

Chapter 151-6 Use Regulations

151-6.1 Use Table

The following table summarizes the principal use regulations of the Land Development Code's base zoning districts. In the event of conflict between this table and the standards listed in Sec. 151-4.3 through Sec. 151-4.15, the Use Table shall control.

P

Uses Permitted By-Right

A "P" indicates that a use category is allowed by-right in the respective zoning district, subject to compliance with all other applicable regulations of this Land Development Code.

C

Conditional Uses

A "C" indicates that a use category is allowed only if reviewed and approved as a conditional use, in accordance with the Conditional Use Permit procedures of Sec. 151-3.9. and subject to all other applicable standards of this Land Development Code.

151-6.2

Uses Subject to Specific Standards

A number in the final ("Use Standards") column indicates that the listed use type is subject to use-specific standards in one or more of the districts in which the use is allowed. The number provides a cross-reference to the use-specific standards.

Uses Not Allowed

A blank cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.

New or Unlisted Uses

If an application is submitted for a use type that is not listed as an allowed use in one or more zoning districts, the Planning and Zoning Director shall be authorized to make a similar use interpretation in accordance with Sec. 151-3.13. In the event that a similar use interpretation cannot be made, the proposed use type shall be allowed as a conditional use in the I-1 district and as a use permitted by-right in the I-2 district.

ZONING DISTRICT USE STANDARD													
AG	R-1	R-1A	R-1B	R-2	R-3	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference

Residential													
Congregate Living								C	P				
Duplex				P	P		P						
Group Home, Class I (General)	C	C	C	C	C	C		C	P				
Group Home, Class I (Limited)	C	C	C	C	C	P		C	C				
Group Home, Class II						C		C	P				
Group Residential House, Attached				P	P		P						151-6.2H
House, Detached	P	P	P	P	P	P	P	P					
Mobile Home						P							
Mobile Home Park						P							
Multi-Unit Housing					P			P					151-6.2Q
Retirement Housing, General					P								
Retirement Housing, Limited					P								
Transitional Housing				C	C				C	C			
Civic/Institutional													
Animal Shelter								C	P	P	P	P	151-6.2W
Cemetery	C	C	C	C	C	C		C	C	C	C	C	RSMo.214
Club or Lodge	C							P	P				
College or University	C							P	P	P			
Community Recreation, Private	P	P	P	P	P	P	P						
Convalescent Services						C		C	P				
Cultural Services								P	P	P		P	
Day Care, Family (1-children/adults)	P	P	P	P	P	P							
Day Care, Group (6 or more children/adults)	C	C	C	C				P	P				
Day Care, Commercial (21+ children/adults)								P	P	P		C	
Detention Facilities										C	C		
Guidance Service								P	P				
Hospital								C	C	P	P		
Parks & Recreation	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facility								C	P	P	P		
Railroad Facility										C	P	P	
Recycling Collection, Drop-Off									C	P			
Religious Assembly, Standard	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Assembly, Mega	C	C	C	C	C	C	C	P	P	P	P	P	
Residential Treatment Facility	C	C	C	C	C	C		C	C				
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	
Security/Guard House	C									C	C	P	151-6.3B4f
School, Primary	P	P	P	P	P	P		C	C	C			
School, Secondary	P	C	C	P	P	P		P	C	C			
Utility Service, Major	C	C	C	C	C	C	C	C	C	C	C	P	C
Utility Service, Minor	P	P	P	P	P	P	P	P	P	P	P	P	

ZONING DISTRICT USE STANDARD													
AG	R-1	R-1A	R-1B	R-2	R-3	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference

Commercial													
Adult Use									C	C			
Agricultural Sales/Service	C								P	P	P		
Amusement Park										P	P	C	
Animal Services	C							P	P			C	
Archery Range	C												
Bar or Lounge								P	P			C	
Bed and Breakfast (B&B)	C	C			C			C					151-6.2K
Boat Storage (w/in 2 mi. of Smithville Lake)	P	P						P	P				151-6.2L
Business or Trade School								P	P	P			
Cabins	C							P	P			P	151-6.2M
Campground/Recreational Vehicle Park	C							P	P			P	151-6.2N
Communication Towers, Commercial	C							P	P	P			151-6.2G
Construction Sales/Services									P	P			
Convenience Store					C		P	P	P	P			
Financial Services, with Drive-through								P	P	P			
Financial Services, without Drive-through							P	P	P	P			
Firearm Sales, Retail								C	P				
Firearm Sales (only with shooting range)	C												151-6.2T
Food Sales								P	P			C	
Funeral Services	C	C					P	P	P	C			
Greenhouse, Retail								P	P	P	P		
Greenhouse, Wholesale	C							P	P	P		P	
Guest House, for rent	P											P	151-6.3C
Hotel-Motel								P	P	P			
Kennel	C							C	P	P			151-6.2W
Landscaping and Lawn Care Service	C								P	P			
Liquor Sales								P	P			C	
Marina	C							P	P			P	
Motorcycle Tracks											P	C	151-6.2P
Office							P	P	P	P		P	
Organic Recycling	P									P	P		
Parking, Commercial								P	P	P			
Pawn Shop								P	P				
Personal Improvement Service							P	P	P				
Recreational Equipment Storage	C								C	P	P		151-6.2R
Recreation+Entertainment, Indoor								P	P			P	

ZONING DISTRICT USE STANDARD

	AG	R-1	R-1A	R-1B	R-2	R-3	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Recreation+Entertainment, Outdoor	C									C	P	P	P	
Repair Service, Consumer								P	P	P	P			
Restaurant, Fast Food								C	P	P	P		C	
Restaurant, General								C	P	P	P		C	
Retail Sales+Service, Convenience							C	P	P	P	P			
Retail Sales+Service, General								P	P	P	P			
Scrap and Salvage Service											C	C		
Self-Service Storage										P	P	P		
Service Station									C	P	P			
Shooting Range	C									C	P		C	151-6.2T
Stable, Training and Riding, Public	C	C											C	
Utility & Stock Trailer Sales	C								P					151-6.2V
Vehicle Repair, General									C	P	P	P		
Vehicle Sales/Rental										P	P	P		
Vehicle Service, Limited								C	P	P	P	P		
Vehicle Storage										P	P			
Veterinary Services	C									P	P		C	151-6.2W
Industrial														
Aviation+Surface Transportation											C	P		151-6.2I
Industrial Service/Yard											C	P		151-6.2O
Manufacturing and Production											P	P		
Warehouse and Freight Movement											P	P		
Wholesale Sales										C	P	P		
Agricultural and Other Uses														
Accessory Apartment	P	P	P	P				C	C	P	C			151-6.3A
Accessory Structure	P	P	P	P	P	P	P						P	151-6.3B
Accessory Dwelling Units	P	P	P											151-6.3A
Air Strip, Private	P										C	C		FAA Regs
Animal Production	P									P	P	P	P	151-6.2E
Animal Refuge, Public or Private	C										C	C	C	151-6.2D-7
Communications Antenna, Amateur	P	P	P	P	C									151-6.2F
Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	
Feed Lot Operations	C													151-6.2E
Guest House, Private	P	P	P											151-6.3A&3.c
Horticulture	P	P									P	P	P	
Motorcycle Tracks, Private	C													151-6.2P
Recycling Center											C	P		
Resource Extraction												C		151-6.2S
Stable, Private Boarding	P													
Soil Excavation	C													151-6.2U
Vineyard	P													
Waste-Related Use												C		151-6.2X
Zoological, Public or Private	C										C	C	C	151-6.2D-7

151-6.2 Use Standards

A. Accessory Dwelling Units

See Section 151-6.3A

B. Accessory Structures

See Section 151-6.3B

C. Animals, Domestic

1. *Domestic animal* means any animal that is livestock, a companion animal, or both.
 - a. Livestock means any animal commonly used by persons for use, draft or pleasure purposes. The definition of livestock includes but is not limited to: poultry, cattle, buffalo, swine, sheep, goats, horses, mules, emus, ostriches, elk, alpaca and llamas.
 - b. Large animal standards equal no more than an average of 1 adult plus 1 young under 6 months ("large animal unit") is allowed on each 1.5 acres of land. This standard applies to cattle, horses, mules, emus, and the like, but not to chickens and other small domestic animals.
 - c. Livestock is permitted on lots 3 acres or larger in size.
 - d. *Companion animal* means any animal that is commonly kept by persons as a pet for companionship. The definition of companion animal includes but is not limited to: domesticated dogs and domesticated cats.
 - e. Companion animals are limited to 3 domesticated dogs per household over six months of age, 4 domesticated cats over six months of age per household, and 1 horse plus 1 foal based per acre in all residential zones. Horses and other such large animals are only allowed on lots of 3 acres or larger.
 - f. The number of companion animals is not limited by code on Agricultural (AG) zoned land; however, the animals may not create a nuisance as described in Sec. 151-6.2C3.
2. **Beekeeping**

It shall be unlawful to keep or harbor any bees except in Agricultural zoned property and then 50 feet from property lines. Any beehive used or occupied by bees in violation of this section is hereby declared to be a nuisance and shall be removed.
3. **Animal Nuisances**
 - a. It is unlawful to keep an animal in the county in such a manner that it creates a nuisance by reason of excessive noise (barking), odors, flies, disease, or unsightly appearance.
 - b. Owners are responsible for companion animals that cause injury to other animals or humans.
 - c. Feral cats and stray dogs are not permitted.
4. **Cruelty**

Cruel treatment, animal abuse or neglecting to provide adequate shelter and nutrition is unlawful. Animal abandonment is also an act of cruelty and is punishable by law. Animal abuse is a misdemeanor, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or torturing a live animal which is a felony.

5. Mistreatment

Any animal that is deemed by the Clay County Sheriff to be cruelly mistreated or suffering may be seized from the property of its owner or keeper to abate the mistreatment or the suffering of that animal, and it may be confined at an animal shelter for disposition.

6. Abandonment

It shall be unlawful for any owner or keeper to abandon any animal. For the purpose of this section, the term "to abandon" includes but is not limited to any instance where the owner or keeper leaves an animal without demonstrated or apparent intent to recover or to resume custody; or leaves an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence; or turns out or releases an animal; or dumps or releases an animal from a vehicle. Abandonment is a misdemeanor.

7. Animal Control

- a. Complaints shall be made to the Planning and Zoning Department, unless the issue is of an urgent nature, when a call should be placed to the Clay County Sheriff's Department.
- b. The Clay County Sheriff is permitted entry without warrant on any private or public property where an exotic/dangerous/wild or diseased animal is kept or running at large where such animal is to be found in plain sight for the purpose of enforcement of this chapter and to seize such animal from such private property to abate ordinance violation(s).
- c. An animal responsible for an unprovoked severe or fatal injury shall be quarantined. Owners of the animal are considered responsible for the animal's actions.

8. Fencing

Fencing requirements shall conform to the RSMo Chapter 272 regarding livestock.

D. Animals, Exotic/Dangerous/Wild

It is the intent of Clay County to protect the public against health and safety risks that exotic, dangerous or wild animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment.

- 1. *Exotic/dangerous/wild animal* means any animal that is not normally domesticated in the United States or is wild by nature. Exotic animals include, but are not limited to any or all of the following orders and families, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:
 - a. Artiodactyl (hippo, antelope, giraffe, camel, yak, zebra)
 - b. Bats (bat, flying fox)
 - c. Canine (wolf, coyote, fox, jackal, dingo)
 - d. Crocodylian (alligator, crocodile)
 - e. Edentata (anteater, sloth, armadillo)
 - f. Feline (lion, tiger, bobcat, cougar, leopard, jaguar, lynx, ocelot)
 - g. Fowl (raptors, fowl not native to the continental United States, *Canary, finch, parakeet, lovebirds, parrots, pheasants, and peacocks bred domestically, legally imported, or naturally occurring population are exempt.*)
 - h. Hyaenidae (hyena)
 - i. Marine animals and sea mammals (seal, dolphin, whale, walrus) *Fish for aquarium use and native fish are exempt.*
 - j. Marsupial (kangaroo, opossum, wombat, koala)

- k. Mustelid (weasel, otter, badger) *Ferret, mink, and sable bred domestically or legally imported are exempt.*
 - l. Perissodactyl (rhinoceros, tapir)
 - m. Non-human primates (monkey, chimpanzee, baboon, ape, gibbon, gorilla)
 - n. Proboscidian (elephant)
 - o. Procyonidae (raccoon, coatis, panda, mongoose)
 - p. Reptiles (all venomous snakes, constricting snakes, iguana, turtle, lizard and nonpoisonous/nonconstricting snakes more than six (6) feet in length)
 - q. Rodents weighing more than one (1) pound. *Guinea pigs and rabbits are exempt.*
 - r. Ungulate (wild cattle, wild deer, wild boar, takin, water buffalo)
 - s. Ursine (all bears)
 - t. Viverrine (mongoose, civet, and genet)
 - u. Any other poisonous creature such as certain spiders or tarantulas.
 - v. Endangered species shall be considered exotic/dangerous/wild animals and are not permitted as pets.
2. It shall be unlawful for any person to own, possess, keep, harbor, bring, or have in one's possession an exotic animal(s) within unincorporated Clay County.
 3. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within unincorporated Clay County or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic animal upon the property, residence or premises.
 4. No person or corporation shall possess, house, shelter, pen, sell, offer for sale, or keep as a pet within the limits of unincorporated Clay County any exotic animal as defined in Section 151-6.2D-1.
 5. It shall be unlawful for any person to own a dangerous animal that has inflicted severe or fatal injury on a human being or domestic animal, livestock or poultry without provocation on or outside the owner's property. "Severe injury" shall include an animal bite or action that results in broken bones or inpatient hospitalization.
 6. Any person finding or capturing any exotic/dangerous/wild animal, as outlined in this ordinance, shall make a report to the Clay County sheriff's office within six (6) hours of the time of capture.

7. Exemptions

- a. Provisions of this act shall not apply to:
 - i. Institutions accredited by the American Zoo and Aquarium Association
 - ii. Licensed Humane Societies
 - iii. Licensed veterinary hospitals or clinics
 - iv. Any wildlife rehabilitator, licensed by the state of Missouri who temporarily keeps exotic animals within the limits of unincorporated Clay County when the purpose is to return the animals to the wild
 - v. An organized event (e.g. "Eagle Days") sponsored by a federal, state or county agency.
- b. Uses listed in Section 151-6.2D-1 are required to apply for a Conditional Use Permit (CUP) from Clay County.
- c. Should a CUP be granted for an exotic animal, a display sign shall be placed upon the premises stating that there are dangerous animals on the property. The sign shall be visible and capable of being read from the public street that abuts the property.

- d. Such CUPs may be granted in Agricultural (AG) zoning districts only.

8. Violations and Penalties

- a. Conduct made unlawful by this section of this ordinance constitutes a crime subject to the provisions set forth in Clay County's penalty section.
- b. Persons found guilty of violating the provisions of this ordinance shall be guilty of a misdemeanor.
- c. For the purpose of enforcement of this chapter, the Clay County sheriff is permitted entry without warrant on any private or public property where an exotic/dangerous/wild or diseased animal is kept or running at large where such animal is to be found in plain sight, and to seize such animal from such private property to abate ordinance violation(s).

9. Nonconforming

The owner or possessor of an exotic animal(s) who owned, possessed, kept, or harbored the exotic animal(s) on or before the effective date of this ordinance may keep the same exotic animal(s) as long as he/she satisfies licensing requirements of the Missouri Department of Conservation, the United States Department of Agriculture or such other applicable federal agencies and complies any other housing and maintenance regulations which may be adopted by the Board of County Commissioners.

In addition, the animal must be registered with the Code Enforcement Officer of Clay County within 30 days of the effective date of this ordinance.

10. Owner's Responsibility

Permitted exotic/dangerous/wild animals shall be confined on the owner's premises either indoors or in a securely enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping.

E. Animal Production

Animal production and accessory raising of farm animals shall be allowed only on lots or parcels having a minimum area of at least 20 acres, provided that all buildings used to house such farm animals are set back at least 100 feet from the front property line and at least 50 feet from side and rear property lines.

1. Animal production is limited to domestic farm animals such as cattle, horses, and chickens or as noted in Section 151-15.1, "Farm Animals."
2. Feedlots are permitted on Agricultural zoned land subject to Missouri Department of Natural Resources regulations and with the approval of a Conditional Use Permit.
3. Normal (once annually) breeding of domestic dogs and cats with placement of pups and kittens in private homes is permitted; however, breeding pets for commercial sales is not permitted in the county.
4. Animal care and boarding regulations are covered under Section 151-6.2W.
5. Animal shelters for the care of impounded animals may be permitted in the AG, I-1, I-2, or OP zoning districts though applying for a Conditional Use Permit. (See Section 151-3.9)
6. **Diseased Animals.** No animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the county sheriff. Disposal of diseased animals shall be under the direction of a veterinarian.

F. Antennas and Towers (Amateur)

Amateur antennas and towers are permitted in AG and R-1, and may be approved through applying for a Conditional Use Permit in R-1A and R-1B zones. These antenna are specific to recreational transmission such as "Ham Radios," with evidence of federal licenses and permits, and may not be used for commercial purposes.

G. Antennas and Towers (Commercial)

1. Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency or department of the federal government with the authority to regulate towers and antennas. These regulations shall also include radio frequency emissions. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Land Development Code shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense, in accordance with this section.

2. Abandoned Towers

Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. Should this installation remain unused for a period of more than 12 consecutive months, then it shall be deemed abandoned, and the owner shall be notified that the tower will be demolished at the cost of the owner, by order of the County Commission. A bond, irrevocable letter of credit, or other form of surety acceptable to the county, shall be kept on file with the County Clerk's office equal to an amount of a binding bid for the demolition of the proposed tower structure, if the county deems the tower abandoned by the owner. Such binding bid and corresponding surety shall be updated every 5 years. In the case of multiple operators sharing use of a single tower, this provision shall not become effective until all users cease operations.

3. Location on County Property

Antenna supports or towers located on property owned, leased, or otherwise controlled by the County Commission shall require a conditional use permit in accordance with the provisions of this section. The placement of antennas on existing supports or towers shall be approved by the County Commission and may be exempt from the provisions of this section. However, this shall not be construed to eliminate the requisite building permit.

4. Inspection

At least every 24 months, and at other times deemed reasonable and necessary by the Planning and Zoning Department, the tower shall be inspected by a structural engineer registered in the State of Missouri, who is regularly involved in the maintenance, inspection and/or erection of communication towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of such inspection record shall be provided to the county.

5. Accessory Equipment Storage

Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the communication tower, unless repairs or necessary maintenance are being made to the tower.

6. Fences

Towers shall be enclosed by security fencing not less than 6 feet in height, maintain a locked gate, and be equipped with an appropriate anti-climbing device. Signs shall also be posted on each outward face of the fence indicating "No Trespassing," "High Voltage"

and any other pertinent information.

7. Design and Construction

A building permit shall be issued for the construction of a tower, and meet all requirements of the county's building codes. All plans and specifications shall be from a professional engineer, registered in the State of Missouri experienced in the design and/or analysis of communication towers. Facilities should be architecturally compatible with surrounding buildings and land uses in the zone district or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical.

8. Lighting

Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the County Commission may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

9. Landscaping

Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent property. The standard buffer shall consist of a landscaped strip at least 4 feet wide outside the perimeter of the compound. The landscaping may be placed outside of the fenced complex on the landowner's property through the use of a landscape easement, granted to the tower owner from the property owner, to maintain the landscaping.

10. Co-location

Unless otherwise exempted in this section, all towers shall be constructed for a capacity of 3 times the intended use in order that secondary users may lease the balance of the tower capacity at a fair market rate. Proof must be presented to the county that there are no other suitable sites within a 1-mile radius of the proposed tower site. To encourage co-location, the following table establishes the minimum number of users on a tower based on its height:

Height (feet)	Minimum Number of Users
0-80	1
80-120	2
Over 120	3

The county shall be notified by letter of all additional users of the tower and related facilities. This letter shall also include an engineering certification that additional equipment was properly installed. Public safety and emergency agencies shall, if technologically feasible, be allowed to co-locate on the tower without charge.

11. Accessory/Principal Uses

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.

Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Land Development Code shall not be deemed to constitute the expansion of a non-conforming use or structure. Accessory uses shall include only such

buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage area, nor other similar uses not necessary for the transmission function.

12. Separation from Existing Towers

New Towers	Existing Towers		
	Lattice	Guyed	Monopole
Lattice	5,000 feet	5,000 feet	1,500 feet
Guyed	5,000 feet	5,000 feet	1,500 feet
Monopole	1,500 feet	1,500 feet	1,500 feet

The County Commission may, upon recommendation of the Planning and Zoning Commission, grant a deviation from the setback and separation standards. In support of a deviation request from the separation requirements, the applicant shall submit a technical study acceptable to the county, which confirms that there are no other suitable sites available within the separation requirements.

13. Height and Setback

The maximum height for all wireless telecommunication antenna and their support structures shall not exceed 300 total feet above ground level. Towers and support structures must be set back a minimum distance equal to 66 percent of the height of the tower from all adjoining property lines.

14. Installation of Antennas on Existing Structures

No conditional use permit shall be required to install antennas on existing structures such as radio towers, elevated water storage structures, church steeples, silos, and other buildings, provided no structure height is added. When such antennas are installed on an existing structure, a building permit is required from the Planning and Zoning Department. The information submitted for the building permit by the applicant shall also include a report from a structural engineer, registered in the State of Missouri, indicating that the existing structure is capable of supporting the additional antenna. Such report shall be obtained by and at the expense of the applicant.

15. Permitted Districts

Commercial towers are allowed by a Conditional Use Permit in AG, C-3, I-1 and I-2 zones only.

H. Attached Houses

Attached houses shall be allowed in the indicated districts, subject to the following standards.

1. Lot Width

Attached housing is exempt from lot width standards.

2. Setbacks

No interior side setback is required on the “attached” side of a lot containing an attached house. The street, side, and rear setback standards shall apply around the perimeter of an attached housing development.

3. Number of Units

In the R-2 district, no single structure may contain more than 2 dwelling units.

I. Aviation and Surface Transportation Facilities (Landing Fields)

The following standards shall apply to airplane landing fields, public or private.

1. The use shall be subject to all requirements pertaining to public general aviation airports as set forth by the Federal Aviation Administration.
2. All Federal Aviation Administration recommended clear zones that are below 75 feet from ground elevation and not under the same ownership as the landing field shall be acquired as easements by the applicant.
3. Runways shall not be located within 1½ miles of any city or residential zoning district.
4. A private landing field shall not require a significant increase in services such as roads, water, or sewer.
5. All development within an aviation district is subject to the Airport Guidelines in the Comprehensive Plan and Section 151-5.4.

K. Bed and Breakfast Inn

1. All applicable local, state and federal regulation shall be met, including those pertaining to construction, health, safety and welfare.
2. The minimum site area of the parcel occupied by a bed and breakfast use shall be 4 acres, all of which shall be contiguous and under the same ownership.
3. No food preparation, other than beverages, is allowed within individual guestrooms. Meal service shall be restricted to residents and overnight guests only.
4. In addition to required parking of the principal dwelling unit, a minimum of 1 off-street parking space shall be provided for each guestroom. All guest parking areas shall maintain a minimum of a chip/seal surface.
5. No common dining or lounge areas may be leased for social or business events. Services of the facility shall be provided to guests of the inn only.
6. The maximum stay shall not exceed 14 consecutive days.
7. A maximum of 6 guestrooms shall be permitted on the premises. Unless otherwise noted in this subsection, all guestrooms shall be located in the principal residential structure.
8. The owner/operator of a bed and breakfast inn shall be a resident of the principal residential structure and there shall be no employees except immediate members of the family household.
9. In the AG district on parcels of over 20 contiguous acres, up to 2 guestrooms may be located in an accessory building or guesthouse.

L. Boat Storage in the Smithville Lake Area

In the Smithville Lake area, boat storage (with or without compensation) is permitted as an accessory use in AG or R-1 residential zoning districts, subject the following standards:

1. **Location**
The lot on which the storage occurs must be located within 2 miles of where an official public boat ramp enters Smithville Lake and where such ramp existed on February 1, 1984.
2. **Minimum lot Area**
The minimum size of the tract or parcel containing the storage use shall be 10 contiguous

acres under the same ownership.

3. **Allowed Storage**

Storage shall be for watercraft **only**, including, but not limited to: motorboats, sailboats, fishing boats, pontoon boats, personal watercraft, and cabin cruisers but excludes land-based major recreational equipment including, but not limited to: travel trailers, pickup campers, tent trailers, and motor homes.

4. **Number of Watercraft**

Storage shall be limited to not more than 20 boats stored on a site, which are not owned by the property owner or occupant of the premises.

5. **Enclosures**

Boat storage uses shall be totally enclosed within a building or within a solid, visually obstructing fence with a height of at least 6 feet but not to exceed 8 feet.

6. **Signs**

Signs for a boat storage use shall comply with the sign regulations of the district in which it is located, except that in the AG district, signs may be a maximum of 32 square feet per side.

7. **Setbacks**

Front setbacks for the storage use shall be established at twice that required for the district in which the use is to be located. No building or paved area used for such storage facility shall be closer than 20 feet to a side or rear property line or the minimum required setback of the underlying district, whichever is less.

8. **Access**

All boat storage uses that will house more than 4 boats shall have direct vehicular access to a paved public road. Depending on the location of the ingress/egress point for the storage site, all driveway entrances for such storage sites shall be reviewed and approved by the County Highway Department or the Missouri Department of Transportation. The minimum width of such driveways shall be 24 feet.

M. Cabins, Rental

The following standards apply to rental cabins.

1. Overnight rental cabins are permitted in C-1, C-2 and OP zones and require a Conditional Use Permit on AG zoned land.
2. A single cabin shall contain no more than two rental units.
3. 800 sq. ft. shall be the maximum footprint for each unit.
4. Cabins may contain kitchens.
5. Rentals may not exceed 30 consecutive days.

N. Campgrounds and Recreational Vehicle Parks

The following standards shall apply to campgrounds, including recreational vehicle parks.

1. All campgrounds shall be at least 10 acres in area.
2. All portions of campgrounds shall be located at least ¼ mile from any residential zoning district. Measurements shall be made between the utility box of the closest parking site to the nearest residential zoning district boundary.
3. Driveways shall be provided for all traffic on the site. These driveways shall be at least 24 feet wide with a dust-free surface capable of supporting the weight of recreational vehicles. Dead-end roads and driveways must have a turn around with an adequate

radius for the turning of recreational vehicles. No vehicles shall be permitted to drive on other than such a designated driveway.

4. Campgrounds must contain a County Health Department approved sewage disposal dumping system providing for the sanitary collection of wastes and their adequate treatment. Public toilets shall be provided in adequate numbers to support the planned visitor load of the campground.
5. Every campground shall provide a water loading station that will not create runoff onto adjacent properties.
6. Trash containers with secure lids shall be provided for the collection of garbage from campground visitors. Trash containers shall be provided at a minimum rate of 1 per 2 sites and shall be emptied regularly.
7. Individual campground spaces that will be used for recreational vehicles shall be surfaced with a material adequate to support these vehicles.
8. There shall be no more than 12 campground sites per gross acre.
9. Campgrounds shall have direct vehicular access onto a dust-free county or state road.
10. All public use areas shall be graveled, hard surfaced or maintained with grass.
11. Space rentals are limited to 30 days maximum.

O. Industrial Yard

The following standards shall apply to auto wrecking yards, junk yards, salvage yards, and scrap processing yards.

1. Such uses shall be located at least 300 feet from a residential zoning district. Measurements shall be made between the exterior of the required building, fence or wall surrounding the yard and the nearest residential zoning district boundary.
2. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence or wall at least 8 feet in height. The fence or wall shall be of uniform height, uniform texture and color, and shall be maintained by the proprietor so as to ensure maximum safety to the public, obscure the stored material from view of the public, and preserve the general welfare of the neighborhood. The fence or wall shall be installed in such a manner as to retain all scrap, junk, or other material within the yard. No scrap, junk or other salvaged materials may be piled above the height of the enclosing fence or wall.
3. No material shall be loaded, unloaded, or otherwise placed either temporarily or permanently outside the enclosed building, fence, or wall, or within the public right-of-way.
4. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the County Commission and the chief of the applicable fire department or fire district, except when prohibited by the State Department of Natural Resources. A DNR permit may be required.

P. Motorized Vehicle Tracks

Motorized vehicle tracks are not a protected use on Agricultural zoned land, per the Missouri Farmland Preservation Act.

1. Private

- a. Privately owned motocross, motorcycle, ATV, or other motorized vehicle racing tracks are allowed by a Conditional Use Permit, and only in Agricultural (AG)

and Rural Residential (R-1) zoning districts on parcels of land 20 acres or more.

- b. Hours of use will be limited to between the hours of 8:00 am and 8:00 pm for a period of not more than 2 hours in a 24 hour period, or as stated in the Conditional Use Permit.
- c. No part of the track or course may be located within 400' of the property line.
- d. The operations may **not** include overnight camping, sales of food or beverages, or any other commercial activities.
- e. Temporary restroom facilities are not allowed at any time.
- f. All tracks are subject to MoDNR regulations (e.g. clean air, dust control).
- g. At property lines, noise levels may not exceed 65 dbl.

2. **Public**

- a. Publicly owned or operated motocross, motorcycle, ATV, or other motorized vehicle racing tracks are allowed as a Conditional Use Permit in the Open Space/Parks (OP) districts, on parcels of land 20 acres or more.
- b. Publicly owned or operated motocross, motorcycle, ATV, or other motorized vehicle racing tracks are allowed in the I-2 district on parcels of land 20 acres or more in size.
- c. When dues or fees are assessed, whether informal or legally formed, the operation is considered public and not permitted in any districts other than I-2 or OP.
- d. Overnight camping is limited to 3 successive nights.
- e. Temporary restroom facilities are allowed for a three day maximum and only as supplemental to permanent restroom facilities.
- f. All tracks are subject to MoDNR regulations (e.g. clean air, dust control).

Q. Multi-Unit Housing

These standards shall apply to multi-unit housing in the R-3, C-1 and C-2 districts.

1. **Access**

Primary access to all multi-unit housing developments shall be provided from an arterial street. A minimum of one secondary point of ingress-egress shall also be required. No vehicular access entering and leaving the property is permitted from multi-unit housing developments into local streets serving single-family residences; however, emergency vehicle access may be provided.

2. **Perimeter Landscaping**

Perimeter landscaping shall be provided and shall include plant materials consistent with adjacent neighborhoods as approved by the Planning and Zoning Director. Planting strips at least 15 feet in width from back of curb shall be maintained abutting arterial and collector streets. Meandering pathways or sidewalks shall be provided within the right-of-way or setback area. Additionally, a minimum 10-foot planting strip shall be provided and maintained abutting all residential property with a less intensive zoning classification. This planting strip shall contain shrubs and 3-inch diameter trees planted no more than 25 feet on center.

3. **Open Space**

400 square feet of open space, a minimum of 75 percent of which is usable, is required to be provided and maintained for each dwelling unit within the multi-unit housing development.

4. **Building Setbacks**

Building setbacks shall be provided according to the following:

- a. Multi-story buildings shall maintain setbacks equal to or greater than their height.
- b. No multi-unit housing structure exceeding 1-story or 20 feet in height shall be constructed within 40 feet of an adjacent residential property line.
- c. Minimum building separation shall be 20 feet. Walls containing windows shall be separated from opposing windows in the same, or any other, residential development by a distance of not less than 30 feet.

R. Recreational Equipment Storage, Commercial

The following standards shall apply to the Commercial/Recreational/Equipment Storage uses in the AG, C-3, I-1 and I-2 districts:

1. A Conditional Use Permit is required in an AG and C-3 districts; uses are permitted in the I-1 and I-2 districts.
 2. All commercial and equipment storage shall be totally enclosed within a building, or behind an 8' fence in the I-1 district.
 3. All recreational vehicles (campers, motor homes, boats, watercraft, etc.) may be stored outdoors; however, shall be enclosed within an eight foot fence with locking gate.
 4. Front/street side setbacks shall be required in accordance with all district standards.
 5. All storage facilities that house more than 4 pieces of recreational equipment shall have direct vehicular access to a paved public road.
1. No recreational equipment shall be used for living, sleeping, or housekeeping purposes while in storage.
 2. Facilities shall be used strictly for the storage of private recreational equipment. Such facilities shall not be used for sale, rental, repair, or construction of such recreational equipment.
 3. All customer use areas shall have a dust-free surface.
 4. Depending on the location of the ingress/egress point for the storage site, all driveway entrances for such storage sites shall be reviewed and approved by the County Highway Department or the Missouri Department of Transportation. The minimum width of such driveways shall be 24 feet.

S. Resource Extraction

1. The conditional use permit application shall be accompanied by a plan for the proposed operation and rehabilitation of the site (I-2 zoning, only) that shall include the following:
 - a. An outline of the area to be excavated.
 - b. The proposed locations of sorting, grading, crushing, and similar equipment necessary to the operation and initial distribution of the excavated products;

- c. The proposed locations of any buildings, scale-house, equipment storage areas, and equipment repair sheds or areas;
 - d. The sequence of operations and the schedule of rehabilitation measures; and
 - e. A plat of survey or a map, at a scale of no greater than 1 inch equals 100 feet, showing the site's existing topography at 2-foot contour intervals.
2. The operation and rehabilitation of extractive products areas shall be in accordance with the following conditions:
 - a. Excavation to a depth of more than 10 feet shall not take place within 100 feet of any right-of-way or property line.
 - b. All above-ground soil extraction, mining or quarrying operations shall be located at least 680 feet from any lot within a platted subdivision. Measurements shall be made between the outer limits of the area be mined and the nearest lot boundary.
3. All mining and quarrying operations shall have direct access to arterial roads capable of handling the expected heavy truck traffic. All roads and drives leading to a quarrying or mining operation must be paved or maintained by the applicant in a dust-free condition.
4. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table on surrounding properties;
5. No excavation, removal, or fill shall be permitted if the finished conditions would contain the following:
 - a. Deep pits having side slopes of greater than 30 degrees;
 - b. Serious on-site erosion problems or erosion problems which could extend to neighboring properties; and
 - c. Undrained depressions other than artificial lakes, or drainage problems that adversely affect neighboring properties.
6. Cliffs and embankments with a drop of 30 feet or more which are created as part of the mining or quarrying operation shall be fenced so as to prevent pedestrian access.
7. Unless otherwise approved in accordance with state requirements, after completion of operations, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least 3 inches (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.
8. Unless otherwise approved in accordance with state requirements, a performance guarantee in the form of a letter of credit or cash bond shall be furnished to the county in an amount adequate to assure compliance with the approved rehabilitation plan. The exact amount and a termination date for the completion of operations and the rehabilitation of the tract shall be established in the conditional use permit review process and imposed at the time of approval based upon the estimated costs of rehabilitating the site and the estimated length of time the operation will be conducted.
9. The hours and days of operation may be specified in the Conditional Use Permit.

10. The lifespan of the permit may be specified. Extension of the lifespan shall be subject to review and approval by the County Commission.
11. The site and its operations shall be subject to an annual review and inspection for compliance with this Land Development Code.
12. In addition to any other remedies provided by law, the Conditional Use Permit for soil extraction, mining or quarrying facilities may be revoked at any time by the County Commission when a violation of any of the provisions of this Land Development Code has occurred. Before revocation of the Conditional Use Permit the county shall give written notice to the permit holder and a hearing before the County Commission shall be held.

T. Shooting Ranges

The following standards shall apply to the development of a shooting range. The County Commission may, upon recommendation of the Planning and Zoning Commission, vary from these standards where the applicant has demonstrated that the proposed facility includes designs and features, either natural or man-made, that otherwise mitigate the potential adverse impacts to the health, safety and welfare of the owners or users of neighboring properties and the general public.

1. The minimum site area shall be 15 acres.
2. The facility owner shall provide to the county a hold-harmless agreement signed by all owners of the facility and to remain valid throughout the term of the Conditional Use Permit.
3. The minimum distance from any firing point measured in the direction of fire to the nearest property line shall not be less than 500 feet and at least 3,000 feet from any existing dwelling unit.
4. A site plan must be submitted and approved with a Conditional Use Permit that illustrates the general design of the facility, including but not limited to, shooting areas layout, parking areas, proposed and existing buildings, sound deflection devices, absorbent barriers, and other safety provisions.
5. A landscape plan shall be submitted and approved with the facility construction plans. Such plan shall indicate the location and types of plantings to be made to aid in noise suppression and visual enhancement.
6. Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m.
7. The facility shall be monitored at all times by an attendant, and no unsupervised clients shall be permitted in any of the shooting areas.
8. All facilities to be designed and constructed in accordance with nationally recognized guidelines for such facilities, such as the National Rifle Association's *The Range Manual: A Guide to Planning and Construction*.
9. All construction of such facilities shall comply with all codes including the county's adopted fire code and building code, as amended.
10. The entire perimeter of all outdoor shooting ranges shall be fenced and signed to reduce the potential for trespassing into firing zones. Warning signs identifying the range shall be posted around the perimeter of the parcel or parcels on which the shooting range is located at intervals of not more than 75 feet.
11. All firing lines should be aimed at target lines to the northeast, north, or northwest unless there is sufficient standing timber or other natural topographic features, or sun shields constructed on the property controlled by the range operator to mitigate the effects of

glare from the sun.

12. No sales or consumption of alcoholic beverages shall be permitted on the property. Signs announcing this restriction shall be posted in at least 3 locations on the property, including the parking area.
13. The following information shall be submitted with all applications for a shooting range conditional use permit:
 - a. A list of the types of firearms, ammunition, and shooting to be allowed at the facility, such as trap, skeet, high power rifle, pistol, black powder.
 - b. All existing and proposed structures and appurtenances on the range including landscaping, screening, buildings, driveways, parking areas, walkways, utilities, etc.
 - c. Information pertaining to firing lines, firing positions, target lines, safety fans, shotfall zones and related data.
 - d. The location, composition and dimensions of all baffles, safety berms, backstops and related safety features.
 - e. A list of all property owners and land uses within 3,000 feet of the perimeter of the property proposed.
 - f. Other information deemed appropriate by the Planning and Zoning Department, the Planning and Zoning Commission, or the County Commission.

U. Soil Extraction

The following standards shall apply to the removal of surface dirt or soil.

1. Removal of surface dirt or soil is allowed by a Conditional Use Permit in AG or 1-2 districts only.
2. All aboveground soil extraction operations shall be permitted by the Missouri Department of Natural Resources and through a permit issued by the Clay County Planning and Zoning Department.
3. The area of the soil extraction shall be located on a site plan with the exact location of disturbance designated.
4. The area of extraction shall be located at least 100 feet from any right-of-way or property line.
5. All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table on surrounding properties;
6. No excavation, removal, or fill shall be permitted if the finished conditions would contain the following:
 - a. Deep pits having side slopes steeper than 1 on 4 (1 foot vertical to 4 feet horizontal);
 - b. Serious on-site erosion problems or erosion problems which could extend to neighboring properties; and

- c. Undrained depressions other than artificial lakes, or drainage problems that adversely affect neighboring properties.
7. Unless otherwise approved in accordance with state requirements, after completion of operations, the premises shall be cleared of debris and shall be seeded with grass or other ground cover to prevent erosion.
 8. The length of the permit may be specified. Extension of the length shall be subject to review and approval by the County Commission.
 9. The site and its operations shall be subject to an annual review and inspection for compliance with this Land Development Code.
 10. In addition to any other remedies provided by law, the Conditional Use Permit for soil extraction may be revoked at any time by the County Commission when a violation of any of the provisions of this Land Development Code has occurred. Before revocation of the Conditional Use Permit, the county shall give written notice to the permit holder and a hearing before the County Commission shall be held.

V. Trailer Sales

The following standards shall apply to retail utility and stock trailer sales in the C-2, I-1 and I-2 districts.

1. All applicable local, state, and federal regulations shall be met regarding the conduct of the business.
2. Signs for such facility shall comply with the sign regulations of Chapter 151-12.
3. All facilities associated with the business shall have direct access onto a public road.
4. All open, off-street parking and loading areas shall be graded and paved or otherwise improved with an all-weather, dustless surface, a minimum of chip-and-seal.
5. In addition to the required parking spaces, dust-free surfaced, off street loading areas, at least 10 feet in width and 60 feet in length, shall be provided to accommodate a minimum of 2 parked vehicles with attached trailers.

W. Veterinary Service or Kennel

Dog and cat kennels and outdoor dog boarding facilities shall be subject to the following standards.

1. Kennel areas shall be completely enclosed or screened so that they cannot be viewed from locations other than on the subject parcel.
2. No kennel or outdoor boarding facility for more than 3 dogs or 6 cats shall be located within 300 feet of any residential zoning district.
3. Kennels shall be developed and maintained so as to meet all county and state health codes and so as to minimize pollution or health risks to adjacent property owners.

X. Waste-Related Uses

The standards of this section shall be considered the minimum requirements for approval and maintenance of a Conditional Use Permit for a waste-related use, including sanitary landfills and waste processing facilities. Sanitary landfills shall include Demolition Landfills as referenced in 10 CSR 80-4.010 and RSMo. 260.200 (6). Waste Processing Facilities shall include uses as referenced in 10 CSR 80-5.010 and RSMo. 260.200 (30).

1. The applicant shall be responsible for demonstrating that:

- a. The site is environmentally compatible with the surrounding land uses.
 - b. That the applicant is financially responsible and able to satisfy the requirements for closure and post closure care, of a solid waste disposal area, contained in 10 CSR 80-2.030 or other applicable federal, state, or county regulations. Any financial assurance instrument shall be in a form satisfactory to the County Commission and to the State of Missouri which may satisfy the requirements of both jurisdictions without the necessity of separate assurances provided the financial assurance shall not be in the form of a corporate guarantee or letter of credit.
2. The application shall contain plans prepared or approved by a professional engineer and shall include:
- a. A detailed description of the solid waste to be accepted, the procedure for handling the various types of solid waste, and the storage areas for accepted solid waste.
 - b. Land use and zoning within $\frac{1}{4}$ mile of the facility boundary, including any buffer zone, showing the location of all residences, buildings, roads, wells, water ways, creeks, streams, drainage areas, and wetlands.
 - c. The location of utilities and the effects of the facility using the utilities with regard to availability, capacity and loading.
 - d. The identity of the roads, which serve the route to the facility and the potential effect upon such roads from increased traffic volume and vehicle weights.
 - e. A report evaluating the effect of noise, odors, air pollutants and potential explosions or fires upon existing land uses within $\frac{1}{2}$ mile.
 - f. Provisions for control of surface water run off and for collection of process or wastewater for on site treatment, recirculation or discharge.
 - g. Provisions for dust control on site.
 - h. A specification of the facilities and methods for extinguishing fires.
3. The application shall contain a Statement which shall be reviewed at the expense of the applicant by a firm or person selected by the Planning and Zoning Commission, and which shall assess the environmental, social and economic impact of the facility, and which shall include the following:
- a. A detailed and comprehensive soils report describing the overburden soils (above bedrock). This report must include sufficient borings to identify the soils from the ground surface to the top of bedrock. Soils must be classified according to the Standard test Method for Classification of Soils for Engineering purposes ASTM D-2487. Boring logs must be submitted for each boring in accordance with Standard Practice for Description and Identification of soils ASTM D-2488 and must be submitted to verify the initial visual classification. Standard split spoon sampling ASTM D-1586 should be performed and recorded in a representative number of borings. Representative rock core borings extending a minimum of five feet into the bedrock must be taken to delineate the type and extent of bedrock in the area, and the porosity or voids in the rock that could conduct groundwater.
 - b. A mapping of all individually identifiable vegetation community types found on the site, and an analysis as to the impacts of the proposed facility on the site's vegetation.

- c. An assessment of the wildlife resources on the site, and an analysis of all impacts of the proposed facility upon wildlife resources.
 - d. An assessment of existing water quality of all creeks, streams and ditches and all surface bodies of water on or adjacent to the site, and an analysis of all impacts of the proposed facility upon such existing water.
 - e. A statement of overall site activity which will generate, create, cause, or sustain air or noise pollution including differentiation and identification of point sources or complex sources, both during construction and after construction is completed.
 - f. An archeological survey, together with data as to artifacts which have already been uncovered at or near the site and knowledge estimates of the degree to which development of the site would inhibit or eliminate the possibility of significant archeological finds.
 - g. A financial impact statement indicating the financial feasibility of the proposed development, the local economic impact of the proposed development, the immediate and future impact of the proposed development on the value of adjoining properties and an interpretation and evaluation of the extent to which the proposed development will add to (or detract from) the tax base of the county.
4. All applicable national pollution discharge elimination systems (NPDES) permits necessary and other permits necessary to comply with the requirements of RSMo 644.006 through 664.141. shall be a condition of any permit before any facility shall go into operation.
 5. Air quality shall be addressed in the application, which shall contain a copy of all applicable permits, approval, and authorizations in accordance with RSMo 643. or a local air pollution exemption certificate authorized by RSMo 643.
 6. Any facility shall be designed so that it is physically attractive. This includes provisions to screen from public view the unloading, storage and processing of solid waste. Facilities shall be enclosed within a fence with a height of at least 6 feet of adequate construction to deter access by children, animals, and vandals, and to deter unlawful entry.
 7. There shall be a minimum distance of 500 feet from the area utilized for the operation to the property boundary, which shall be maintained as a buffer zone that cannot be used for any building or storage, with the exception of an administrative building. The buffer shall be dedicated to wildlife, habitat or agricultural use during the active life of the facility.
 8. There shall be no operations between 7:00 p.m. and 8:00 a.m. nor on Sundays or legal holidays, within 1,000 feet of a residential structure.
 9. A centralized site with access over State Highways is preferred. All access roads utilized by the facility must be capable of carrying the maximum weight allowed by law. The applicant shall agree that any damage to county roads or bridges resulting from the facilities operations shall be remedied by the operator of the facility. Access on local roads through residentially zoned areas shall be prohibited.
 10. That portion of an access road within the area of permit and located within five hundred feet of a lot line shall be provided with a hard surface which shall be dust free. Drainage along access roads, including culverts, shall also be provided to direct and control storm runoff.
 11. Excavation and operations shall not be located in a 100 year flood plain.

12. The site shall have adequate drainage for run-off as well as protection from storm water run-on. Level areas should be given a minimum slope of 1 to 2 percent to prevent water pooling. Drainage swales shall be marked and properly maintained to keep organic material from being deposited into drainage areas. A storm water drainage plan shall be submitted with topographical intervals of no more than 2 feet. The storm water drainage plan shall be approved by the Planning and Zoning Director whom may also require a storm water detention/retention area to avoid adverse effects on other property.
13. The slope of material in any excavation shall not exceed the normal angle of repose or 45 degrees whichever is less.
14. Before approval is granted for a landfill operation, a plan for rehabilitation, showing both existing and proposed final contours, shall be submitted and approved. Where topsoil is removed, sufficient arable soil shall be set aside for retention on the premises and shall be brought to final grade by a layer of earth of five feet, or better, a capable of supporting vegetation.
15. Upon request, operators of landfills shall agree to provide to the County Health Department records of the type of waste and origin of all wastes received; and annually shall file with the Recorder of Deeds either a detailed description or a licensed surveyor's plat showing the general type and location of wastes, depth of fill and upon closing of a landfill, this information and the location of leachate or gas control facilities.
16. The design and operation of a landfill must be in accordance with the rules and regulations adopted by Clay County, Missouri, the Missouri Solid Waste Management Law and the Department of Natural Resource Regulations, or RECRA Sub Title D, whichever is more stringent.
17. Any facility may be inspected by the county and/or its designated agent, during business hours Monday through Friday, to determine compliance with all of the provisions within these regulations.
18. For composting plants of more than 2 acres, Refuse Incineration, and Waste Processing Facilities, the applicant shall comply with the following requirements in addition to those listed above.
 - a. Water source in the form of a statement from a public water supplier, or provision for on site water supply, shall be provided sufficient for anticipated use and adequate fire protection.
 - b. A statement as to the method of operation shall be submitted and shall include information regarding the type of waste proposed to be accepted. Such operation must meet or exceed applicable standards under federal, state or county regulations.
 - c. Waste Processing Facilities, Solid Waste Transfer Stations and Recycling Facilities, which are totally enclosed within a building, shall require no greater buffer zone or setback than required by zoning classifications.

151-6.3 Accessory Uses

Permitted uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal use. All interpretations regarding allowed accessory uses shall be made by the Planning and Zoning Director.

A. Accessory Dwelling Units

1. Accessory dwelling units that are never rented (e.g. 'mother-in-law' apartments, guest suite, guest house, maid's quarters,) are permitted in AG, R-1, and R-1A districts and may be allowed in all other zoning districts through a Conditional Use Permit.
2. An accessory dwelling unit may be incorporated within the principle structure or may be a separate unit located within 100 feet of the principle structure.
3. No more than 1 accessory dwelling unit shall be allowed on any lot or parcel.
4. The accessory dwelling unit shall not have a separate address or utilities from the primary residence, whether attached or detached.
5. No accessory dwelling unit shall exceed 33 percent of the size of the principal dwelling unit or a footprint of more than 850 square feet, whichever is greater.
6. No more than 2 bedrooms shall be permitted within the accessory dwelling unit.
7. Limited kitchen facilities in an accessory dwelling unit shall be as follows:
 - a. **Permitted**
Single basin hospitality sink, 16" x 16" maximum
Apartment-sized refrigerator, 16 cu. ft. or less
Microwave
Built-in oven
Dishwasher
 - b. **Not permitted are:**
Range top/stove/burners/hot plates
Double basin kitchen sink
8. Internal conversions shall not result in a reduction in the number of off-street parking spaces below the minimum required for the principal dwelling unit. At least 1 off-street parking space must be provided for the accessory dwelling unit.
9. The combined total number of individuals that reside in the principal and accessory dwelling units shall not exceed the number that is allowed for a single household.

B. Accessory Structures

All accessory structures shall be subordinate to the principle structure.

1. In Agricultural districts:

- a. Accessory agricultural uses shall include all residential accessory uses and those accessory uses and activities customarily associated with agricultural operations, as determined by the Planning and Zoning Director. Farm animals shall be allowed as an accessory use only on lots having a minimum area of at least 3 acres, provided that all buildings used to house such animals are set back at least 100 feet from the front property line and at least 50 feet from side and rear property lines.
- b. Guest House and Accessory Dwelling Units, subject to Sec. 151-6.4.3.
- c. The retail sales of firearms and law enforcement equipment shall allowed as an accessory use to a shooting range in the AG zoning district. Such use shall require review and approval of a Conditional Use Permit in accordance with the procedures of Sec. 151-6.3.9.

2. In Residential districts:

- a. Accessory apartment or dwelling units, subject to Sec. 151-6.3A;
- b. Fences and walls, subject to Sec. 151-6.3F;
- c. Keeping of horses and raising of farm animals, provided that the minimum lot size shall be 3 acres and all buildings used to house such animals are set back at least 100 feet from the front property line and at least 50 feet from side and rear property lines;
- d. Garages, carports and off-street parking areas;
- e. Gate houses and guardhouses;
- f. Home occupations, subject to Sec. 151-6.3D;
- g. Playhouses, patios, cabanas, porches, gazebos and incidental household storage buildings;
- h. Radio and television receiving antennas and support structures;
- i. Amateur radio antenna, as permitted by the FCC, subject to Sec. 151-6.2F;
- j. Recreational and play facilities for the use of residents;
- k. Solar collectors, subject to Sec. 151-6.3H;
- l. Swimming pools and hot tubs, subject to Sec. 151-6.3G;
- m. Other necessary and customary uses determined by the Planning and Zoning Director to be appropriate, incidental and subordinate to the principal use of the property, subject to compliance with any development and performance standards imposed by the Planning and Zoning Director as a means of ensuring land-use compatibility.

3. Commercial and Industrial

The following uses and structures shall be allowed as accessory uses and structures to allowed commercial and industrial uses:

- a. Accessory dwelling units for security or maintenance personnel;
- b. Fences and walls, subject to Sec. 151-6.3F;
- c. Gates and guard houses;
- d. Off-street parking areas;
- e. Radio and television receiving antennas and support structures;
- f. Recreation areas and facilities for the use of employees;
- g. Solar Collectors, subject to Sec. 151-6.3H;
- h. Other necessary and customary uses determined by the Planning and Zoning Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Planning and Zoning Director as a means of ensuring land-use compatibility.

4. **Institutional and Civic**

The following uses and structures shall be allowed as accessory uses and structures to allowed institutional and civic uses:

- a. Refreshment stands and food and beverage sales located in uses involving public assembly;
- b. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
- c. Gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
- d. Recreation areas and facilities for the use of employees;
- e. Solar collectors, subject Sec. 151-6.3H;
- f. Security trailers are allowed for public or quasi-public uses. They are permitted for a maximum of 18 months. Thereafter, a permanent structure meeting county building codes is required.
- g. Other necessary and customary uses determined by the Planning and Zoning Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Planning and Zoning Director as a means of ensuring land-use compatibility.

5. **General Standards**

The following standards shall apply to all accessory uses and structures unless otherwise expressly stated. (See also standards applicable to specific accessory uses in Sec. 151-6.3C through Sec. 151-6.3H)

a. **Time of Establishment**

No accessory use shall be established and no accessory structures shall be allowed on the subject parcel until after all required permits and approvals for the principal use or activity have been obtained. This provision shall not apply to agricultural-related structures and uses in AG, R-1 and R-1A districts.

b. **Setbacks and Location**

Accessory structures shall not be located in a front or street side setback. In a residential district, no accessory building or structure shall be erected forward of the principal dwelling unit.

- i. Detached accessory structures shall not be erected closer than 5 feet to any other building.
- ii. In residential districts, accessory buildings or structures shall be set back at least 15 feet from rear and interior side lot lines. In other zoning districts, accessory structures shall be set back at least 15 feet from the rear lot line and be subject to the minimum interior setback requirements of the underlying zoning district.

c. **Setbacks from Public Easements**

No accessory structure, other than a fence or wall, may be located within any recorded public easement or over any known public utility.

d. **Height**

Accessory structures shall not exceed the height of the principal building on the

lot or the maximum allowed height of the underlying zoning district, whichever is less. This provision shall not apply to structures accessory to agricultural uses.

e. **Building Coverage**

Detached accessory structures may not cover more of the lot than does the principal building. This provision shall not apply to structures accessory to agricultural uses in AG districts.

f. **Prohibited Accessory Uses**

- i. The use of recreational vehicles or accessory buildings as dwelling units, shall be prohibited, even during periods of construction of a principal dwelling unit on the same property, unless permission is granted by the County Commissioners in a public hearing.
- ii. The use of an accessory building for commercial, service, or industrial purposes shall be prohibited except in zoning districts in which such activities are allowed uses or in conformance with the home occupation standards of Sec. 151-6.3D.

C. Guest Houses

Guest houses are permitted in the AG, R-1 and R-1A districts.

1. **Size**

- a. Guest houses shall be subordinate to the principal structure.
- b. Guest houses shall be a maximum of 850 sq. ft.

2. **Rental**

- a. Guest Houses may be used for private use (not-for-rent) in AG, R-1 or R-1A districts.
- b. Guest Houses may be used for short-term rental of 21 days or less only in AG district.

D. Home Occupations

Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The home occupation regulations of this subsection are intended to permit residents to engage in home occupations, while ensuring that home occupations will not be a detriment to the character and livability of the surrounding area. The regulations require that home occupations (an accessory use) remain subordinate to the principal residential use of the property and that the viability of the residential use is maintained.

A permit must be obtained from the Planning and Zoning Director in order to establish a home occupation on an AG, R-1, R-1A, R-2 or R-3 districts.

1. **Where Allowed**

Home occupations that comply with the regulations of this subsection shall be allowed as an accessory use to any allowed residential or agricultural principal use.

2. **Allowed Uses**

The home occupation regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited.

3. Prohibited Uses

a. **Vehicle/Equipment Repair, Rental or Sales**

Any type of repair, rental, sales or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited as a home occupation in all districts

b. **Restaurants and Lodging**

Restaurants, food service establishments and lodging uses (other than Bed and Breakfasts) are not allowed as home occupations in any zoning district.

c. **Employee Dispatch Centers**

Dispatch centers, where employees come to the site to be dispatched to other locations, are not allowed as home occupations.

d. **Animal Care or Boarding**

Animal care or boarding facilities (including animal hospitals, kennels, stables and all other types of animal boarding and care facilities) are not allowed as home occupations.

e. **Medical Offices or Clinics**

Medical offices and medical clinics are not allowed as home occupations. This includes doctors' offices, dentists' offices, psychologist's offices, hospitals and all other medical care facilities. The prohibition shall not be interpreted as preventing medical practitioners from seeing patients in their home on an emergency basis.

f. **Funeral Homes**

Funeral homes and funeral service activities are not allowed as home occupations.

4. Employees

No home occupation shall have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

5. Resident Operator

The operator of a home occupation shall be a full-time resident of the dwelling unit.

6. Customers

Customers may visit the site only during the hours of 8 a.m. to 8 p.m. No more than 6 customers or clients may visit the site of a home occupation in any single day.

7. Floor Area

No more than 25 percent of the total floor area of the dwelling unit may be used to house a home occupation. Up to 1,000 square feet of an accessory structure, such as a garage, may be used for a home occupation. These figures represent storage of materials, inventory and finished products.

8. Signs

Home occupations shall be limited to nameplate signs, not exceeding 2 square feet in area, on each side.

9. Outdoor Activities

All activities and storage areas associated with home occupations must be conducted

within completely enclosed structures.

10. Exterior Appearance

There shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. There may be no change in the exterior appearance of the dwelling unit that houses a home occupation or the site upon which it is conducted that will make the dwelling appear less residential in nature or function. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

11. Operational Impacts

No home occupation or equipment used in conjunction with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage that is perceptible beyond the lot line of the lot upon which the home occupation is conducted. No hazardous substances may be used or stored in conjunction with a home occupation.

12. Trucks

No truck or van with a payload rating of more than the manufacturers rating of 1½ ton may be parked at the site of a home occupation.

13. Deliveries

Deliveries or pick-ups of supplies or products associated with home occupations are allowed only between 8 a.m. and 8 p.m.

14. Retail Sales

Retail sales of goods shall be prohibited except when conducted entirely as an accessory activity to any services provided on the site (e.g., hair care products sold to hair style customers).

15. Number

No more than one home occupation may be conducted on a single site.

16. Home Care Services

Notwithstanding any other provision of this section, home care services shall be considered a home occupation, subject to state and federal requirements.

17. Workmen's Compensation

Pursuant to RSMo 287, each applicant for an occupational or business license must produce a Certificate of Insurance for Workmen's Compensation, if required, to cover the applicant's liability under RSMo 287.

F. Fences

Except as otherwise expressly provided in other county codes or regulations, the following regulations shall apply to the construction of fences:

1. Fences with a height of 4 feet or less may be constructed in the required front setback. Such fences front shall not have a visual density greater than 50 percent per square foot.
2. Fences may be located in required rear or side setback areas.
3. No fence shall be constructed that will constitute a traffic hazard.
4. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals. No fence shall be constructed of barbed wire, sharp glass or any other material likely to inflict damage, except in an AG, R-1, or OP districts. In commercial or industrial zoning districts such barriers shall be located along the top of a fence and at least 8 feet above the ground. Electrical fences shall only be allowed in an AG or R-1 district.

5. No person shall erect or maintain any fence that materially damages adjacent property by obstructing views, shutting out sunlight or hindering ventilation.
6. No person shall erect or maintain any fence that adversely affects the public health, safety, or welfare.
7. No fence shall be constructed of a height greater than 8 feet, except:
 - a. fences erected upon public or parochial school grounds or in public parks, in public playgrounds or on other public lands; and
 - b. fence heights of greater than 8 feet authorized by Conditional Use Permit (See Sec. 151-3.9).
8. For emergency purposes, a gate or other access shall be provided for all rear yards that are totally enclosed by a fence with a height greater than 30 inches.
9. All fences shall comply with the construction standards of the building code, as applicable.
10. Landscaping walls of two angles shall not be considered fences.

G. Swimming Pools and Hot Tubs

1. Outdoor swimming pools, hot tubs and spas shall be enclosed by a fence or wall with a self-latching gate.
2. The fence or wall shall have a minimum height of 48 inches.
3. Enclosing the entire yard containing the swimming pool, hot tub or spa in accordance with these requirements shall satisfy the intent of this section, but in no case shall swimming pool or hot tub covers, in-lieu of the required fence or wall, satisfy the requirements.
4. Swimming pools, hot tubs and spas shall be setback at least 5 feet from all side and rear property lines, as measured from the water's edge.
5. Swimming pools, hot tubs and spas shall not be allowed within utility easements.

H. Solar Collectors

Solar collectors shall be permitted provided that the following performance standards are met:

1. Roof-mounted residential building solar collectors located on front or side building roofs visible from the public right-of-way shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than 24 inches as measured perpendicularly to the roof at the point where it is mounted.
2. Roof-mounted residential building solar collectors located on the rear or interior side building roofs shall not extend above the peak of the roof plane where it is mounted and no portion of any such solar collector shall extend more than four feet as measured perpendicularly to the roof at the point where it is mounted.
3. Ground-mounted solar collectors shall not exceed 8 feet in total height and shall be located within the rear yard at least 12 feet inside the property lines.
4. All utility service lines serving a ground-mounted solar system shall be located underground.
5. Any system incorporated into a nonresidential building shall be integrated into the basic form and main body of the building. If roof mounted, all collector panels shall fit into the

form of the roof; if the building's roof is sloped or if "rack" mounting is used on a flat roof, the mounting must be concealed from view at street level. Exposed rack supports and freestanding collectors apart from the main building shall not be permitted.

6. Roof mounted solar energy systems mounted on "accessory or detached buildings" are allowed on detached garages or swimming pool equipment buildings. Detached "greenhouses" are also acceptable. No freestanding panels or panel racks shall be allowed.
7. If an active solar or photovoltaic solar system is utilized, all components servicing the collector panels shall be concealed including mechanical piping, electrical conduits, and the like.
8. All exposed metal, including the framework of active collector panels or exposed mullions and framework of passive systems shall be colored to visually blend into the surroundings.

151-6.4 Temporary Uses

The following temporary uses may be allowed in any zoning district, subject to the standards of this section. Unless otherwise expressly stated, no temporary use shall be established until the Planning and Zoning Director has issued a temporary use permit for the use. The Planning and Zoning Director shall be authorized to forward any temporary use permit request to the County Commission for final review and approval.

A. Street Sales

The outdoor retail sale of merchandise shall be allowed for a period not to exceed 3 consecutive days. No more than 2 street sales shall be allowed per calendar year. Street sale displays need not comply with zoning district setback standards, provided that no merchandise shall be displayed in required intersection visibility triangles. (See Sec. 151-10.4)

B. Holiday Sales

Holiday sales (such as Christmas trees and pumpkins) shall be allowed in nonresidential zoning districts for a period not to exceed 60 days. Display of sales items need not comply with setback requirements, provided that no merchandise shall be displayed within the required intersection visibility triangle. The site shall be cleaned and returned to its previous condition at the conclusion of the activity.

C. Contractor's Office

Contractor's offices, security and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project shall be allowed only during the duration of construction, and must be removed from the site within 30 days after a Certificate of Occupancy is issued.

D. Real Estate Office

Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to new housing developments shall be allowed only until the sale or lease of all dwelling units in the development.

E. Seasonal Sales

Seasonal sale of farm produce in an AG or R-1 districts shall be allowed when the items offered for sale have been grown on the premises on which it is to be sold.

F. Carnival or Circus

1. A carnival or circus may be allowed as a temporary use, but only on a site abutting a paved road that is zoned AG, R-1, C-1, C-2, C-3, I-1, and I-2 or is located in a public park.

2. The temporary use shall not exceed 2 weeks.
3. Carnival and circus permits shall be approved by resolution of the County Commission.
4. Such use need not comply with the front setback requirements, provided that structures or equipment that might block the view of operators of motor vehicles on the public streets shall comply with the intersection visibility standards of Sec. 151-10.4.
5. Carnivals and circuses must comply with all local building codes.

G. Garage, Yard and Rummage Sales

The sale of personal items on an infrequent basis at a residential use shall be allowed as a temporary use. Such sales shall be limited to no more than 3 days in any 1-month period and shall not be conducted within any public right-of-way. No temporary use permit shall be required.

H. Fireworks Sales

1. Fireworks sales may be allowed as a temporary use if a permit for such sales is obtained from the County Clerk.
2. Such uses shall be allowed only in an AG, R-1, C-1, C-2, C-3, I-1, or I-2 District and for a time period not to exceed 15 days.
3. Display of merchandise need not comply with the setback requirements of this Land Development Code, provided that all display areas shall comply with the intersection visibility standards of Sec. 151-10.4.
4. The site shall be cleaned and returned to its previous condition within 2 weeks after Independence Day.
5. Compliance with all applicable state regulations (RSMo 320) shall be required.

I. Temporary Use of Manufactured Buildings

1. Manufactured housing may be used for a period not to exceed 180 days when a natural disaster requires temporary shelter and only when approved by resolution of the County Commission.
2. The County Commission may grant extensions of time at the end of the 180-day period if they determine that an extension of time is necessary to allow construction of permanent structures. Although there is no limit on the number of extensions that may be granted by the County Commission, each extension shall be limited to a maximum of 90 days in length.
3. The Planning and Zoning Director shall be authorized to approve a temporary use permit for manufactured buildings that are to be used for nonresidential public purposes, such as libraries or polling places. Such uses shall be limited to a maximum period of 30 days.

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