Bogard Township

Henry County
Missouri

Master Comprehensive Planning and Zoning Order
SECTION 4: RESIDENTIAL DISTRICTS

Residential Districts are defined as the area and dwelling that the county assessor appraises as residential property. Single or multiple-family dwellings and buildings associated with such residence are permitted in any of the districts within the Township. The Township Clerk shall be notified when new construction is initiated, in order to keep the Official Zoning Map current.

Mobile home (s) shall include a manufactured home or modular home, be it single-wide or double-wide, and shall include a vehicle or structure equipped as a dwelling place and containing a toilet, lavatory or bathing facilities, which such home has the capability of being moved by wheels.

1. Each mobile home shall be placed on a concrete foundation or concrete pad, which is designed to run the full length and width of the trailer and is a minimum of four (4) inches thick.
2. The grade of the surface under the mobile home must be designed to allow water to drain out from underneath the mobile home.
3. The wheels and tires must be removed from the mobile home when being placed on the concrete foundation or the concrete pad.
4. The mobile home must be anchored to concrete on all four corners and must be anchored in full compliance with Section 700.070 RSMo and the applicable State Regulations.
5. Every mobile home must meet or exceed United States Housing and Urban Development Requirements for construction as set forth in the Code of Federal Regulations or must be approved by AVSI. The approval sticker showing the approval by either of these organizations must be clearly displayed. No mobile home that is more than 10 years old at the time of application shall be allowed.

All residential development including mobile home parks must submit proposed plans and obtain a building permit. Each site must have an adequate sewage disposal system to meet current County and State requirements and must be located on at least five (5) acres. Any person may maintain an office or may operate a home occupation in a residential district.
SECTION 5: AGRICULTURAL (A-1)

All unincorporated area within the Township not within Districts noted (R-1) or (C-1) on the official Zoning Map are Agricultural (A-1).

All concentrated animal feeding operations that contain more than 4000 head of poultry, 250 head of cattle or sheep, or 1100 head of hogs of all ages and weights, held in confinement over 45 days in any twelve (12) month period, and must not be located closer than 4,000 feet from a residential district and outside a 1,000 foot radius from other landowners.

A maximum concentration allowed by this regulation is:

- 500 confined cattle or sheep of all ages and weight per 160 acres and/or 2,000 per section (640 acres),
- 1,500 confined hogs of all ages and weights per 160 acres and/or 2,000 per section (640 acres),
- 2,000 confined poultry of all ages and weights per 160 acres and/or 80,000 per section (640 acres), is permitted in Bogard Township in Districts A-2

An animal waste water lagoon will be required for 250 head of cattle or sheep, or 1,100 head of hogs, of all ages and weights if animals are held in confinement over 45 days in a twelve (12) month period, and must not be located closer than 4,000 foot from a residential district and will be outside a 1,000 foot radius from other landowners.

All Animal waste water lagoons will be constructed to the Missouri Department of Natural Resource construction specifications for Class 1B lagoons regardless of the number of animals served.

A cash or surety bond to guarantee proper closure and post closure of Animal waste water lagoons is required for 10-acre/foot lagoons and above. Bond amount is $25,000 for a 10-acre/foot lagoon. Each additional acre/foot increases the bond requirement $25,000. Procedures for administrating the guarantee will be negotiated between the Township Board and the individuals required to construct the lagoon.
SECTION 6: COMMERCIAL DISTRICTS (C-1)

All commercial businesses, residential developers, and other interested parties shall comply with the following procedures to obtain a building permit for construction within Bogard Township.

1. Personally contact the Township Enforcement Officer.
2. Provide a legal description of the property in question.
3. Describe proposed construction project in writing.
4. Provide a list of all owners and operators with current address of affected property.
5. Provide name and current address of developer, if other than owner(s).
6. Pay to Township Code Enforcement Officer upon approval a permit fee of $1.00 per thousand of proposed construction cost.
7. Any changes from the proposed use set out by the original plan will require hearings and requirements set forth in Statute 65.685.

The following uses shall be permitted within Bogard Township only upon issuance of a Special Use Permit by the Code Enforcement Officer.

1. Waste incinerator.
2. Commercial landfills.
3. Hazardous waste storage sites.
4. Distilling of bones, fat or glue or gelatin manufacturing.
5. Dumping, storing, buying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish offal or dead animals.
7. Commercial junkyard, automobile graveyards, mobile home graveyards.
8. Adult entertainment businesses featuring nudity or materials possibly pornographic.
9. Waste Transfer Station.

Each Special Use Permit request must be accompanied by all requirements for all commercial business-building permits. In addition a site plan, and evidence that roads will not be overburdened, that property values will not be decreased and that the health or quality of life of the residents within Bogard Township will not be diminished.

When a Special Use Permit is granted, a required set back of 4,000 feet from the nearest residential district shall be required.

Upon refusal of permit, applicant may appeal to the Board of Adjustments alleging error, a requesting variance or exception. Upon denial by the Board of Adjustments applicant may petition the Circuit court of the county in which the property is located.
SECTION 7: TOWNSHIP ROAD RIGHT-OF-WAYS

Owners of any inanimate object that would hinder mowing of roads or ditch maintenance including the back slope of the side ditch, shall be notified by certified mail, return receipt requested, to remove such object. Such owner shall be allowed thirty days from acknowledgment date of return receipt for the accomplishment of such removal. Township Enforcement Officer, upon failure to remove, shall arrange for and bill such cost as may be incurred to said owner.

SECTION 8: DUTIES OF CODE ENFORCEMENT OFFICER

The code enforcement officer shall be appointed by the Bogard Township Board. Maintain the Official Township Zoning Map and:
1. Determine if the use proposed by applicant for a permit is permitted in the district in which it is proposed.
2. Issue permit if application is in agreement with this regulation.
3. Refer applicants to proper individuals for proposal not authorized.
4. Maintain all records that apply to Bogard Township Planning and Zoning securely.

SECTION 9: VIOLATIONS, EXCEPTIONS AND PENALTIES

It shall be a violation to use or permit the use of any land in a manner not permitted by this order.
It shall be a violation to fail to obtain a permit prior to commencing a commercial structure.
It shall be a violation to fail to comply with or promptly appeal (within 10 days) any order of the Zoning Enforcement Officer.
Any person, firm, or organization violating the building and/or land use provisions of this Order will be notified by the Code Enforcement Officer in writing and given ten (10) days to conform and comply.
Upon failure to comply with the provisions of this Order or respond to the notice from the Code enforcement Officer, the matter will be turned over to the County Prosecuting Attorney or Township Attorney.
Violations are subject to fines in accordance with the Revised Statutes of Missouri.

SECTION 10: SEVERABILITY

In the event that any section or provision of these regulations shall be declared unconstitutional or otherwise invalid by any Court of competent jurisdiction, the section or provision declared invalid shall be deemed to be severed from all other provisions hereof and the surviving provisions shall remain in full force and effect.
SECTION 11: POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall:

Hear and decide appeals where it is alleged that there is an error to any order, requirement decision or determination of the Code Enforcement Officer in the enforcement of this Order.

Authorize, on appeal, in specific cases, such variance from the terms of this special condition a literal enforcement of the provisions of the resolution or any amendment thereto will result in unnecessary hardship, and so that the spirit of the Order shall be observed and substantial justice done.

SECTION 12: POWERS AND DUTIES OF THE TOWNSHIP PLANNING AND ZONING COMMISSION

The Township Planning and Zoning Commission shall:

Make recommendations to the Township Board concerning a proposing changes in the Official Zoning Map. When the Township Board receives request for a Land use District change, the Planning and Zoning Commission will have sixty (60) days to make such recommendation upon the Comprehensive Plan of Bogard Township.

Make recommendations to the Township Board concerning proposed changes in the Bogard Zoning Order. When the Township Board receives a request for an amendment or change in any part of the Zoning Regulation, the Planning and Zoning Commission will have sixty (60) days to make such recommendation upon the effects such a change would have to the comprehensive plan upon which such Zoning Order is based.

Call and conduct public hearing regarding changes or amendments of the Plan or Zoning Order.