

# ACCESSORY STRUCTURE



## GUIDELINES FOR PERMITTING, CONSTRUCTION AND USE OF ACCESSORY STRUCTURES IN CLAY COUNTY

***NOTE: An accessory building shall not be constructed prior to the principal structure; (see Land Development Code Sec. 6.3B5a)***

The following guidelines are provided to assist property owners and contractors in becoming aware of the requirements necessary for obtaining building permits and constructing accessory buildings, decks and swimming pools in unincorporated Clay County. The proper and legal use of such structures is also discussed. These guidelines are in keeping with the provisions of the Clay County Building Codes (hereafter “Building Codes”) and the Clay County Code of Ordinances (hereafter “the Land

Development Code”). Please read them carefully and understand that they are *summarized* to save space. Call the Planning and Zoning Department at 407-3388 with questions.

### Human Habitation Prohibited

Please be aware that the Land Development Code and adopted Building Codes *prohibit* the human occupancy of any accessory building. This means that buildings such as metal buildings, pole barns, tool sheds, garages, or any other accessory structures shall not be constructed or used for human occupancy. Accessory buildings are not constructed to the same Building Code standards as dwellings and therefore are neither suitable nor safe as living quarters.

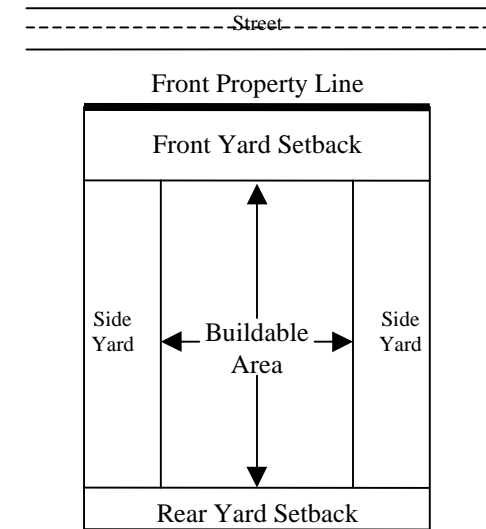
### Use for Business Purposes

The Land Development Code limits the types of businesses that may be operated in residential and agricultural districts. Particular kinds of businesses are allowed to operate in these districts following specific restrictions and only with a Home Occupation permit. Please call the Planning and Zoning Department office at 407-3380 to obtain detailed information.

### Swimming Pools Must Be Fenced

All swimming pools must be walled or fenced to prevent uncontrolled access by persons either from the street or any adjacent property. Most homeowner’s insurance policies also require fences for pools. Plans submitted for building permits must include such walls or fences.

### Required Setbacks for Accessory Structures



***Illustration: Minimum Setbacks***

#### In a residential zoning district:

- Neither within the required front yard (generally 50 feet from the front property line) nor forward of the front portion of the principal dwelling;
- Not closer than 5 feet to any other building;
- May be placed in the rear yard, but not closer than the allowed setback (15 ft.) to any side or rear setback (15 ft.), and;
- Shall not exceed the height of the principal dwelling.

#### All other districts:

- Not in any required front or side yard (refer to the particular district requirements within the Land Development Code);
- Not closer than 5 feet to any other building;
- May be placed in the rear yard, but not closer than the allowed setbacks to any rear lot line, and;
- Shall meet side yard setbacks for the pertinent district (refer to the Land Development Code).

### Private Stables, All Districts:

- Not less than 100 feet from the front property line, and;
- Not less than 50 feet from side and rear property lines.

### Fences, All Districts:

- May be placed up to property boundary lines, but not within right-of ways,
- May not be constructed of barbed wire, razor wire or other dangerous materials unless located in an AG or R-1 Zoning District.

### Subdivision Covenants and Restrictions

Many subdivisions in Clay County have covenants and restrictions, in addition to and separate from those regulations specified within the County Code, that regulate construction specifications and types of structures allowed. The Building Official does not have copies of subdivision covenants. They are generally filed with the pertinent subdivision plat in the County Recorder's office. We advise that you review any that pertain to your property before applying for a building permit.

### Permit Requirements

The County Commission of Clay County has adopted the following codes: the 2006 International Building Code; the 2006 International Residential Code; the 2006 Uniform Plumbing Code; the 2006 Uniform Fire Code; the 2005 National Electric Code and the 2006 Uniform Mechanical Code. ***Please note that the adopted building codes require accessory buildings to withstand a 90 mile per hour wind load and a 20 pound per square foot ground snow load.*** Refer to the code books referenced above for additional detailed information.

Clay County requires permits and inspections for almost all types of construction. (Clay County does not require building permits for fences 6 feet in height and under). Certain agricultural structures may be exempt from building permit fees, but still

need to be reviewed by the building inspector for compliance with zoning requirements. Please call the Planning and Zoning office at 407-3388 to obtain detailed information about what is required for your particular project. Due to limited staff and the frequency of scheduled inspections, ***appointments*** must be made with the Building Official to obtain permits. Drop-in permits, in most cases, are not possible. Call 407-3388 to make your appointment.

**Note:** Any excavation in a County road right-of-way requires a permit from the Clay County Highway Department. Bonding is also required. For details, please contact the Clay County Highway Department at 407-3300.

*To obtain permits for construction of accessory buildings, residential decks, swimming pools, and fences (over 6 feet high) you will need:*

1. Two sets of drawings of the proposed construction (may be hand drawn or a photograph). The plans must show construction design and materials in sufficient detail to allow the Building Official to determine whether the proposed structure meets the requirements of the adopted building codes (90 mile per hour wind load and 20 pound per square foot snow load).
2. A plot plan of the property to be built upon (may be hand drawn), signed by an official of the Environmental Division of the Clay County Health Department (**phone 595-4200**), showing the location of the new building and any existing buildings. The Health Department must OK the location of the new building on the property to assure it is not being constructed over an existing sewer line or septic field (except fences).
3. Legal description of the property to be built upon, delineated by section, township and range; or subdivision name and lot number.

4. If the accessory building is in need of another street entrance then a driveway permit from either the State of Missouri (Mr. Brandon Daniel **622-0417**) for state maintained roads, or the Clay County Highway Department (Mr. Karl Walters, **407-3300**) for County maintained roads.
5. Once you have all the required items; call the Building Dept. to set up an appointment to get your permit (**phone# 407-3388**).

### Permit Fees

The established permit fees (as of 1/1/08) for accessory structures are as follows:

1. Accessory Buildings (Non-Farm)
  - A) Type I \$200.00  
(Includes footer/pad & final inspection)
  - B) Type II \$250.00  
(Includes footer/pad, ground rough & final inspection)
2. Swimming Pools \$150.00  
(Includes grounding inspection)
3. Pond dams \$100.00  
(Includes one inspection)  
***see separate handout for pond requirements***
4. Fences (over 6 feet) \$75.00  
(Includes one inspection)
5. Decks (over 120 sq. ft.) \$75.00  
(No inspections required for decks)