections and then assembled on the building 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 transferred and shall not be considered mobile homes. Written proof acceptable to the Planning Administrator shall be provided that the home meets the state regulations regarding modular homes.

**Net Acres:** The land area allowable for development, including yards and setbacks required by this LDC.

**Parent Tract:** For the purposes of subdivisions under these Regulations, a tract of property as it exists prior to an application for a subdivision. If the owners so choose, a contiguous piece of property with common ownership may be treated as part of the parent tract for the purposes of the regulations governing subdivisions.

**Parking Lot or Area:** An area devoted to off-street parking of five (5) or more vehicles on any one lot for public use, except as an accessory use.

**Premises:** A lot or parcel of land, together with all buildings and structures thereon.

**Principal or Main Buildings:** The structure (or structures) containing the primary use or function attributed to the tract of ground where such function is within the confines of the buildings.

**Public Utility:** Any firm, agency, or organization duly authorized, under state or municipal regulations, to furnish to the public services of the same or similar nature as electricity, gas, steam, communications, transportation, sewage disposal, or water.

**Residential District:** Any lot or group of lots zoned RA, RE or RR, or any lot or group of lots located in a residential subdivision. To be construed as a residential subdivision for the purpose of this LDC, the subdivision must include three or more connected lots on which dwellings have been constructed and none of the lots are used for primarily agricultural activities.

**Right of Way:** A strip of land occupied, intended to be occupied, or dedicated for possible occupation by a street, walkway, railroad, utility line or pipe, water main, sanitary sewer main, storm sewer main, or for another similar use.

**Roadway (Traveled Way):** The portion of a street available for vehicular travel. If curbs are laid, the portion of the street from the back of the curbs on one side to the back of the curbs on the other side.

**Side Line:** Any lot boundary line not a front or rear line thereof.

**Sight Triangle:** An area at a street intersection in which nothing shall be placed, erected, planted, or allowed to grow in such a manner as to impede vision between a height of 2 ½ feet and 8 feet above the grades of the bottom of the curb of the intersecting streets. This area shall extend ninety feet from the point of intersection of the centerlines of the streets.

**Sign:** Any item, whether or not part of a permanent structure designed to be an announcement, direction, or advertisement. A sign includes a billboard, also a neon tube, string of lights, or similar device outlining or hung upon any part of a building or plot, but does not include the flag or insignia of

any nation, group of nations, or subdivision of any nation, or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement or event. If for a business located on the same plot and that business is the principal activity on the lot, the sign shall be deemed a business sign. Otherwise, the sign shall be deemed an advertising sign and shall be regulated as provided in RSMO §226.500 to 226.600. However, a sign noting that the lot is for sale or for lease shall be deemed a business sign.

**Solid Waste:** All refuse, including but not limited to dead animals, discarded appliances, abandoned or inoperative vehicles, demolition and construction wastes, hazardous wastes, digested sludge resulting from the treatment of domestic sewage, and liquid and gas waste materials resulting from industrial, commercial, agricultural, and residential activities.

**Solid Waste Disposal Site:** Any site for the disposal of solid waste generated by more than one residential premise or more than one industrial, commercial, or agricultural operation.

**Stable:** An accessory building for the keeping of horses, ponies, or mules, which are not kept for hire.

**Stable-Riding (Commercial):** A structure and premises in which horses, ponies, or mules, used exclusively for pleasure riding or driving are housed or kept for hire.

**Story:** That part of a building, excluding basements and cellars, included between the surface of one floor and the surface of the floor next above. If there is no floor next above, that part of the building between the roof and the surface of that floor. However, if the main line of the eaves is below the median of the interior height of such story, the top story shall be considered to be a half-story.

**Street:** A right-of-way and road way improvements which affords principal means of access to property abutting thereon.

**Street Line:** The dividing line between the street, including any unimproved right-of-way, and the abutting property.

**Structure:** Anything constructed or erected which requires a location on the ground or which is attached to something having a location on the ground, including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of fences, boundary walls, and retaining walls.

**Structural Alterations:** Any alteration or addition to the supporting members of a building such as bearing walls, columns, beams, or girders.

**Variance:** The granting of permission of the Board of Zoning Appeals to allow the development of a lot or tract for uses allowed by the zoning of that lot but in a manner which exceeds maximums imposed by this LDC or in a manner which does not meet the minimums imposed by this LDC where such permission is needed to allow the owner of that tract to engage in uses similar to those uses being made on neighboring lots.

**Yard:** An open space at grade between a building and the adjoining lot lines.

**Yard, Front:** A yard across the full width of the lot extending from the front line of a building to the front line of the lot.

**Yard, Rear:** A yard extending across the full width of the lot, extending from the rear line of a building to the rear line of the lot.

**Yard, Side:** A yard between a building and a side line of the lot and extending entirely from the front yard to the rear yard thereof.

**Yard Size:** Yard size shall be measured by taking the least horizontal distance between a lot line and a building.

**Yard Size, Minimum:** The closest distance that a building or structure may be from the lot line. If there are multiple buildings on a lot, except as otherwise provided, the minimum distance between the two buildings or structures shall be determined by adding the respective minimum yard sizes.