RICHLAND TOWNSHIP

BARTON COUNTY, MISSOURI

PLANNING & ZONING HANDBOOK

APPROVED

2nd Amendments, August 6, 2007
# Index to Richland Township Planning and Zoning Regulations

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ZONING RESOLUTION

A resolution providing for the zoning of the unincorporated area of Richland Township by regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the uses of lands for such purposes, dividing the unincorporated area of Richland Township into zones or districts of such number, sizes, and shapes as are deemed best suited to carry out such purposes, providing a method of administration, and prescribing penalties and proceedings for the administration and enforcement of this resolution.

Whereas, the Township Board of Richland Township deems it in the interest of the public health, safety, morals, comfort and general welfare of the township and its residents to establish a general plan of zoning for the unincorporated area of the township.

Now, therefore, be it resolved, by the Township Board of Richland:

SECTION I. TITLE

This Township Board Order shall be known as the Richland Planning and Zoning Regulations.

SECTION II. PURPOSE

A Township Board Order establishing comprehensive zoning regulations for Richland Township, Barton County, Missouri, in conformance with Revised Statutes of Missouri, Chapter 65 and all acts amendatory thereto; to promote the public health, safety, morals, comfort and general welfare; to enhance the public health and prevent the introduction of infectious, contagious, communicable or dangerous diseases into the township; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, the board of trustees of Richland Township finds it necessary and advisable to regulate the uses of land for agriculture, trade, industry, residences, recreation and other purposes, and to divide the unincorporated area of Richland Township into districts or zones.

The provisions of this resolution shall not be exercised so as to impose regulations or to require permits with respect to land used or to be used for the raising of crops, orchards or forestry or with
respect to the erection, maintenance, repair, alteration or extension of
farm buildings or farm structures.

SECTION III. DISTRICTS

For the purpose of carrying out the provisions of this resolution,
the unincorporated area of Richland Township is hereby divided into a
farm and residential district, which shall be designated as an "FR"
district.

The district as shown on map hereto attached is hereby
established, and such map is made a part of this resolution. No building,
structure, property or premises shall be used except in conformity with
the regulations prescribed herein.

SECTION IV. CLASSIFICATION OF USES

For the purposes of this resolution, the various uses of
buildings, structures, properties and premises shall be classified as
follows: FR District (Farm and Residential). If any use of open land is
established or if any use of open land is changed to another use after the
effective date of these regulations or any amendments thereto, then the
new use shall comply with all of these regulations.

A. PERMITTED USES

The following uses and no other shall be deemed Class FR uses
and permitted in all FR districts:

1. Single or two-family dwellings and buildings accessory
   thereto, but excluding tents, cabins and trailer coaches,
   except that not more that one trailer coach may be
temporarily used as a residence on a lot while a dwelling is
being constructed thereon, but such excluded use shall not
be continued for more than one (1) year after the trailer
coach is placed on the lot.

2. Tourist homes, rooming houses and boarding home
   accepting not more that eight (8) guests at any one time.

3. Church, school, college, university, public library, public
   museum, community center, fire station, township hall,
   publicly owned park, publicly owned playground.

4. Single mobile home.
5. Farmland and concentrated livestock operations. All concentrated livestock operations as defined herein shall: (a) be conducted a minimum of 5280 feet from an adjacent residence or dwelling, measured from the property line of the premises where the concentrated livestock operation is conducted, (b) be screened from public view from beyond the property line where the concentrated livestock operation is conducted by a bufferyard at least 100 feet wide, containing a berm at least 12 feet high with landscaping consisting of a solid hedge and a windbreak of trees. For purposes of this Section, a “concentrated livestock operation” is defined to mean an agricultural operation where dairy cows, cattle, swine, poultry or other domesticated animals or birds are held, bred or raised in a concentration of at least:

350 head of confined or unconfined beef, dairy cows or sheep of all ages and weight per 160 acres, or 1,400 head per section (640) acres; all areas and boundaries to be defined and determined from section lines numbered 1 through 36 as shown on Richland Township map attached.

600 head of confined or unconfined hogs of all ages and weights per 160 acres, or 2,400 head per section (640) acres; all area and boundaries to be defined and determined from section lines numbered 1 through 36 as shown on Richland Township map attached.

1,500 head of confined or unconfined poultry of all ages and weights per 160 acres, or 6,000 head per section (640) acres; all areas and boundaries to be defined and determined from section lines numbered 1 through 36 as shown on Richland Township map attached;

or that, as a result of location, aggregation and/or combination of such uses, have demonstrable adverse impacts on land use, water quality, air emissions and/or other environmental factors.
6. Kennels housing no more than thirty (30) animals of more than three (3) months of age. Setback distances to be a minimum of 700 feet from an adjacent residence.

7. Essential service establishments intended to serve the principal permitted use.

8. Airports and Landing Strips - No obstruction or building may be built or erected or planted to directly block, interfere with or to purposefully obstruct an airport or landing strip. All buildings, structures or other obstructions shall maintain at least a 1/4 mile setback from the right of way or approach pattern of an airport or landing strip.

The above uses shall be permitted only providing such use is not noxious, dangerous or offensive by reason of odor, dust, smoke, gas, noise, fumes, name or vibration.

B. PROHIBITED USES

The following are prohibited uses and shall not be permitted in any FR district.

1. Waste incinerators.

2. Amusement parks.

3. Commercial landfills.

4. Hazardous waste storage sites.

5. Livestock Confinement Operations Or Feedlots.

A “Livestock Confinement Operation Or Feedlot” is defined as any livestock confinement operation where dairy cattle, swine, poultry or other domesticated animals or birds are held, bred, or raised in a concentration of:

500 head of confined or unconfined beef, dairy cows or sheep of all ages and weights per 160 acres, or 2,000 per section (640 acres); all areas and boundaries to be defined and determined from section lines numbered 1 through
36 as shown on Richland Township map attached.

800 head of confined or unconfined hogs of all ages and weights per 160 acres, or 3,200 head per section (640 acres); all areas and boundaries to be defined and determined from section lines numbered 1 through 36 as shown on Richland Township map attached.

2,000 head of confined or unconfined poultry of all ages and weights per 160 acres, or 8,000 head per section (640 acres); all areas and boundaries to be defined and determined from section lines numbered 1 through 36 as shown on Richland Township map attached;

or that, as a result of location, aggregation and/or combination of such uses have demonstrable adverse impacts on land use, water quality, air emissions and/or other environmental factors.

6. Kennels housing more than one hundred (100) animals of more than 3 months of age.

7. Metal powder work.

8. Commercial bulk petroleum station tanks aboveground.


10. Crematory.

11. Manufacturing or storage of explosives, gunpowder or fireworks, except for private use.

12. Distilling of bones, fat or glue; glue or gelatin manufacturing.

13. Dumping, storing, buying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, offal or dead animals, except such as result from the normal and lawful use of
premises, unless such dumping is done at a place provided by the township board of trustees for such specific purpose.

14. Commercial junkyards, automobile graveyards, or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes.

15. Outdoor theaters.

16. Slaughterhouses.

17. Trailer parks or cabins for transient use, excluding recreational vehicles for short-term use.

18. No application of poultry manure on real property in a FR district shall be permitted unless such application is monitored by annual soil testing for each 20 acres to show no excessive accumulation of fertility and must be in line with reasonable crop expectations. Piling of manure to be spread shall not be permitted except for a period not to exceed three days or such earlier time as offensive odors may occur and must be regulated as necessary by the zoning inspector.

19. No usage of township roads or rights of way shall be permitted which results in excessive destruction. Any person or entity who creates such damage shall be required to provide restitution to the township, including gravel or pavement and ground site preparation as deemed necessary by the inspector of zoning.

SECTION V. NON-CONFORMING USES

1. Definition - a non-conforming use is any land use that has commenced active business operations and/or any building or structure that is completed at the date this resolution or any amendment hereto becomes law, which does not conform to the permitted or prohibited uses, minimum lot area or minimum yard area of the district in which it is located.

2. A non-conforming use that has commenced active business operations or is completed at the time this resolution or any amendment hereto takes effect may be continued, except that if it is voluntarily discontinued for two (2) years or more, it shall
then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

3. Any building or structure, existing as a non-conforming use at the time of this resolution takes effect, which is destroyed by fire or the elements, may by reconstructed and restored provided the same is done within two (2) years from the date of destruction.

4. Any non-conforming use cannot be expanded, enlarged or changed to another non-conforming use.

5. A building, structure or land devoted to a non-conforming use at the time of this resolution takes effect may not be altered or enlarged or changed to another non-conforming use.

6. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

SECTION VI. PUBLIC UTILITIES AND RAILROADS

This resolution shall not apply to public utilities and railroads.

SECTION VII. MINIMUM LOT AREA PER FAMILY

1. No single-family dwelling shall be erected or building altered to accommodate one family as a residence on less than three (3) acres, unless the lot was designated on a recorded plat or separately owned at the time this resolution takes effect and cannot practicably be enlarged to conform to this requirement.

2. No two-family dwelling shall be erected or building altered for dwelling purposes to accommodate more than one (1) family on less than three (3) acres of lot area.

SECTION VIII. ZONING CERTIFICATE

The position of Richland Township Zoning Inspector is hereby created. He shall keep record of all applications for zoning certificates and the action taken thereon.

Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises,
application shall be made to the Richland Township Zoning Inspector for a zoning certificate. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, showing the proposed location, dimensions and heights of buildings and structures and all proposed uses. The Zoning Inspector shall issue a certificate within ten (10) days after receipt of an application accompanied by the proper fee.

The Richland Township Zoning Inspector shall collect a fee of five dollars ($5.00) for issuing a zoning certificate and for making subsequent inspections for alterations, remodeling or new construction jobs.

SECTION IX. BOARD OF ZONING ADJUSTMENT

There is hereby created a Richland Township Board of Zoning Adjustment. The board shall consist of five (5) freeholders who shall be residents of the unincorporated area of Richland Township included in the area zoned. No more than one (1) can be a member of the Richland Township Planning and Zoning Commission. The membership of the first board appointed shall serve respectively: One for one year, one for two years, one for three years, two for four years. Thereafter, members shall be appointed for terms of four years each. The members of the board shall serve without compensation, but may be reimbursed for expenses incurred for attendance at not more than four meetings per year in the amount set by the township board not to exceed ten dollars per meeting.

The Richland Township Board of Zoning Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning laws or of this resolution or any amendments thereto.

2. To authorize, on appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owning to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

In exercising the above-mentioned powers, such board may, in conformity with the provisions of law and this resolution and
amendments thereto, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed form, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

The Richland Township Board of Zoning Adjustment shall elect its own chairman and adopt rules in accordance with the provisions of Section 65.650 to 65.700 B.S. MO. Meetings of the board of zoning adjustment shall be held at the call of the chairman, and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and the township board of zoning adjustment may compel the attendance of witnesses. All meetings of the board of zoning adjustment shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of township trustees and shall be a public record.

Appeals to the Richland Township Board of Zoning Adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any decisions of the administrative officer. Such appeal shall be taken within a period of not more than three (3) months after the decision by filing with the officer from whom the appeal is taken and with the board of zoning adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the township board of zoning adjustment all the papers constituting the record on which the action appealed was taken.

The Richland Township Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal, giving ten (10) days notice to the parties in interest, and shall decide the same with thirty (30) days after it is submitted. At the hearing, any party may appear in person by attorney. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment may appeal to the township board for review. Any person adversely affected by a decision of a township board may appeal to the circuit court of this county on the ground that such decision was unlawful.
SECTION X. SPECIAL USE PERMITS

A. Definition: A special use constitutes a use of land or structure which would otherwise be excluded or would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled or conditioned as to number, area, location or relation to the neighborhood would not be injurious to the public health, safety or general welfare.

B. Procedure:

1. Application for a special use permit shall be made to the Richland Township Zoning Inspector who shall promptly refer it to the Planning and Zoning Commission. The application shall contain the information required for an application for a land use permit, along with such other data and information as the Planning and Zoning Commission may deem necessary to properly evaluate the application. Additionally, should the Planning and Zoning Commission be of the opinion that issuance of a permit may result in a material adverse effect on the environment, the applicant may be requested by the Planning and Zoning Commission to demonstrate the nature and effect of the environmental effect.

2. The Planning and Zoning Commission shall review the application and within thirty (30) days after filing the application shall report this recommendation to the Township Board. Recommendation shall include an accurate description of the proposed conditional use, a description of the property along with any other recommendations or proposed conditions of the Planning Commission.

3. Within thirty (30) days of submission to the Township Planning and Zoning Commission of the application, the Township Planning and Zoning Commission shall hold a public hearing on the application. Notice of the time, place and purpose of the hearing shall be given by one (1) publication in one (1) or more newspapers of general circulation in Richland Township, at least fifteen (15) days before the hearing.

At least fifteen (15) days before the public hearing, the Township Planning and Zoning Commission shall give notice, by certified mail, to all owners of any real property located within 1330 feet of the parcel of land for which the special use is proposed.

For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate record to determine the
names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the record of the proceedings. Failure to give mailed notice to every affected owner shall not invalidate the proceedings provided a bona fide attempt to comply with the notice requirement has been made.

C. Standards and Criteria: A special use permit shall be granted by a majority vote of the Township Planning and Zoning Commission upon written findings of fact that the following conditions have been complied with. Approval may be subject such to such further restrictions and conditions as the Township Planning and Zoning Commission may deem necessary to protect the public interest including, but not limited to, matters relating to appearance, lighting, hours of operation, and performance characteristics. When appropriate, restrictive covenants may be required regarding such matters.

1. That the proposed development is likely to be compatible with development permitted under the general provisions of this ordinance on substantially all land in the vicinity of the proposed development.

2. That the special use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the vicinity.

3. That the proposed use is consistent with the overall comprehensive plan and with the spirit and intent of the provisions of this ordinance.

D. Duration; Termination: A special use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the Township Planning and Zoning Commission from enacting or amending official controls to change the status of special uses. Where a special use does not continue in conformity with the conditions of the original approval, the permit shall be terminated by the Township Planning and Zoning Commission; provided that no permit shall be revoked unless the permittee has first been granted a public hearing with the notice provided in Section B (3) above.

E. Filing: A certified copy of any special use permit shall be filed by the Richland Township Zoning Inspector with the Recorder of Deeds.
The special use permit shall include the legal description of the property involved.

SECTION XL PERFORMANCE STANDARDS

No land in any district shall be used or occupied in any manner as to create a dangerous, injurious, noxious, or otherwise objectionable smoke, duct, odor, or other form of air pollution; noise, glare or other condition that adversely affects the adjoining premises or surrounding area, hereinafter referred to as "dangerous or objectionable elements." To ensure compliance with these requirements, all uses of land shall meet the following condition:

No toxic matter, noxious matter, smoke, gas, or odors shall be emitted that are detectable beyond the property line of the tract on which the use is located.

SECTION XII. AMENDMENTS

The Richland Planning and Zoning Commission shall meet at least quarterly, and may initiate amendments to this resolution from time to time. Amendments may also be initiated by the township board of trustees or by petition, referring the proposed amendment to the Township Zoning and Planning Commission for public hearing. Before submitting a recommendation of any amendment to the zoning resolution to the township board of trustees, the Township Zoning and Planning Commission shall hold not less than one (1) public hearing thereon, notice of the time and place of which shall be published in one (1) or more newspapers of general circulation in Richland Township at least fifteen (15) days before the date of such hearing, and notice of which shall be posted at least fifteen (15) days in advance of the hearing in one or more public areas in the township. The public hearing may be adjourned from time to time. The Township Zoning and Planning Commission may vote on its recommendation for an amendment at the conclusion of the public hearing, and shall notify the township board of trustees of its recommendation orally or in writing. At any time after receiving the recommendation of a proposed amendment to the zoning resolution from the Township Zoning and Planning Commission, the township board of trustees may vote on the proposed amendment at a meeting.
called for such purpose. If the amendment to the zoning resolution is adopted by the township board of trustees, it shall take effect immediately unless a later effective date is specified.

In case of written protest against any proposed change or amendment affecting the zoning of a particular tract, signed and acknowledged by the owners of thirty percent of the frontage within 1000 feet to the right of left of the frontage proposed to be changed, or by the owners of thirty percent of the frontage directly opposite, or directly in the rear of the frontage proposed to be altered, or in cases where the land affected lies within one and one-half miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of such municipality, made by resolution of the city council or board of trustees thereof, and filed with the township clerk, such amendment may not be passed except by the favorable vote of all the members of the township board of trustees.

SECTION XIII. ENFORCEMENT

1. It shall be unlawful to construct, reconstruct, enlarge, maintain or use any building or structure, or to use any land in violation of any regulation or any provision of this resolution or any amendment thereto. Any person, firm or corporation violating this resolution or any regulation, provision or amendment thereto shall be deemed guilty of a misdemeanor.

2. In case any building or structure is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of law or of this resolution or any amendment thereto, the township board of trustees, the prosecuting attorney of the county, the Richland Township Zoning Inspector, or any person, firm, association, organization, partnership, trust, company or corporation aggrieved by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such lawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
SECTION XIV. INTERPRETATION

In interpretation and application, the provisions of this resolution shall be held to the minimum requirements adopted for the promotion of public health, safety, morals, comfort and general welfare.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this resolution imposes a greater restriction upon the use of buildings, structures, land or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by regulation.

SECTION XV. VALIDITY

Each section, subsection, provision, requirement, regulation or restriction established by this resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.
Amendments adopted by the Richland Township Board of Trustees.

Date: 09-10-07

Mike Bell
Trustee

Sandra Harris
Clerk

Member

Member