

Chapter 151-5 Overlay and Special Purpose Zoning Districts

151-5.1 Overlay and Special Purpose Zoning Districts Established

The following Overlay and Special Purpose zoning districts are hereby established:

	District Name	Type
CD	Conservation District	Overlay District
PUD	Planned Unit Development	Overlay District
A-O	Clay County Regional Airport Area	Overlay
OP	Open Space, Trails and Parks Master Plan	Overlay & District

151-5.2 CD, Conservation District

The Purpose of the Conservation District is to encourage state-of-the-art alternatives (e.g. cluster-style development in conjunction with conserving open space) to conventional subdivision design in order to preserve and maintain the natural features and rural amenities in the county through better site selection and better site design. The concept of Conservation Districts was adopted on November 7, 2001 by the Clay County Planning and Zoning Commission as an amendment to the 1997 Clay County Comprehensive Plan.

A. Description

The Conservation District (CD) is an overlay zoning district that permits greater flexibility of land planning and site design than conventional zoning districts. The Conservation District regulations:

1. Provide for the conservation of natural features of land.
2. Encourage preservation of natural waterways and farmlands while increasing the residential housing stock of the county.
3. Provide for efficient use of public services and improvements.
4. Discourage the consumption of land through better site selection and better site design.

B. Applicability

The Conservation District may be applied to any of the three development tiers; however, different standards apply to each tier. (See Sec. 151-3.7)

1. The CD will apply to residential subdivisions only. Mixed-use plans should be processed as a Planned Unit Development (PUD).
2. A CD will allow incentives in the number of dwelling units, based on the formulas in Sec. 151-3.7, in exchange for the conservation of permanent public or private open space.
3. CDs will be designed around natural features such as unusual topography; floodplains, streams and associated riparian corridor, wetlands, and steep slopes; preserve and maintain woodlands, existing fields, pastures, meadows, prairies, soils and other natural features; and shall be designed to conserve and protect existing tree lines, hedgerows, and minimize impacts on large woodlands; protect wildlife habitat areas and water quality; sites of historic, archaeological, or cultural value; provide active recreational areas; and to facilitate pedestrian, equestrian, and bicycle access within neighborhoods, and to- and-from adjoining neighborhoods, schools and other public uses.

4. CDs will be allowed only when a central wastewater treatment system is installed, or connection is made to a public sewer system. Each privately managed system will be required to participate in the Clay County Sewer District when it is established by the County Commissioners.
5. Streets, infrastructure and impervious surfaces will be minimized through design.
6. Driveways shall access local streets only, unless there is no reasonable alternative.
7. Cul-de-sacs may be a maximum of 1,620 feet, unless otherwise restricted by the local fire protection district.
8. Curb and gutter is required in a CD; however, R-1 zoning may ask for a waiver from the highway department if it can demonstrate design standards that address stormwater runoff and pavement integrity.
9. Any CD containing over 50 dwelling units must provide at least 2 access points.
10. On- and off-site improvements for any development will be evaluated on the basis of the anticipated impacts of the specific proposal. The developer will be financially responsible for 100% of interior improvements (e.g. streets, sidewalks, culverts, water mains) and 50% financially responsible for necessary off-site improvements (e.g. turn lanes, traffic signals, increase in culvert sizes).
11. The maximum allowed coverage of impervious uses (streets, houses, etc) in a CD is 30%. The goal is 15%.
12. EPA (40CFR Parts 9, 122, 123 and 124) National Pollutant Discharge Elimination System, Phase I and/or Phase II permits may be required on development more than one acre in combined building/street coverage.
13. CDs shall have a minimum of 30% open space, based on gross acreage of the entire project.
14. Amenities shown on the CD Concept Plan will be completed on a timetable established at the time of Conceptual Plan review. Bonding for amenity improvements may be a requirement.
15. Each subdivision in a CD shall be identified with a monument sign at each major entrance.
16. Lots shall transition in size from existing adjacent land uses to more dense away from existing lots.
17. Each CD shall have a mandatory homeowners association (HOA).
 - a. The developer will be provided with a model CD Covenant.
 - b. Covenants will be reviewed and approved by the Planning and Zoning Director.
 - c. The homeowners association shall be organized by the applicant and shall be approved by the Planning and Zoning Director prior to the sale of any lots within the subdivision.
 - d. The conditions and timing of transferring control of the association from applicant to homeowners shall be specified, e.g. 65% of lots sold.
 - e. The HOA shall be responsible for maintenance of insurance and taxes on all common areas, enforceable by liens placed by the County on the homeowners' association property. The HOA may place liens on the homes or lots of its

members who fail to pay their association dues in a timely manner.

- f. The members of the HOA shall share equitably the costs of maintaining and developing the common areas, swimming pools, clubhouses, etc. Shares shall be defined within its bylaws.
- g. The HOA shall be responsible for the maintenance and operation of the wastewater treatment system and the HOA shall be subject to the associated cost due to its failure, enforceable by liens placed by the County on the HOA. The HOA may place liens on the homes or lots of its members.
- h. The HOA shall be required to provide maintenance and upkeep of the common area shall constitute a violation of this Zoning for the common area. Failure by the HOA to maintain and provide Order, and the violating party(ies) shall be guilty of a misdemeanor.
- i. The HOA may lease common area to any other qualified person, or corporation for operation, management and maintenance thereof.
- j. Farmland that is included in the open space may be leased by the HOA for crop production based on conservation practices.
- k. Fencing, maintenance, and animal limitations shall be part of the HOA regulations, but not less stringent than County requirements.

C. Developer's Statement of Intent

Each Conservation District Plan application shall contain a statement from the applicant describing how the proposed development will accomplish the goals of natural resource conservation, stormwater management, erosion and sediment control and topsoil conservation.

The common open space shall be permanent, designated as public or private and will be dedicated, deeded and maintained in perpetuity accordingly.

D. Additional Conditions

The Planning and Zoning Commission shall recommend and the County Commission shall impose such other conditions as are necessary to accomplish the purposes of this Land Development Code, such as:

- 1. A stormwater drainage plan that incorporates conservation principles of minimizing volume and velocity with maximizing the use of green space for stormwater management. Stormwater and drainage plans shall address concerns of United States Environmental Protection Agency, U.S. Army Corps of Engineers, MO Department of Natural Resources, FEMA/SEMA, MO Department of Health and other agencies.
- 2. Traffic impact study.
- 3. Construction plans including pollution prevention procedures that shall be approved by county highway department and/or county engineer prior to final plat approval. The applicant must apply with MO Department of Natural Resources for a land disturbance permit and would submit a stormwater pollution prevention plan.
- 4. A minerals and/or natural resource assessment including extraction plans, if any.
- 5. Sign a developer's agreement that includes provisions for the completion of on- and off-site improvements.

151-5.3 PUD, Planned Unit Development District

The PUD, Planned Unit Development district is an overlay zoning district that permits greater flexibility of land planning and site design than conventional zoning districts. Its intended use is for large scale design-oriented developments, commercial, industrial and mixed-use developments. The PUD regulations:

1. Provide flexibility in architectural design, placement, and clustering of buildings; use of open areas and outdoor living areas; provision of circulation facilities and parking; and related site and design considerations;
2. Encourage the conservation of natural features;
3. Provide for efficient use of public services and improvements;
4. Encourage and preserve opportunities for energy efficient development;
5. Promote attractive and functional business environments in nonresidential zoning districts that are compatible with surrounding development; and
6. Promote an attractive and safe living environment in residential zoning districts.

A. Applicability

A PUD district may be approved only when the applicant demonstrates to the satisfaction of the County Commission that a proposed PUD project would result in a greater benefit to the county than would development under conventional zoning district regulations.

B. Developer's Statement of Intent

Each PUD Concept Plan application shall contain a statement from the applicant describing how the proposed development departs from the otherwise applicable standards of this Land Development Code and how the proposed development, on balance, is an improvement over what would be required under otherwise applicable standards.

C. Review and Approval Procedures

PUDs shall be reviewed and approved in accordance with the procedures of Sec. 151-3.8.

D. Effect of other Zoning District Standards

Except as expressly authorized by the regulations of this section and approved as part of a PUD plan, all of the standards of this Land Development Code apply to development within a PUD. Otherwise applicable standards of this Land Development Code may be modified by the County Commission as part of its approval of a PUD if such modifications are consistent with the *Comprehensive Plan* and if the development is found to be an improvement over what would be required under otherwise applicable standards.

E. Use Regulations

The County Commission shall determine the types of uses allowed within a PUD at the time of Concept Plan approval. Only uses that are consistent with the *Comprehensive Plan* may be allowed within a PUD.

F. Development Intensity

The total number of dwelling units and level of nonresidential development allowed within a PUD shall be consistent with the *Comprehensive Plan* and not exceed the level that can be adequately served by public facilities. To evaluate the capacity of streets and other facilities serving a PUD, the Planning and Zoning Director may require the applicant to conduct a traffic impact study or other infrastructure capacity analysis to provide information on the development's expected impacts on existing and planned facilities.

G. Roadway Access

Unless otherwise expressly approved during the PUD approval process, principal vehicular access to PUDs must be from collector and higher classification streets. Any PUD containing over 50 dwelling units or 30,000 square feet of nonresidential floor space must provide at least 2 access points, wherever possible.

I. Open Space

At least 30 percent of the gross land area in PUDs must consist of common open space.

J. Preservation of Natural Features

Mature trees, vegetative cover, watercourses and other natural site features must be preserved to the maximum extent feasible.

K. Additional Conditions

The Planning and Zoning Commission shall recommend and the County Commission shall impose such other conditions as are necessary to accomplish the purposes of this Land Development Code such as a Drainage and Stormwater Plan, shared sewage treatment facility plans and approvals from the PSC, and Construction Plans. Such conditions and/or plans shall be submitted 4 weeks prior to the next scheduled public hearing and reviewed by the Planning and Zoning Department and the Highway Department. (Section 151-3.6A1i and 151-3.6D1d).

151-5.4 A-O Airport Area Overlay District

These A-O district regulations are consistent with and serve to implement the goals, policies and strategies contained in the *Comprehensive Plan*, Airport Land Use Study and the U.S. 69 Corridor Study. The primary purpose of the regulations of this section is the protection of the public's health, safety, and welfare through avoiding the establishment of airport hazards, lessening or preventing noise impacts affecting the public and the surrounding landowners, and promoting a pattern of future land uses that encourages compatibility between the airport and its environs. Airport hazards are contrary to the public interest, endanger the lives and property of users of the airport and of occupants of land nearby, and, if of the obstruction type, in effect reduce the size of the area available for the landing, taking-off and maneuvering of aircraft, and thus tend to destroy or impair the utility of the airport and the public investment or interest therein. Accordingly, the provisions of this overlay district assume the following:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport;
2. That it is therefore necessary in the interest of the public health, safety, and general welfare that the creation or establishment of airport hazards be prevented;
3. That both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the County may raise and expend public funds and acquire land or property interests therein; and
4. That the minimization of aircraft noise impacts on the surrounding area is critical for striving to achieve airport-environs compatibility and for assuring that persons who live, work, or own property near the airport may enjoy a maximum amount of freedom from noise or other adverse impacts of the airport.

A. Purpose and Intent

The Clay County Regional Airport Area Overlay district (A-O) is intended to regulate and restrict the height of structures and objects of natural growth and otherwise regulate the use of property in the vicinity of Clay County Regional Airport to:

1. Protect persons and property near the airport.
2. Provide for aircraft safety in the use of the airport.

3. Regulate land uses and development to ensure compatibility with the airport.
4. Provide a comprehensive zoning plan to provide for orderly development of land near the airport.

B. Effect of Overlay Zoning Designation

The regulations of the A-O district shall be supplementary to the regulations of the underlying zoning districts. In the event of a conflict between the regulations of this section and any other regulations applicable to this same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and control to the extent of such conflict, but no further.

C. Special Definitions

The definitions of this section shall be used solely for the purpose of interpreting and administering the A-O district regulations of this section. If the definitions of this section conflict with other definitions of this Land Development Code, the definitions of this section shall control.

Term	Definition
Airport	The Clay County Regional Airport and all appurtenances used or acquired for the landing and taking-off of aircraft and utilized or to be utilized in the interest of the public for such purposes, for airport buildings or other airport facilities, and all other appurtenant rights-of-way or other interests either heretofore or hereafter established
Airport Elevation	The highest point of an airport's usable landing area measured in feet from sea level
Airport Hazard	Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at the Clay County Regional Airport or is otherwise hazardous to such landing or taking-off of aircraft
Approach Surface	A surface longitudinally centered on the extended centerline of the runway and extending outward and upward from the end of the primary surface at the same slope as the approach zone height limitation slope set forth herein. In plan-view, the perimeter of the approach surface coincides with the perimeter of the approach zone
Approach, Transitional, Horizontal, and Conical Zones	Height hazard zones as defined and set forth herein
A-O District Zoning Map	The official map for the A-O district prepared by the Planning and Zoning Department and duly adopted by the County Commission and any amendments thereto
Communications Nuisance	A use or structure which creates interference with radio communications and electronic navigational aids or devices, including instrument landing systems, for aircraft using the airport
Conical Surface	An inclined surface extending upward and outward from the periphery of the horizontal surface at a slope of 1 foot upward for each 20 feet outward for a horizontal distance of 4,000 feet.
Datum	For the purpose of determining the height limits in all zones set forth herein, the datum shall be mean sea level elevation unless otherwise specified
Decibel	The unit for expressing and measuring the relative intensity of sounds on a scale from zero for the average least perceptible sound for the human ear to about 135 for the average sound level which inflicts pain to humans
FAA	Federal Aviation Administration

Height	The vertical distance between the top of any structure and datum unless a reference elevation other than datum is specifically required by the regulations of this section
Helipad	The designated takeoff and landing area for helicopters at a heliport
Helipad Primary Surface	A horizontal plane area which coincides with the size and shape of the helipad and which is at the established elevation of the helipad
Heliport	A landing, loading and takeoff area used by helicopters, whether at ground level or elevated on a structure, and including necessary passenger and cargo facilities, maintenance equipment and overhaul areas, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces
Horizontal Surface	A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan-view coincides with the perimeter of the horizontal zone
Identified Critical Corridors	The linear-shaped areas of the width and length established by the regulations of this section which are located along and centered on the extended centerline of runway 18-36 at the Clay County Regional Airport
Illumination Nuisance	A use which creates difficulty for pilots to distinguish between navigational lights or markers and other lights or which otherwise impairs visibility with respect to aviation operations in the vicinity of the airport
Imaginary Surfaces	Planes having no real existence at the heights, slopes and dimensions of the approach, transitional, horizontal, and conical surfaces as defined and established by the regulations of this section.
Ldn (Day-night Average Sound Level)	The unit of measurement of sound levels on the day-night loudness decibel scale which averages the decibel levels of sounds over a 24-hour period and reflects the tendency for sounds to be more disruptive between 10:00 P.M. and 7:00 A.M. by adding 10 decibels (Ldn) to all sound intensities occurring between those hours
Noise-sensitive Land Use	(a) an activity or use of property which is sensitive to aircraft noise generation (examples include, but are not limited to: residential uses; educational classroom or assembly facilities; religious classroom or worship facilities; hospitals and similar health service facilities; transient lodging quarters; outdoor places of public assembly such as amphitheatres, stadiums, arenas, and the like; indoor places of public assembly such as auditoriums, convention centers, concert halls, meeting halls, theaters, Departments; and the like) or (b) such unconstructed uses as listed above, having an approved subdivision plat, development plan or building permit
Nonconforming Use	Any legally established, pre-existing structure, tree, or use of land that does not conform to the provisions contained within this section, or any amendment thereto.
Non-precision Instrument Runway	A runway having a non-precision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for straight-in, non-precision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an approved airport layout plan or any other officially adopted airport planning document
Official Zoning Map	The map showing zoning districts for land subject to the zoning authority of Clay County as prepared by the Planning and Zoning Department and duly adopted by the County Commission and any amendments thereto
Plan-View	The image of an object or area as would be seen from directly above all points on the object or area being viewed

Planning and Zoning Commission	The Clay County Planning and Zoning Commission.
Planning and Zoning Department	The Clay County Planning and Zoning Department.
Precision Instrument Runway	A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR), and any runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other officially adopted airport planning document
Primary Surface	A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth herein. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. (See also helipad primary surface)
Runway	A defined area on the airport prepared for landing and take-off of aircraft along its length.
SEL (Sound Exposure Level)	The unit of measurement of single-event sound levels which combines both the maximum intensity and the duration of the sound event
Structure	Any object, including a mobile object, constructed or installed by man, including but not limited to, buildings, towers, smokestacks, poles, pole lines, light poles, signs, earth formations, overhead transmission lines, radio and television aeriels and antennae
Transitional Surfaces	The surfaces extending outward at a 90 degree angle to the centerline of the runway and the extended centerline of the runway at a slope of 1 foot upward of each 7 feet outward from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. The transitional surfaces connect the horizontal, conical, primary and approach surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 measured horizontally from the edge of the approach surface and at a 90 degree angle to the centerline of the runway and the extended centerline of the runway
Tree	Any object of natural growth
Utility Runway	A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less
Visual Runway	A runway intended solely for the operation of aircraft using visual approach procedures
Zoning Map	See A-O district Zoning Map

D. Establishment of A-O District

The A-O district shall be established in accordance with the procedures of Sec. 151-3.3. There are 2 categories of overlay zones within the A-O district: the Clay County Regional Airport Height Hazard Overlay Zones (hereinafter referred to as "Height Hazard Zones") and the Clay County Regional Airport Interest Area Land Use Overlay Zones (hereinafter referred to as "Land Use Zones"). Boundaries for the A-O district and the 2 overlay zones are described in the following section.

E. A-O District and Boundaries of Overlay Zones

The outer boundaries of the A-O district coincide with the outer boundaries of the Height Hazard Zones and the Land Use Zones. The Zoning Map reflects the A-O district and Overlay Zone

boundaries as follows:

1. Height Hazard Zones

The boundaries of the Height Hazard Zones are identical to the boundaries of the approach, transitional, horizontal, and conical surfaces of the airport as established in the Clay County Regional Airport Final Master Plan Report (9-25-92) and are shown in Exhibit 3 therein. Said surfaces shall be based upon the obstruction surfaces described in Subpart C of Federal Aviation Regulations Part 77, Objects Affecting Navigable Airspace.

2. Land Use Zone

Consistent with Exhibit 3 of the Clay County Regional Airport Final Master Plan Report (9-25-92) which outlines the boundaries of the Airport Interest Area around the Clay County Regional Airport, the outer boundaries of the Land Use Zones match the outer boundaries of the Airport Interest Area as shown in Exhibit 3 therein. The boundaries of zones in the Land Use Zones area are established as shown on the Zoning Map.

3. Zoning Map

The boundaries of the Height Hazard Zones and the Land Use Zones are shown on the County Zoning Map.

F. Permitted Uses

Permitted uses within the A-O district shall be those uses which are permitted by regulation in the underlying zoning district, with the exception of those uses which are prohibited by the regulations in this section. Furthermore, all uses that are permitted by regulation in the underlying zoning district and not prohibited by the regulations of this section are subject to all qualifications and limitations as established by the regulations of this section.

G. Conditional Uses

Conditional uses within the A-O district shall be those uses which are: 1) listed as conditional uses in the specific underlying zoning district, with the exception of those uses which are prohibited by this section. Furthermore, the approval of conditional uses shall be subject to all qualifications and limitations as established by the regulations of this section.

H. Property Development Standards

Property shall be developed in accordance with the property development standards of the underlying zoning district, unless such standards are in conflict with the regulations of this section, in which event the regulations of this section shall control. The applicable development standards shall include, but not be limited to, the regulations governing the following development characteristics: minimum lot size, maximum lot coverage, bulk regulations, open space requirements, landscaping and screening requirements, parking and loading regulations, and sign regulations.

I. Use Limitations

In addition to the use limitations imposed by the underlying zoning district, the following use limitations shall also apply to all properties located within the A-O district:

1. Uses within this the A-O district shall be permitted only in accordance with the maximum height restrictions of these regulations.
2. Uses located within the Land Use Zones within the A-O district shall be permitted only in accordance with all applicable restrictions and standards as set forth in these regulations.
3. Uses located within the Noise Impact Area of the Land Use Zones within the A-O district shall be permitted only in accordance with any applicable noise attenuation construction standards as required under these regulations.
4. At the time of issuance of any building permit for any structure within the A-O district, the County Commission reserves the right to request the voluntary dedication of a navigation easement when it is determined by the Commission that said easement is needed over

the subject property to further the purpose and intent of the regulations in these regulations.

J. Height Hazard Zones and Height Limitations

In order to carry out the regulations of this section, and in furtherance of Federal Aviation Regulations Part 77 which recommends height limitation standards, there are hereby established Height Hazard Zones. The Height Hazard Zones shall encompass all the lands within Clay County lying beneath the approach, transitional, horizontal, and conical zones which are based on and reflect the approach, transitional, horizontal, and conical surfaces (See Exhibit 3, Clay County Regional Airport Final Master Plan Report (9-25-92), as they apply to the Clay County Regional Airport and as further defined within this Section. The Height Hazard Zones are shown on the Zoning Map. The height limitations established for these zones shall be based upon the established elevation of the Clay County Regional Airport, which is 774 feet. From and after the effective date of the regulations of this section, as otherwise provided in these regulations, no structure or tree shall be erected, altered, allowed to grow or allowed to exist in any zone created by the regulations of this section to a height in excess of the applicable height limitations established herein for the Height Hazard Zones. An area located in more than one of the identified zones is considered to be only in the zone with the more restrictive height limitation.

1. General Provisions

- a. The centerline of all Runway Approach Zones coincides with the continuation of the centerline of the runway.
- b. The inner edge of all runway approach zones coincides with the outer edge of the primary surface of the runway and has the same width as the primary surface of the runway.
- c. All approach zones expand outward uniformly from the inner edge to the outer edge at the horizontal distance and outer edge width specified in Exhibit 3, Clay County Regional Airport Final Master Plan Report (9-25-92).
- d. The height limitation at the inner edge of all approach zones is the same elevation as the primary surface.
- e. The height limitation in all approach zones increases continually and evenly from the inner edge to the outer edge of the approach zone at the rate or grade specified in the Clay County Regional Airport Final Master Plan Report (9-25-92), and the rate of increase in elevation is expressed and specified in the format of: "horizontal distance in feet outward for each foot of increased elevation," and is commonly abbreviated as, "horizontal distance: vertical distance."
- f. The height limitations in the approach zones are established by the imaginary surface sloping upward at the grade specified for the particular approach zone as specified in the Clay County Regional Airport Final Master Plan Report (9-25-92).
- g. Airport Approach Zones and the imaginary surfaces establishing applicable height limitations are established as provided in Exhibit 3, Clay County Regional Airport Final Master Plan Report (9-25-92).

2. Airport Transitional Zones, AT, and Height Limitations

- a. The Airport Transitional Zones are the areas beneath the transitional surfaces of the airport runways as further defined herein.
- b. The height limitations for the Airport Transitional Zones are established by an imaginary surface that slopes one foot upward for each 7 feet outward, beginning at the sides of, and at the same elevation as the primary surface and

the approach surface, and extends to a height of 150 feet above the established airport elevation (Horizontal Surface elevation of 924.0 feet). In addition to the foregoing, there are established height limits sloping one foot upward for each 7 feet outward beginning at the sides of, and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway Airport Approach Zone projects beyond the Airport Conical Zone, there are established height limits sloping one foot upward for each 7 feet outward beginning at the sides of, and the same elevation as the approach surface, and extending a horizontal distance of 10,000 feet measured at a 90 degree angle to the extended runway centerline.

3. Airport Horizontal Zone, AH, and Height Limitations

- a. The Airport Horizontal Zone is established by swinging arcs of 10,000 feet from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Airport Horizontal Zone does not include the Airport Approach Zones or the Airport Transitional Zone.
- b. Airport Horizontal Zone height limitation is established at 150 feet above the established airport elevation or 924.0 feet.

4. Airport Conical Zone, AC, and Height Limitations

- a. The Airport Conical Zone is established as the area that commences at the periphery of the Airport Horizontal Zone and extends outward for a horizontal distance of 4,000 feet.
- b. The Airport Conical Zone height limitation is established by an imaginary surface that slopes one foot upward for each 20 feet outward beginning at the periphery of the Airport Horizontal Zone and at 150 feet above the established airport elevation or 924 feet and extending to a height of 350 feet above the airport elevation to a height of 1,124 feet.

K. Exceptions To Height Limitations

Nothing in the regulations of this section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 75 feet above the surface of the land.

L. Permits in Airport Height Hazard Overlay Zone

Except as specifically provided in the regulations of this section, no new structure or use may be constructed or otherwise established in any zone created by the regulations of this section unless a permit therefore shall have been applied for and granted by the County. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particulars for the County to determine whether the resulting use or structure would conform to the regulations of this section. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of the regulations of this section shall be granted unless a variance has been approved as provided for in the regulations of this section.

1. Initial Approach Zones

In areas lying within the limits of the approach zones, but at a horizontal distance of more than 5,000 feet from Runway 36 or more than 3,500 feet from Runway 18, no permit shall be required for any structure less than 75 feet of vertical height above the ground, except when such structure because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such approach zones.

2. Transitional Zones

In the areas lying within the limits of the transitional zones beyond the perimeter of the horizontal zone, no permit shall be required for any structure less than 75 feet of vertical

height above the ground, except when such structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transitional zones.

3. Conical Zones

In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such structure would extend above the height limits prescribed for such zones.

M. Land Use Zones

1. Prohibited Development and Land Use Characteristics

Notwithstanding any other provision to the contrary contained within the regulations of this section, no use may be made of land or water within the Land Use Zones that would in any manner:

- a. Create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft,
- b. Make it difficult for pilots or aviation operations personnel of the control tower to distinguish between airport lights and other lights,
- c. Result in glare in the eyes of pilots using the airport or the eyes of aviation operations personnel of the control tower,
- d. Impair visibility with respect to aviation operations in the vicinity of the airport,
- e. Endanger or interfere, in any other way, with the landing, takeoff, or maneuvering of aircraft,
- f. Create bird strike hazards or promote large population concentrations of birds, or
- g. Emit or discharge smoke, steam or fog that would impair visibility with respect to aviation operations in the vicinity of the airport in any manner which would interfere with the health and safety of pilots and the public in the use of the airport.

2. Minimum Performance Standards

The following minimum standards and specifications shall apply for all land uses within the Land Use Zone.

a. Lighting and Glare

All lights, illumination, or glare used in conjunction with street, parking, signs or use of land and structures shall be arranged and/or operated in such a manner that is not misleading or dangerous to aviation operations at the airport or within the vicinity thereof. Except when lighting must be otherwise installed or operated for proper aviation operations at the airport or within the vicinity thereof, all lights shall be so installed and operated to prevent glare and deflect illumination from residential developments, streets and the aircraft flight paths normally used by aircraft arriving at or departing from the airport.

b. Fire and Explosion Hazards

All activities involving the storage of inflammable and explosive materials, where permitted, shall be provided with adequate safety devices to guard against the hazard of fire and explosion, and with adequate fire-fighting and fire suppression equipment and devices standard in the industry. All such activities shall meet or exceed the minimum requirements imposed by Clay County.

- c. **Burning**
Burning of waste materials in open fires shall be prohibited within the Land Use Zone unless otherwise authorized by law, and shall be subject to such reasonable conditions as may be prescribed in each case.
- d. **Electrical Disturbance**
No electrical disturbance or activities shall be permitted which would interfere with or disrupt the reliable and effective use of communications or navigation equipment normally used for aircraft operations at the airport or in the vicinity thereof. No electrical or other disturbance resulting from radio or television transmission or the operation of electrical, electronic, electro-magnetic equipment or devices shall be tolerated which affects adversely the operation at any point in the Land Use Zones of any equipment other than that of the creator of such disturbance.
- e. **Smoke, Fly Ash, Fumes, Vapors, Gases, and other forms of Air Pollution**
No emission shall be permitted at any point in the Land Use Zones that exceeds those standards established in any applicable local, state, and/or federal air pollution regulations.

3. Critical Corridor Areas

- a. **Establishment of Critical Corridor Areas**
There are hereby established Critical Corridor Areas within the area of the Land Use Zones as shown on the Zoning Map. These Critical Corridor Areas extend outward from both ends of Runway 18R-36L. Each Critical Corridor Area is located along and centered on the extended centerline of the respective runway.

These Critical Corridor Areas extend both north and south of the airport to the distances shown on the Zoning Map, and the Critical Corridor Areas serve as the normal approach/departure flight path for aircraft using the runways. Within these Critical Corridor Areas, three Sub-areas are defined and established: Critical Corridor Sub-area A: Limited Development and Uses Area, Critical Corridor Sub-area B: Limited Development Area, and Critical Corridor Sub-area C: Development of Compatible Uses Area.

- b. **Critical Corridor Area Use Restrictions**
Due to the increased noise impacts and the increased potential for aircraft accidents within the Critical Corridor Areas, the use of land in the Critical Corridor Areas is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:
 - i. **Critical Corridor Sub-area A: Limited Development and Uses Area.**
Due to the noise sensitivity of residential uses and the potential for land use compatibility conflicts if there are high concentrations of persons within this area, the use of land within the Critical Corridor Sub-area A: Limited Development Area is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:
 - a. General agricultural uses except feedlots or other agricultural uses which have the potential to attract substantial quantities of birds;
 - b. Conservation areas or open space or any combination thereof;
 - c. Public or private parks, golf courses, or similar or natural recreation areas;

- d. Cemeteries;
- e. Landscape nurseries for the raising or storage of plant materials but not including greenhouses or retail uses within the corridor;
- f. Public utility local distribution or transmission facilities necessary for public service;
- g. Open storage area for personal property such as boats and travel trailers;
- h. Off-street parking lots; and
- i. Drainage ways without new permanent impoundments.

ii. **Critical Corridor Sub-area B: Limited Development Area**

Due to the noise sensitivity of residential uses and the potential for land use conflicts if there are high concentrations of persons within this area, the use of lands within Critical Corridor Sub-area B: Limited Development Area is restricted to the following uses, but only if the following uses also are permitted by the underlying zoning district:

- a. Planned Cluster Developments for uses and densities consistent with the *Comprehensive Plan*. Such Planned Cluster Developments shall:
 - i. place any new dwellings outside the Critical Corridor Area wherever possible,
 - ii. not result in uses that concentrate more than 100 persons in the Critical Corridor Sub-area B at any one time,
 - iii. result in the Noise Attenuation Construction Standards of the regulations of this section being satisfied for any new dwellings, and
 - iv. result in the provisions of the Land Development Code for the Clay County Regional Airport Interest Area being satisfied for any new subdivisions.
- b. Uses permitted in Critical Corridor Sub-area A also are permitted in Critical Corridor Sub-area B.

iii. **Critical Corridor Sub-area C: Development of Compatible Uses Area**

Sub-area C is an area for general commercial and airport industrial park uses. Nonresidential uses are generally less sensitive to aircraft noise impacts and are therefore determined to be more compatible with airport operations. However, concentrations of persons within this area remains a primary concern when evaluating proposed urban development within Critical Corridor Sub-area C. Nonresidential development and uses are permitted within Critical Corridor Sub-area C if nonresidential development and uses also are permitted by the underlying zoning district and if the development and uses fully comply with the following restrictions:

- a. Compliance with the Noise Attenuation Construction Standards contained in the regulations of this section shall be required for all structures as therein defined that develop in the Critical

Corridor Sub-area C: Development of Compatible Uses Area.

- b. Nonresidential uses are permitted in Critical Corridor Sub-area C: Development of Compatible Uses Area as permitted by the underlying zoning district. However, special design standards shall be applied to site development plans reviewed with respect to the regulations of this section. The purpose of the special design standards is to achieve, to the greatest extent possible, site layouts that place open space or only very low-density uses in the most critical locations that are generally those areas of highest aviation activity.

Compliance with the special design standards therefore is intended to minimize concentrations of persons in areas of highest aviation activity. For example, compliance with these special design standards could result in the use of Critical Corridor Sub-area C for accessory site uses such as off-street parking lots, drainage and open space areas, outdoor storage areas, and the like.

- c. The following uses are encouraged within Critical Corridor Sub-area C, as permitted by the underlying zoning district:
 - i. General agricultural uses except feed lots or other agricultural uses which have the potential to attract substantial quantities of birds;
 - ii. Conservation areas or open space or any combination thereof;
 - iii. Public or private parks, golf courses, or similar or natural recreation areas;
 - iv. Cemeteries;
 - v. Landscape nurseries for the raising or storage of plant materials but not including greenhouses or retail uses within the corridor;
 - vi. Public utility local distribution or transmission facilities necessary for public service;
 - vii. Warehousing including buildings for commercial storage of personal property;
 - viii. Outdoor storage of equipment, automobiles, machinery, building materials, contractor's equipment storage yards;
 - ix. Open storage areas for commercial or private storage of personal property such as boats and travel trailers;
 - x. Rail or trucking freight terminal;
 - xi. Off-street parking lots, and
 - xii. Drainage ways without new permanent impoundments.

N. Review Procedures and Issuance of Permits

1. Application

The review procedures contained within this Subsection shall apply and be utilized by the County Commission as a supplementary part of its prescribed zoning and land use regulation procedures for the following types of zoning and land use development activities which occur or are proposed within the A-O district:

- a. Zoning and rezoning applications;
- b. Conditional use permit applications;
- c. Subdivision plat proposals; and
- d. Development and/or site plans for any multi-family residential development of four or more dwelling units per building or any non-residential development.

2. Administrative Review

a. Generally

Written notices of all zoning and land use development activities listed above shall be provided as follows:

- i. For all unincorporated areas, including airport-owned properties located within the A-O district area, the Planning and Zoning Department shall provide written notice to the Clay County Airport Advisory Board, and to the County Commission;
- ii. For all incorporated areas, including airport-owned properties located within any incorporated area within the A-O district: the affected municipal jurisdiction of Mosby or the affected municipal jurisdiction of Prathersville, as applicable, shall provide written notice to the Planning and Zoning Department, the Clay County Airport Advisory Board and to the County Commission.

The review procedures contained within this Subsection may be further implemented through mutually-agreed upon departmental procedures established by the affected jurisdictions hereto. Said procedures may be supplementary to the review procedures established herein, but shall not, in any instance, supersede or nullify the review procedures established within this Subsection. In the event of a conflict, either real or apparent, between such supplementary departmental procedures and the regulations contained within this Subsection, the regulations contained within this Subsection shall control.

b. Jurisdictional Notice

- i. The Planning and Zoning Department, upon receipt of any zoning or land use development proposal or application as defined in this section, shall provide written notice and copies of all relevant documentation within 7 days of their receipt, to the Chairman of the Clay County Airport Advisory Board (hereinafter referred to as the "airport advisory board") and to the governing bodies of any affected municipal jurisdiction. The written notice shall be sent by Certified Mail, Return Receipt Requested, and the notice shall invite and seek to obtain review and comment regarding said proposals or applications.
- ii. The airport advisory board and the municipal jurisdiction shall submit their comments to the Planning and Zoning Department within 25 working days after receipt of the notice and documentation. Failure on

the part of the reviewing jurisdiction to provide comments within this time frame shall indicate their concurrence with said proposal or application.

- iii. The Planning and Zoning Department shall incorporate any such comments and recommendations received on the proposal or application within its review and shall include them in the official record related thereto;
- iv. The Planning and Zoning Department shall provide to the airport advisory board and any affected municipal jurisdiction a full and complete copy of its comments or recommendations upon the proposal or application at least 5 days prior to the applicable Planning and Zoning Commission meeting at which official consideration or action would be expected to be initiated;
- v. The airport advisory board and any municipal jurisdiction shall notify the Planning and Zoning Department in writing, within 3 days of receipt of the Planning Department's comments or recommendations, of any conflict or dispute related to the recommendations on the proposal or application;
- vi. If no conflict or dispute is identified throughout this review procedure, the Planning and Zoning Commission may proceed to take final action on the proposal or application through its regular review procedures, including as exhibits to the staff reports all comments submitted by the airport advisory board or the affected municipal jurisdiction;
- vii. Upon receipt of any notice of conflict or dispute from the airport advisory board or the affected municipal jurisdiction, the Planning and Zoning Commission shall refrain from any official consideration or official action upon the proposal or application until representatives of the Planning and Zoning Department, the airport advisory board, and the affected municipal jurisdiction have met to discuss resolution of the conflict or dispute. Said meeting shall be held within 30 days following the receipt of notice of conflict or dispute;
- viii. In the event the conflict cannot be resolved through mutually acceptable recommendations at the staff level, then the Planning and Zoning Department shall submit the joint review comments and recommendations to the Planning and Zoning Commission for consideration and action. All comments received from the airport advisory board or the affected municipal jurisdiction shall be included as exhibits to the staff reports;
- ix. In the event the conflict or dispute cannot be resolved through mutually acceptable recommendations at the Planning and Zoning Commission level, then all statements of objection and recommendations submitted by the airport advisory board or the affected municipal jurisdiction shall be included as exhibits to the staff reports and shall be made a part of the official record on the proposal or application. The proposal or application shall then be submitted to both the County Commission and to the governing body for the affected municipal jurisdiction for final approval or denial. Both governing bodies must approve the proposal or application in order for said proposal or application to be granted; denial of a proposal or application by either of the governing bodies shall render said proposal or application denied. The two governing bodies shall take action on the proposal or application within 30 days of each other.

c. Issuance of Permits

Permits for land uses or developments which have been approved pursuant to

the regulations of this section shall be issued by the Director of the Planning and Zoning Department. No permit for a land use which is inconsistent with any provision of the regulations of this section shall be granted unless a variance has been approved as provided for in the regulations of this section.

O. Noise Attenuation Construction Standards

Attenuation of noise, or outdoor to indoor Noise Level Reductions (NLR) by blocking noise paths or by use of other soundproofing measures, can reduce the impacts of aircraft noise on Noise Sensitive Land Uses. It should be noted, however, that while compliance with the NLR criteria required in this Section will reduce noise impacts, compliance will not eliminate, nor is it intended to eliminate, all indoor or outdoor noise problems resulting from outdoor noise sources.

1. In the Noise Impact Area of the Land Use Zones within the A-O district, if any building or any portion of any building as follows are regularly occupied by humans more than 4 hours per day with respect to Noise-Sensitive Land Uses, compliance with the Noise Attenuation Construction Standards designated herein shall be required:
 - a. all new building or portions thereof,
 - b. all addition to any building that existed before the adoption of the regulations of this section,
 - c. all building which existed before the adoption of the regulations of this section if alteration, repair or renovation costing more than 50 percent of the market value of the building immediately prior to the alteration, repair or renovation are undertaken.
2. The Planning and Zoning Director shall determine whether the proposed alteration, repair or renovation would cost more than 50 percent of the market value of such building. The determinations shall be made with respect to evidence from the tax appraisal records, the estimated cost of the proposed alteration, repair or renovation, and, if necessary for an accurate determination, with respect to evidence from qualified, independent, third-party real estate appraisals and evidence from qualified, independent, third-party estimates of the construction cost.
3. Furthermore, the Noise Attenuation Construction Standards contained herein are strongly recommended, although not required, throughout all other areas of the A-O district.
4. The above-identified types of buildings, structures or portions thereof shall provide acoustical treatment at the time of construction that is capable of provided a Noise Level Reduction (NLR) of a total of 30 decibels. For comparative purposes, normal construction standards can be expected to provide a NLR of 20-25 decibels.
5. This standard shall be met by the applicant submitting at the time of building permit application a verification statement by an acoustical engineer or other qualified professional engineer or architect that the design of the structure and the construction practices and/or materials of the structure will achieve the specified interior noise level reduction. The acoustical professional shall submit relevant information to permit the Planning and Zoning Director to verify that the proposed measures will achieve the interior noise level reduction standard.

P. Nonconforming Uses

1. Regulations Not Retroactive

The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations of this section when adopted or amended, or otherwise interfere with the continuance of such nonconforming use, except as otherwise expressly provided.

2. Removal or Relocation of Poles and Lines

The county may require, upon 30 days notice in writing to any person, firm, association, or corporation owning and maintaining any nonconforming pole or pole line, upon the roads and highways immediately adjoining the airport to remove, lower, change, or alter said nonconforming pole or pole line upon prior payment by the County, to said person, firm, association, or corporation of the reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines; or in lieu thereof to execute good and sufficient bond with corporate surety thereon as security for the payment of the reasonable and necessary expense of removing, lowering, changing, or altering such pole or pole lines. Reasonable and necessary expense of removing, lowering, changing, or altering said pole or pole lines shall include, among other items of expense, the actual cost of: 1) constructing underground conduits and the construction of such wires and equipment in such conduits, and 2) rerouting wires together with the poles, cross arms and other equipment connected thereto, together with the cost, if any, of new right-of-way made necessary by such rerouting. Clay County shall not be held to be responsible for payment for the removal or relocation of poles and lines, if said costs have been previously addressed through franchise agreement.

3. Termination of Nonconforming Uses

a. Abandonment

Where there has been a discontinuance of a nonconforming use for a period of 1 year, or where there has been an express acknowledgment by the property owner that the use has in fact been abandoned, regardless of the time period involved, then said nonconforming use shall be considered abandoned, and such nonconforming use shall not thereafter be used.

b. Partial Destruction

Any nonconforming use which as a result of fire, explosion, or other casualty, has been damaged to the extent of more than 50 percent of its value immediately prior to damage, shall thereafter be terminated, and any new construction, repair, alteration, and/or renovation shall be in accordance with the regulations of this section.

c. Change of Nonconforming Use

Whenever a nonconforming use has been changed to a more restrictive or conforming use, such previously existing nonconforming use shall not thereafter be allowed.

d. Nonconforming Use Not to be Expanded

Any existing nonconforming use, structure or tree shall not be expanded so as to permit it to be made or become higher or become a greater hazard to air navigation than it was when the regulations contained herein were adopted or than it was when the application for a permit was made.

Q. Hazard Marking And Lighting

In granting any permit or variance under these regulation, the County may, if it deems such action advisable to effectuate the purposes of the regulations of this section and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the County, at its own expense, to install, operate, and maintain such markers and lights as may be necessary to indicate the operators of aircraft in the vicinity of the airport the presence of such airport hazards.

R. Administration

1. Enforcement

It shall be the duty of the Planning and Zoning Director to administer and enforce the regulations of this section. Violations of the regulations of this section shall be processed in accordance with the County regulations concerning violations thereof.

2. Interpretations

In the event an administrative interpretation of the regulations of this section is necessary, interpretations shall be made in accordance with Sec. 151-3.13. If it is determined by the Planning and Zoning Director that the interpretation could constitute a significant departure from the normal interpretation typically made by the Planning and Zoning Director, then the Planning and Zoning Director shall notify the Planning and Zoning Directors of all affected jurisdictions which are a party to the regulations of this section, including the Executive Director of the airport advisory board, informing them of the interpretation. Appeals of interpretations shall be processed in accordance with Sec. 151-3.14.

3. Variances

Any landowner desiring to erect or increase the height of any structure or permit the growth of any tree or otherwise use his property in violation of the airport zoning regulations in these regulations, may apply for a variance in accordance with Sec. 151-3.11.

4. Effective Date

The A-O district regulations of this section shall be in full force and effect from and after its adoption by all affected jurisdictions: the affected municipal jurisdictions of Mosby, Missouri, the affected municipal jurisdiction of Prathersville, Missouri, and the County of Clay, Missouri and the regulations of this section shall be incorporated into and declared a part of the Land Development Code.

5. Recording of Notice of A-O District Zoning

Following the adoption of the regulations of this section by the County Commission, the Planning and Zoning Department shall prepare and record notices for all unincorporated properties located within the A-O district stating that the property is located within this special overlay district and is therefore, subject to certain restrictions which have been placed on the development and use of land within this A-O district. The notice shall also state that the zoning of the property has been changed to include the A-O district designator. A copy of said notice shall be sent to the property owner of record as of the effective date of the regulations of this section by certified mail, return receipt requested.

151-5.5 Open Space, Trails and Parks

The purpose of the Open Space, Trails, and Parks Master Plan Overlay is to provide intentional and organized development of park and recreational facilities for the residents of Clay County. The overall goal is to provide connections between historical sites, connections between neighborhoods, and provide ample open space for recreation.

A. Northland Trails Master Plan

Location of public trails will be determined by the adopted plans of the Clay County Master Plan as amended. (See Sec. 151-8.17)

B. Parks Master Plan

Location of public parks will be determined by the adopted plans of the Clay County Master Plan as amended. (See Sec. 151-8.17)

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