LINCOLN TOWNSHIP

COMPREHENSIVE PLAN

AND ZONING ORDER
LINCOLN TOWNSHIP COMPREHENSIVE PLAN AND ZONING ORDER

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AN ORDER REGULATING THE USE OF LAND; REQUIRING PERMITS FOR BUILDINGS, STRUCTURES AND USES THEREOF; PROVIDING A PURPOSE AND INTENT; PROVIDING A TITLE; PROVIDING FOR JURISDICTION, SCOPE AND APPLICABILITY; PROVIDING FOR ADMINISTRATION OF THE LINCOLN TOWNSHIP ZONING ORDER; PROVIDING DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF ZONING DISTRICTS; ESTABLISHING MINIMUM LOT SIZES, SETBACKS AND SIDE YARDS; PROVIDING STANDARDS AND CRITERIA PERTAINING TO THE DEVELOPMENT OF LAND; PROVIDING FOR AMENDMENTS AND REZONING; ESTABLISHING A BOARD OF ADJUSTMENT; PROVIDING FOR NONCONFORMING USES; AND IMPOSING PENALTIES.

WHEREAS, the Lincoln Township Board of Trustees has approved a Comprehensive Plan and Zoning Regulation ("Comprehensive Plan") to guide the future zoning and land use decisions for the Township of Lincoln, Putnam County, Missouri; and

WHEREAS, the Comprehensive Plan establishes policies governing development in Lincoln Township and which establish performance standards for certain land uses in the several zoning districts in order to protect the health, safety and welfare of surrounding residents and to protect property values; and

WHEREAS, new performance standards for certain land uses have been prepared based upon professional studies presented to and considered by the Lincoln Township Planning Commission and the Lincoln Township Board of Trustees; and

WHEREAS, a new Lincoln Township Zoning Order was presented to the Lincoln Township Planning Commission, which held a public hearing on said Zoning Order in accordance with the provisions of Sections 65.662 and 65.682, RSMo; and

WHEREAS, notice of the time and place of said hearing was published in the Unionville Republican on September 22, 1995, and posted at the Putnam County Courthouse and the Township Voting Precinct on September 22, 1995; and

WHEREAS, the Lincoln Township Planning Commission submitted a report and proposed zoning order to the Township Board on October 16, 1995; and

WHEREAS, the Lincoln Township Board conducted a public hearing in accordance with the provisions of Section 65.682, RSMo, on November 15, 1995; and
WHEREAS, notice of the time and place of said hearing was published in the Unionville Republican on October 25, 1995 and November 1, 1995, and posted at the Putnam County Courthouse and the Township Voting Precinct on October 25, 1995; and

WHEREAS, the Lincoln Township Board of Trustees finds that it is necessary to adopt a new Zoning Order for Lincoln Township in order to implement the policies of the Comprehensive Plan and to promote the health, safety, morals, comfort and general welfare of the unincorporated portion of the Township, to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements all in accordance with the comprehensive plan of development as expressed in this zoning Order;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Township of Lincoln, Putnam County, Missouri:

Section 1. The Comprehensive Plan and Zoning Regulation of Lincoln Township, Missouri, adopted on June 30, 1994, as amended, is hereby ratified and reaffirmed, as amended, and is hereby amended in its entirety to read as follows:

"LINCOLN TOWNSHIP COMPREHENSIVE PLAN AND ZONING ORDER

SECTION 1. TITLE AND PURPOSE

This Township Board Order shall be known as the Lincoln Township Comprehensive Plan and Zoning Order.

1.1 The following comprehensive planning policies for Lincoln Township shall be a part of the Lincoln Township Comprehensive Plan and Zoning Order. The purpose of these planning policies is to preserve the existing quality of life for the residents of Lincoln Township. They are as follows:

1.1.1 To promote the health, safety, convenience, prosperity, comfort, morals and general welfare of the inhabitants of Lincoln Township by conserving the natural resources of Lincoln Township, by preserving and promoting farming as a way of life and livelihood, and by encouraging only those businesses and industries to locate in Lincoln Township that would create employment without damaging the land or environment.

1.1.2 To conserve and protect property and building values within the Township.
1.1.3 To secure the most economical use of the land within the Township by ensuring the efficient expenditure of public funds.

1.1.4 To facilitate the adequate provision of public improvements.
SECTION 2. DEFINITIONS AND RULES OF INTERPRETATION

2.1 Definitions.

2.1.1 **Agriculture** or **Agricultural** means and refers to the process of cultivating the land and producing plants or animals useful to man, including horticulture, fruit growing, raising and housing animals, and storage and marketing incident to these practices.

2.1.2 **Building** means and refers to a structure having a roof supported by columns or walls and intended for the housing, support, shelter or enclosure of any individual, person, chattel, animal, process, equipment, goods, materials, or moveable property of any kind. A building includes any structure of industrialized, modular or prefabricated construction, which is not designed presently or in the future for transportation on its own wheels, and which is permanently affixed to a foundation embedded in the soil.

2.1.3 **Code Enforcement Officer** means the Township official designated to enforce the provisions of this Order pursuant to Section 65.687, RSMo, and Sections 4 and 10 of this Order.

2.1.4 **Common Ownership** means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockowner, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

2.1.5 **Concentrated Animal Feeding Operation** means and refers to all land and/or a lot, facility, parcel or operating location in which animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area. For purposes of this definition, "animal confinement area" includes the buildings or structures, including Livestock Feedlots, in which animals are confined and related areas including Livestock Lagoons or other waste disposal structures, but does not include contiguous land used as plant filter areas over which liquid waste is applied, and other areas upon which grass or crops are used for waste disposal, or land upon which crops or other vegetation are raised independent from the animal feeding operations.

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include a Concentrated Animal Feeding Operation, Livestock Feedlot or Livestock Lagoon.

2.1.11 **Hazardous Waste Site** means and refers to a place designated for the storage of material defined by the United States Environmental Protection Agency as Hazardous Waste.

2.1.12 **Junk** means and refers to old iron, steel, brass, copper, tin, lead, or other base metals; old cordage, ropes, rags, fibers, or fabrics; old rubber, other bottles; bones, and other waste or discarded material which might be prepared to be used again in some form; and any or all of the foregoing; (and motor vehicles; no longer used as such, to be used for scrap metal or stripping of parts;) but “junk” shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

2.1.13 **Junk Yard** means and refers to a yard, lot or place covered or uncovered, outdoors or in an enclosed building, containing junk, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds for such act or acts are to be used for charity.

2.1.14 **Livestock Lagoon** means and refers to an excavated, diked, or walled area designed for the biological stabilization, treatment and/or storage of liquid wastes generated by a Livestock Feedlot.

2.1.15 **Livestock** means and refers to cattle, sheep, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

2.1.16 **Livestock Feedlot** means and refers to any land area, structure, lot, yard, or corral or other area wherein livestock are confined in close quarters for the purpose of fattening, feeding, growing, raising or birthing such livestock for final shipment to market or slaughter. Without limiting the generality of the foregoing definition, a lot or structure which contains one hundred (100) cattle per acre, one thousand (1,000) hogs per acre, one thousand (1,000) sheep per acre, or one thousand (1,000) poultry per acre for the foregoing purposes shall be considered a Livestock Feedlot. "Livestock Feedlot" does
not include areas which are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.

2.1.17 Manufactured Home means and refers to a factory-built, single-family dwelling that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards, 42 U.S.C. § 5401 et seq., and which is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, and which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

2.1.18 Nonconforming Use means and refers to any land use, building, or structure which is lawfully existing at the date this Order becomes law which does not conform to any regulation of the district in which it is located.

2.1.19 Nonhazardous Waste Facility means and refers to a place designated for the disposal of materials defined by the Missouri Department of Natural Resources (DNR) as nonhazardous waste. In the event the Missouri DNR does not have specific definitions, United States Environmental Protection Agency definitions will be used.

2.1.20 Residential District means a zoning district in which residential land uses are permitted as of right.

2.1.21 Single-family dwelling means and refers to a structure containing one (1) dwelling, and not attached to any other dwelling by any means.

2.1.22 Structure means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

2.1.23 Wildlife Husbandry means and refers to a lease and/or fee for hunting or fishing.

2.2 Measurements. Where the property line adjoins a public street or road, all required yard and setback distances shall be measured from a line hereby established as the designated street line, which shall be parallel to the street center line, and at the distance from such street center line equal to one-half (1/2) of the right-of-way width. For purposes of this Section, the "right-of-way width" means a total width of not less...
than six (6) feet from the street or road center line or the existing width of the street or road surface, whichever is greater. Where the property line does not adjoin a public street or road, the required yard and setback distances shall be measured from the property line.

2.3 Resolution of Disputes on Zoning District Boundaries. In the event of a dispute pertaining to the boundary or location of a property within a zoning district, the Code Enforcement Officer shall have the authority and jurisdiction to interpret and to render a written determination of the applicable boundary of such district subject to an appeal to the Board of Adjustment. The Code Enforcement Officer shall take into consideration, to the extent applicable, the following criteria in rendering such interpretation:

2.3.1 The policies and development standards pertaining to such district.

2.3.2 Where a zoning district boundary is shown following a road, right-of-way, interstate highway, parkway, public utility right-of-way, railroad line, or a stream or watercourse, the boundary is respectively the center line of such road, right-of-way, interstate highway, parkway, public utility right-of-way, railroad or main channel of a stream or watercourse, and such boundary shall be deemed to be changed automatically whenever such center line is changed by natural or artificial means.

2.3.3 If such boundary is shown as separated from but approximately parallel to any such landmarked or monument line, such zoning district boundary shall be deemed to be parallel to the aforesaid center line, or line located midway between the main tracks of such railroad at such distance therefrom as shown on the Official Zoning Map.

2.3.4 Where a zoning district boundary is shown as following a township boundary line, a property line, a plot line or a projection of any one of the same, such boundary shall be such landmarked or monumented line or projection thereof. If such boundary is shown as separated from but approximately parallel to any such landmarked or monumented line or projection thereof, such boundary shall be deemed to be parallel to any landmarked or monumented line or projection thereof, as the case may be, at such distance therefrom as shown on the Official Zoning Map.

2.3.5 In areas not subdivided into lots and blocks, wherever a zoning district is indicated as a strip adjacent to and paralleling a road or railroad right-of-way,
the depth of such strips shall be in accordance with dimensions measured at right angles from the center line of the road or railroad right-of-way, and the length of frontage shall be in accordance with dimensions measured from section, quarter section, or division lines, or center lines of roads or railroad rights-of-way, unless otherwise indicated.

2.3.6 Where a road, railroad or other physical monument or marker on the ground, by which a boundary is determined, varies from that as shown on the Official Zoning Map, the on-the-ground physical monument or marker shall control.

2.4 Interpretation of Uses. The Code Enforcement Officer shall have the authority and jurisdiction to interpret and to render a written determination as to whether a proposed use is consistent with the permitted or conditional uses of the applicable zoning district or to render such other relief as may be appropriate under the circumstances subject to an appeal to the Board of Adjustment as provided herein.

2.4.1 The Code Enforcement Officer shall take into consideration, to the extent applicable, the following criteria in rendering such interpretation:

2.4.1.1 Consistency with the purpose and intent of the policies and development standards pertaining to such zoning district.

2.4.1.2 Consistency with the comprehensive planning policies set forth in Section 1 of this Order.

2.4.1.3 Whether the proposed use is substantially similar to other uses taking into consideration the following criteria:

2.4.1.3.1 Whether the proposed use is within the same two- or three-digit classification of the Standard Land Use Code Manual (1977) of another use permitted within the zoning district. The Standard Land Use Code Manual (1977) is incorporated by reference as if set forth in its entirety herein, and a copy shall be retained at the offices of the Code Enforcement Officer;

2.4.1.3.2 The suitability of the property or area for the proposed use or uses, taking into consideration trip generation, impact on public facilities and services, and impact on agricultural, farming or environmental resources;

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2.4.2 If the Code Enforcement Officer determines that the proposed use is not consistent with the purpose and intent of the planning policies and development standards pertaining to such zoning districts described in this Order, or is not substantially similar to another use permitted within the applicable zoning district, the applicant may apply for an amendment to this Order and/or the Official Zoning Map.

SECTION 3. EFFECT OF THE LINCOLN TOWNSHIP ZONING ORDER

3.1 Generally. No person shall lay out or improve any subdivision of land, or construct, reconstruct, alter, relocate or maintain any building or other structure, or use any land, except as permitted by these regulations.

3.2 Permits Required. No development or development activity may be undertaken within Lincoln Township unless all permits applicable to the proposed development are issued in accordance with the provisions of Section 4 of this Order.

3.3 Exceptions. This Order shall not apply 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. Agricultural uses that do not constitute a Farm, Farm Building or Farm Structure are subject to the regulations and permitting requirements of this Order.

SECTION 4. PROCEDURE

4.1 Building Permits. No building or other structure shall be erected, constructed, reconstructed, enlarged, altered or repaired in such manner as to prolong the life of the building, nor shall the use of any land be changed, unless and until a building permit has been issued in accordance with the procedures prescribed herein. The procedure to follow in obtaining a building permit shall be as follows:
4.1.1 The landowner, developer or other interested party shall contact the Code Enforcement Officer and shall complete a building permit application.

4.1.2 The Code Enforcement Officer shall inspect the Official Zoning Map located in the Township Clerk's Office. If the proposed use conforms to the permitted uses, bulk and density restrictions, and, if applicable, any and all restrictions attached to the approval of a conditional use permit, required for the proposed use, the Code Enforcement Officer shall collect the building permit fee and issue the building permit.

4.1.3 The Code Enforcement Officer shall not issue a building permit until the building permit fee has been collected. Fees shall be established by the Township Planning Commission by rule.

4.2 Conditional Use Permits.

4.2.1 An applicant for approval of a conditional use shall submit a preliminary site plan to the Code Enforcement Officer. The site plan shall be reviewed by the Planning Commission at a public hearing. The Planning Commission shall conduct a public hearing and shall submit its report and recommendation to the Township Board. The Township Board shall review the preliminary site plan at a public hearing and shall approve, disapprove or approve the site plan with conditions. The applicant shall revise the preliminary site plan to conform to any conditions required by the Township Board and shall resubmit the site plan to the Code Enforcement Officer. The Township Board shall review the final site plan at a public hearing and shall approve the conditional use as submitted, approve the conditional use with such reasonable conditions as it may deem necessary to ensure conformance with the standards established in Section 4.2.3 and Section 9 of this Order, or shall deny the proposed conditional use for reasons specified in writing and communicated to the applicant. If the proposed conditional use is approved or approved with conditions, such approval shall be communicated to the Code Enforcement Officer in writing and any required conditions shall be incorporated into the permit. Public notice of any public hearing required by this Section shall be given in the manner prescribed by Section 65.685, RSMo.

4.2.2 No conditional use shall be authorized, developed or otherwise carried out until the applicant has secured a final site plan approved by the Township Board.
4.2.3 In addition to the standards set forth in the applicable zoning district regulations and/or Section 9 of this Order, no conditional use may be recommended for approval by the Planning Commission or approved by the Township Board unless the applicant therefore demonstrates compliance with the following standards:

4.2.3.1 The proposed conditional use shall be in compliance with all regulations of the applicable zoning district and the applicable provisions of Section 9 hereto.

4.2.3.2 The proposed conditional use shall be in conformance with the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site.

4.2.3.3 Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

4.2.3.4 Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

4.2.3.5 The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

4.2.3.6 The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.

4.2.3.7 The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

4.2.3.8 The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
4.2.3.9 The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.

4.3 Rezoning

4.3.1 No changes or amendments to this Order or the Official Zoning Map shall be made until such changes or amendments have been referred to the Township Planning Commission. The Township Planning Commission shall hold at least one (1) public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper of having general circulation within the Township, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public areas in the Township. Such hearing may be adjourned from time to time. Within ninety (90) days after the final adjournment of such hearings the Township Planning Commission shall make a report and shall submit a proposed order to the Township Board.

4.3.2 Following receipt of the report and proposed order to the Township Planning Commission, the Township Board may adopt the order with or without change or may refer it back to the Township Planning Commission for further consideration and report. The Township Board shall hold at least one (1) public hearing thereon, public notice of which shall be given in the same manner as prescribed by Sections 65.662 and 65.692, RSMo.

4.3.3 All notices required herein shall state the time and place of the hearing and the place where copies of the proposed report, changes or amendments to this Order will be accessible for examination by interested parties.

4.4 Site Plans.

4.4.1 Applicability. The following applications shall be required to obtain site plan approval:

4.4.1.1 Requests for amendments to the Official Zoning Map, excluding requests for amendments submitted by the Planning Commission or Township Board; and

4.4.1.2 Requests for conditional use approval.
4.4.2 Approval Procedure.

4.4.2.1 Preliminary Site Plan. An application for approval of a preliminary site plan shall be submitted to the Code Enforcement Officer. The Code Enforcement Officer shall determine whether the application for preliminary site plan approval is complete, and shall submit a report as to compliance with this Order and the application for preliminary site plan approval to the Planning Commission. If the preliminary site plan is incomplete, the Code Enforcement Officer may return it to the applicant with a statement of the reasons why the proposed preliminary site plan does not conform to the provisions of this Section 4.4.

4.4.2.2 The applicant shall prepare a final site plan which conforms to the approved preliminary site plan, and shall submit the final site plan to the Code Enforcement Officer. The Code Enforcement Officer shall determine whether said final site plan is complete and shall submit the final site plan to the Planning Commission or, for a proposed conditional use, the Township Board.

4.4.3 Effect of Site Plan Approval.

4.4.3.1 Preliminary Site Plan.

4.4.3.1.1 A preliminary site plan shall not authorize the development of land. After a preliminary site plan has been approved by the Township Board, the applicant may file a final site plan.

4.4.3.1.2 Effective Period of Preliminary Site Plan Approval. The approval of a preliminary site plan shall be effective for a period of one (1) year from the date of Township Board approval, at the end of which time the applicant must have submitted a complete final site plan for approval. If a final site plan is not submitted for final approval within the one (1) year period, the preliminary approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan for review.

4.4.3.2 Final Site Plan.

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4.4.3.2.1 After a final site plan has been approved by the Township Board, the same shall be filed in the Office of the Township Clerk, and the applicant may apply for building permits consistent with the proposed site plan. No building permit application may be issued by the Code Enforcement Officer until he has certified that such application conforms to the approved final site plan.

4.4.3.2.2 The approval of a final site plan shall be effective for a period of one (1) year from the date that the final site plan is approved by the Township Board, at the end of which time substantial construction shall have commenced and shall continue without interruption, or a complete building permit application shall be submitted and reviewed by the Code Enforcement Officer. Failing same, the final approval shall be null and void, and the applicant shall be required to submit a new preliminary site plan subject to the then existing provisions of this Order.

4.4.4 Contents.

4.4.4.1 Preliminary Site Plan. Preliminary site plans shall contain the following information:

4.4.4.1.1 A vicinity map at a scale of not less than one (1) inch equals one thousand (1,000) feet (1" = 1,000 feet);

4.4.4.1.2 A legal description and accompanying map exhibit of the property at a scale of one inch equals one hundred feet (1" = 100 feet) showing the location and type of boundary evidenced. The legal description shall include the following data:

4.4.4.1.2.1 Metes and bounds of all property lines;

4.4.4.1.2.2 Total area of property;

4.4.4.1.2.3 North scale and north arrow; and
4.4.4.1.2.4 Name and route numbers of boundary roads and the width of existing right(s)-of-way.

4.4.4.1.3 Existing topography with a maximum contour interval of two (2) feet provided, however, that where the existing ground is on a slope of less than two percent (2%), a one foot contour or spot elevation shall be provided.

4.4.4.1.4 A final detailed land use plan at a scale of one inch equals one hundred feet (1" = 100 feet) showing:

4.4.4.1.4.1 The location and arrangement of all proposed uses, buildings and structures, including building area;

4.4.4.1.4.2 The height and number of floors of all buildings, other than single-family dwellings, both above and below or partially below the finished grade;

4.4.4.1.4.3 A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development;

4.4.4.1.4.4 The location of water resources and water supplies including wells, springs, streams, rivers, lakes, ponds, and public or private treatment, storage, transmission or distribution facilities, including the distance from all proposed buildings, structures, or proposed conditional uses;

4.4.4.1.4.5 The yard dimensions from the development boundaries and adjacent roads and alleys;

4.4.4.1.4.6 The traffic and the pedestrian circulation system, including the location and width of all roads, driveways, entrances to parking areas and parking structures, walkways and bicycle paths;

4.4.4.1.4.7 Off-road parking and loading areas and structures, and landscaping for parking areas;
4.4.4.1.4.8 Architectural features of typical proposed structures, including lighting fixtures, signs and landscaping;

4.4.4.1.4.9 A plan or statement showing the location and design of all screening measures and indicating the type and height of such screening;

4.4.4.1.4.10 When the development is to be constructed in stages or units, a final sequence of development schedule showing the order of construction of such stages or units, and approximate completion date for the construction of each stage or unit.

4.4.4.2 Final Site Plan.

4.4.4.2.1 General. The final site plan shall be presented in india ink on tracing cloth or reproducible mylar at the same scale and shall contain the same information, except for any changes or additions required by resolution of the Township Board, as shown on the preliminary site plan. The final site plan shall be prepared by a land surveyor licensed by the State of Missouri. The preliminary site plan may be used as the final site plan if it meets these requirements and is revised in accordance with the Township Board's resolution. A final subdivision plat may be combined with the final site plan if both a subdivision plat and a site plan are required. All revision dates must be shown as well as the following:

4.4.4.2.1.1 Notation of any self-imposed restrictions, and locations of any building lines proposed to be established in this manner, if required by the Township Board in accordance with this Order.

4.4.4.2.1.2 Endorsement on the site plan and a certificate of consent by every person having a security interest in the property that they are subordinating their liens to all covenants, servitudes and easements imposed on the property.

4.4.4.2.1.3 Lots numbered as approved by the County Assessor.
4.4.4.2.1.4 All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted at the representation thereof or by legend, except that lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length, and weight per lineal foot of the monuments.

4.4.4.2.1.5 A title block giving the development's name and the quarter-quarter section, section, township, range, principal median, and County of its location.

4.4.4.2.1.6 The exterior boundaries of the development area giving lengths and bearings of the boundary lines. If the proposed development is bounded by a watercourse, a closing meander traverse of that boundary shall be made and shown on the site plan. Where curving boundaries are used, sufficient data to establish the boundary on the ground shall be given; including the curve's radius, central angle, and arc length.

4.4.4.2.1.7 A notation of any adjoining plats or certificates of survey and titles thereto.

4.4.4.2.1.8 The basis of bearings used and a north point.

4.4.4.2.1.9 All existing monuments found during the course of the survey (including a physical description such as "brass cap").

4.4.4.2.1.10 All existing easements or right-of-way, including those contiguous to the development area, their nature, width, and the book and page number of their recording in the County's records.

4.4.4.2.1.11 All monuments set during the course of the survey (including a physical description such as "rebar driven to depth of...")}, including appropriate witness monuments.
4.4.4.2.12 A vicinity map locating the proposed development within the section identifying adjoining or nearby plats or certificates of survey and showing prominent landmarks.

4.4.4.2.13 The owner's certificate of consent including a legal description of the boundaries of the proposed development and the dedication of public ways or spaces. This certificate shall be signed, dated, and notarized. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.

4.4.4.2.14 A certificate showing the name and registration number of the surveyor responsible for making the survey. This certificate shall be signed, and dated.

4.4.4.2.15 Signature blocks prepared for the dated signatures of the Chairpersons of the Planning Commission and Township Board.

4.4.4.2.2 Multiple sheets. Multiple sheet plans may be used. All sheets shall be numbered and referenced to an index map, and all required certificates shall appear on a single sheet (along with the index and vicinity maps.)

4.4.4.2.3 Plan accuracy. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre.

4.4.4.2.4 As-built plans. A plan showing all required improvements shall be submitted upon their completion. The "as-built" plan shall show typical road sections, typical culvert installations, and similar information to facilitate long run maintenance of the improvements.

4.5 Scope of Development Permit Approvals. Except as otherwise provided in this Section, the rights conferred by a building permit or conditional use permit upon the filing of a complete application and approval by the Township Board shall be limited
to those development rights granted in the applicable provisions of this Order and the conditions attached to the subject building permit or conditional use permit. A building permit or conditional use permit shall be considered void after one (1) year unless substantial construction or development has taken place or has continued in good faith without interruption. For purposes of this subsection, "substantial construction" shall mean and refer to the pouring or installation of footings or slab foundations for all proposed buildings; and "interruption" shall refer to six (6) months or more of construction inactivity on the development site. One (1) three-month extension of a building permit or conditional use permit may be granted by the Code Enforcement Officer upon his finding that special circumstances exist which warrant such an extension including, but not limited to, a delay caused by a government review agency or a natural disaster.

4.6 **Revocation.** The Code Enforcement Officer shall revoke all building permits or conditional use permits under which no significant work is commenced within one (1) year of issuance. Also, building permits or conditional use permits may be revoked in case of false statement or misrepresentation by applicant or where improperly issued. In the case of a revocation of a building permit or conditional use permit, holder of said permit shall request a hearing before the Board of Adjustment within three (3) months following the revocation thereof.

SECTION 5. ESTABLISHMENT OF ZONING DISTRICTS

5.1 In accordance with the requirement of Section 65.680, RSMo, that zoning regulations be by districts, Lincoln Township, as shown on the Official Zoning Map accompanying this Order and incorporated herein by this reference, is hereby divided into the following zoning districts which shall be governed by all of the uniform use and area requirements of this Order, the respective symbol for each type of district being set forth opposite its title:

- Agricultural (A-1)
- Commercial (C-1)

5.2 Additional zoning districts may be added from time to time upon the recommendation of the Township Planning Commission to the Township Board pursuant to Section 65.692, RSMo. Proposed changes to the zoning district regulations or the Official Zoning Map, including the addition of new zoning districts, may be submitted by the Planning Commission or any other interested party.
5.3 The zoning districts referred to in the Lincoln Township Zoning Order shall be designated on the Official Zoning Map of Lincoln Township. The Official Zoning Map shall be located in the Office of the Township Clerk and a copy of the Official Zoning Map shall be kept on file with the Code Enforcement Officer. Any changes thereto shall be clearly shown on this map when officially adopted by the Township Board.

5.4 The zoning districts appearing on the Official Zoning Map of Lincoln Township shall follow road centerlines, stream or river centerlines, section lines, property lines, or be clearly noted in feet on the Official Zoning Map, with noted distances for a clear interpretation of the boundary lines. Any dispute as to the boundary or location of property within a zoning district shall be resolved in accordance with Section 2.3 of this Order.

5.5 Uses not listed as a permitted use or conditional use within the applicable zoning district regulations herein shall be prohibited.

5.6 If a use does not conform to the uses designated as permitted uses within the zoning district, the applicant may submit an application for an amendment to the Zoning Map and/or the text of the Zoning Order, or an interpretation of zoning district boundaries or permitted uses pursuant to Section 2.3 and/or 2.4 herein.

SECTION 6. AGRICULTURAL DISTRICT (A-1)

6.1 Purpose. The Agricultural District (A-1) is intended to retain large tracts of land for farming and agricultural purposes and to minimize conflicts between farming and non-farming agricultural uses, and farming uses and adjacent development. The principal purpose of this district is to provide for large tracts of open land (10 acres or more) devoted to active farming and open space uses, including crop farming, animal raising, pasture and woodlands with related residential and farm structures and equipment.

6.2 Uses Permitted As of Right. The following uses shall be permitted as of right in the A-1 District, subject to the following standards governing lot size and setbacks:
### Conditional Uses

The following conditional land uses may be permitted in the A-1 Agricultural District subject to the procedures and standards set forth in Sections 2 and 9 of this Order:

#### 6.3.1 Livestock Lagoons

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**LINCOLN TOWNSHIP COMPREHENSIVE PLAN AND ZONING ORDER**

22
6.3.2 Livestock Feedlots
6.3.3 Airports or Landing Strips
6.3.4 Hazardous Waste Sites
6.3.5 Nonhazardous Waste Landfills
6.3.6 Junkyards

SECTION 7. COMMERCIAL DISTRICT (C-1)

7.1 Purpose: The Commercial District (C-1) is intended for certain commercial and service activities in locations where adjacent land uses are compatible, and access to arterial roadways and public services and utilities are adequate. Commercial uses are generally low-intensity, do not have severe impacts on adjacent properties, do not involve large-scale processing or manufacturing, and involve little or no heavy equipment. Location in the C-1 District is appropriate for low intensity uses located on collector or arterial roads that are adequately buffered from adjacent residential districts.

7.2 The following uses shall be permitted as of right in the C-1 District, subject to the following standards governing setbacks:
<table>
<thead>
<tr>
<th>USE</th>
<th>SETBACKS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FRONT</td>
</tr>
<tr>
<td>Any use permitted as of right in the A-1 Agriculture District</td>
<td>As specified in § 6.2 of this Order</td>
</tr>
<tr>
<td>Retail Stores</td>
<td>80'</td>
</tr>
<tr>
<td>Commercial Recreation Buildings</td>
<td>80'</td>
</tr>
<tr>
<td>Repair Shops and Garages</td>
<td>80'</td>
</tr>
<tr>
<td>Automobile Sales and Services</td>
<td>80'</td>
</tr>
<tr>
<td>Service Stations</td>
<td>80'</td>
</tr>
<tr>
<td>Motels</td>
<td>80'</td>
</tr>
<tr>
<td>Retail Lumber Yards</td>
<td>80'</td>
</tr>
<tr>
<td>Animal Hospitals</td>
<td>80'</td>
</tr>
<tr>
<td>Carpenter Shops</td>
<td>80'</td>
</tr>
<tr>
<td>Welding Shops</td>
<td>80'</td>
</tr>
<tr>
<td>Machine Shops</td>
<td>80'</td>
</tr>
<tr>
<td>Wholesale Business</td>
<td>80'</td>
</tr>
<tr>
<td>Storage Firms</td>
<td>80'</td>
</tr>
<tr>
<td>Lumber Manufacturers</td>
<td>80'</td>
</tr>
<tr>
<td>Stockyards(^1)</td>
<td>80'</td>
</tr>
<tr>
<td>Animal Shelters/Kennels and Animal Training Facilities</td>
<td>80'</td>
</tr>
<tr>
<td>Bottling Works</td>
<td>80'</td>
</tr>
<tr>
<td>Dairy</td>
<td>80'</td>
</tr>
<tr>
<td>Ice Plants</td>
<td>80'</td>
</tr>
</tbody>
</table>

\(^1\) Does not include a Concentrated Animal Feeding Operation or Livestock Feedlot.
7.3 If the use adjoins the A-1 District or an adjacent dwelling, the same side and rear yards required in the A-1 District shall be provided for in the C-1 use. Where the use adjoins the A-1 District, there shall be an additional 20' buffer area provided on the side yard with landscaping to screen the C-1 use from adjoining residential uses.

SECTION 8. NONCONFORMING USES

8.1 Continuation of Nonconforming Uses. Any nonconforming uses in existence at the time of the adoption of this Zoning Order shall not be subject to this Order to the extent that the regulations, restrictions and requirements of this Order would prohibit that use. Any nonconforming use which, at any time, is not in use for a continuous twelve (12) month period following the adoption of these regulations shall be considered to be abandoned and, therefore, extinguished. The initial decision as to whether a prior existing, nonconforming use has been abandoned shall be made by the Code Enforcement Officer, subject to said decision being appealed to the Board of Adjustment by the affected property owner within three (3) months of the ruling by the Code Enforcement Officer.

8.2 Expansion or Enlargement of Nonconforming Uses.

8.2.1 A nonconforming use shall not be expanded, enlarged, or changed to another nonconforming use.

8.2.2 A nonconforming use shall not be repaired and remodeled except to the extent necessary to maintain the nonconforming use as is, or to convert it into a conforming use.

8.3 Certificate of Nonconforming Use.

8.3.1 A Certificate of Nonconforming Use shall be required for all nonconforming uses. Application for a Certificate of Nonconforming Use shall be filed within eight (8) months from the effective date of this Order, and shall be accompanied by affidavits of proof that such nonconforming use was not established in violation of this Order or any other applicable County, State or federal law or regulation. If a Certificate of Nonconforming Use is not filed in a timely manner as prescribed herein, no use shall be made of said property, nor shall any building or structure on said property be occupied, constructed,
reconstructed altered, enlarged, or repaired except in conformity with the then-existing provision of this Order. Said Certificate of Nonconforming Use shall be made on a prescribed form, to the Code Enforcement Officer, and shall certify the following:

8.3.1.1 that such nonconforming use did exist on the adoption date of this Order; and

8.3.1.2 that such use was not used, operated or maintained in violation of any local, state or federal law; and

8.3.1.3 that such use has been continuously in operation and in compliance with applicable Federal, State or local laws, regulations or other requirements, and has not, as of the effective date of this Order, been abandoned as defined in Section 8.1 herein; and

8.3.1.4 in order that the exact nature and extent of such nonconforming use may be determined, a survey plat prepared by a registered professional engineer or registered surveyor showing the boundaries of each use for which certification is requested.

8.3.2 Within thirty (30) days after the effective date of this Order and the effective date of any amendment hereof which shall render any existing structure, building or use nonconforming as to bulk or use, the Code Enforcement Officer shall cause to be published a public notice in a daily paper, twice, on two (2) successive weeks, notifying all property owners and persons affected by such amendment, known or unknown, of the provisions of this Section 8.3 and the requirement that an application for a Certificate of Nonconforming Use must be filed within the period prescribed in this Section. The Code Enforcement Officer shall also send by certified mail, return receipt requested, a copy of such public notice to the property owners or persons affected, of every structure, building or use actually known by the Director to be affected by the provisions of this Order or amendment to this Order resulting in nonconformity as to use or bulk. The failure of the Code Enforcement Officer to comply with the provisions of this Section 8.3.2 shall not excuse the property owner or person affected from filing a Certificate of Nonconforming Use within the period prescribed by this Order.
8.3.3 The filing of a Certificate of Nonconforming Use shall not preclude the Code Enforcement Officer from challenging the status of any use for which certification is requested as a nonconforming use. If the Code Enforcement Officer believes that any information set forth in said Certificate of Nonconforming Use is incorrect, does not contain substantial competent evidence that the nonconformity as to use or bulk was legally established and lawfully maintained prior to the effective date of this Order or any amendment thereto creating said nonconformities, or does not, as a matter of law, establish a legal nonconforming use, the Code Enforcement Officer may return said Certificate of Nonconforming Use to the applicant with a statement of the reasons for the denial of said Certificate of Nonconforming Use. An appeal of the proposed Certificate of Nonconforming Use, or the return of a Certificate of Nonconforming Use, may be taken by any owner, lessee or tenant of land, or by any public officer, department, board or bureau, affected by the use, in the manner prescribed by Section 65.690, RSMo, and this Order.

8.3.4 An existing structure, building or use which becomes nonconforming as to bulk or use by virtue of this Order, or by virtue of any amendment to this Order, and for which a Certificate of Nonconforming Use has not been filed within the time permitted by this Section 8.3, shall be deemed abandoned and the right to operate or maintain said nonconforming use shall terminate immediately.

SECTION 9. PERFORMANCE STANDARDS FOR CERTAIN USES

9.1 Concentrated Animal Feeding Operation.

9.1.1 General. The Township Board shall not grant a conditional use permit for a concentrated animal feeding operation unless the applicant has provided a letter or other official document evidencing the approval of the design of all buildings or structures associated with the proposed concentrated animal feeding operation, including all Livestock Lagoons and Livestock Feedlots, by the Missouri Department of Natural Resources, its designated agent, and other governmental agencies requiring permits or letters of approval for the land use, environmental, traffic, and related impacts of the concentrated animal feeding operation. All buildings and structures associated with the concentrated animal feeding operation, including Livestock Feedlots and Livestock Lagoons, shall be designed in such a manner as to avoid the
degradation of air quality or the quality of surface or subsurface waters, watercourses and bodies of water.

9.1.2 Bonding. A cash or surety bond to guarantee proper closure and post closure care of Livestock Lagoons shall be established as follows:

<table>
<thead>
<tr>
<th>Lagoon Capacity*</th>
<th>Bond Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ten (10) acre feet or less</td>
<td>No bond required</td>
</tr>
<tr>
<td>Greater than ten (10) acre feet but less than twenty (20) acre feet</td>
<td>Over 10 acre feet is $25,000 per each acre foot over 10 acre feet (i.e., 11 acre feet = $25,000, 12 acre feet = $50,000 &amp; 13 acre feet = $75,000)</td>
</tr>
<tr>
<td>Twenty (20) acre feet and above</td>
<td></td>
</tr>
</tbody>
</table>

* For purposes of calculating the capacity of a Livestock Lagoon as set forth herein, the capacity of all lagoons under common ownership shall be aggregated.

9.1.3 Setbacks.

9.1.3.1 A Livestock Feedlot shall be located at least fourteen-hundred feet (1,400') from any Dwelling and at least fourteen-hundred feet (1,400') from another Livestock Feedlot.

9.1.3.2 For Livestock Lagoons, a minimum setback from adjacent dwellings shall be established as follows:
9.1.3.3 No Livestock Feedlot or Livestock Lagoon shall be located closer than three hundred (300) feet from a water source drawing from a bedrock formation with a sealed casing, or closer than one-thousand (1,000) feet from a water source drawing water from an unconsolidated formation.

9.1.3.4 No Livestock Feedlot or Livestock Lagoon shall be located closer than one hundred (100) feet from the right-of-way of any public roadway.

9.1.4 Water Quality.

9.1.4.1 All Livestock Feedlots and Livestock Lagoons shall be designed in such a manner as to avoid the unlawful degradation the quality of surface or subsurface waters, water courses or other bodies of water.

9.1.4.2 The operator shall install monitoring wells as follows:

9.1.4.2.1 At least one (1) monitoring well shall be installed hydrologically upgradient (in the direction of increasing static head) from each Livestock Feedlot and each Livestock Lagoon, and at least one (1) monitoring well shall be installed downgradient from each Livestock Feedlot and each Livestock Lagoon. The numbers, locations, and depth of the upgradient monitoring wells shall be sufficient to yield groundwater samples that are representative of background water quality in the groundwater near the Livestock Feedlots.
and Livestock Lagoons, and which are not affected by the Livestock Feedlots and Livestock Lagoons. The numbers, locations, and depth of the downgradient monitoring wells shall ensure that they immediately detect any significant amounts of fluids generated by the Livestock Feedlots or Livestock Lagoons that migrate from the Livestock Feedlots or Livestock Lagoons to the groundwater. Where a Livestock Lagoon receives waste from more than one Livestock Lagoon, one upgradient monitoring well may be installed for all of the Livestock Feedlots and the Livestock Lagoon, and one monitoring well may be installed downgradient from the Livestock Feedlots and Livestock Lagoon.

9.1.4.2.2 At least one (1) monitoring well shall be installed upgradient from each area where waste is disposed (areas designated as a soil plant filter area or where subsurface injection occurs), and at least one (1) monitoring well shall be installed downgradient from each such area.

9.1.4.3 The upgradient wells shall be used to establish a baseline for the following chemicals (hereinafter "indicator parameters") Biochemical Oxygen Demand (BOD, in milligrams per liter (mg/l)); Total Dissolved Solids (TDS, in mg/l); pH (in units); Ammonia (N, in mg/l, pounds per ton, pounds per 1,000 gallons, and pounds per acre-inch); Phosphorous (P2O5, in mg/l, pounds per ton, pounds per 1,000 gallons, and pounds per acre-inch); and Potassium (K2O, in in mg/l, pounds per ton, pounds per 1,000 gallons, and pounds per acre-inch). The downgradient wells shall be used to obtain samples of the indicator parameters during the months of February, May, August and November of each year. The operator shall submit a report describing any changes in the indicator parameters to the Code Enforcement Officer within ninety (90) days after the sample is taken. In no event shall the indicator parameters exceed (or, for pH, fall below) the baseline established by the upgradient wells or the maximum contaminant levels established pursuant to the Missouri Clean Water Law, whichever is greater.

9.1.5 Nutrient Removal Capacity. The nutrients generated by livestock within the Livestock Feedlots shall not exceed the nutrient removal capabilities of the
soil-plant filter areas. The applicant shall submit, as part of the site plan, a report which provides the nutrient values for the Livestock Lagoons; soil-plant filter size, in acres; plant species to be grown in the soil-plant filter areas including expected yields, harvest methods and uses of the harvest; and the nutrient removal capabilities based upon the type(s) of plant species utilized in the soil-plant filter areas.

9.1.6 **Air Quality.** All Livestock Feedlots and Livestock Lagoons shall be designed in such a manner as to avoid the unlawful degradation of air quality. In no event shall the concentration of gases resulting from the operation of a Livestock Lagoon or Livestock Feedlot exceed the following levels:

<table>
<thead>
<tr>
<th>Gas</th>
<th>Maximum Allowable Concentration(^1)</th>
<th>Exposure Period(^2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carbon Dioxide (CO(_2))</td>
<td>5000</td>
<td>not applicable</td>
</tr>
<tr>
<td>Ammonia (NH(_3))</td>
<td>5</td>
<td>not applicable</td>
</tr>
<tr>
<td>Hydrogen Sulfide (H(_2)S)</td>
<td>10</td>
<td>2 hours</td>
</tr>
<tr>
<td>Methane (CH(_4))</td>
<td>1000</td>
<td>not applicable</td>
</tr>
<tr>
<td>Carbon Monoxide (CO)</td>
<td>50</td>
<td>One hour</td>
</tr>
</tbody>
</table>

\(^1\) In parts of pure gas per million parts of atmospheric air.  
\(^2\) The time during which the effects of the noxious gas are felt by an adult human or a 150-pound livestock.

9.1.7 **Soils.** The applicant shall demonstrate that the soils on the premises, including an soil-plant filter area, are suitable for and compatible with the proposed Livestock Feedlot operations with respect to the location of Livestock Lagoons and the application of liquid, slurry or solid animal waste onto or into the soil on the premises. Further, no animal waste from a Livestock Lagoon shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.

9.1.8 **Compliance with Other Laws.** Any Livestock Feedlot or Livestock Lagoon shall at all times be operated in compliance with any required local, state or federal permits, licenses or other approvals, and in compliance with all applicable state and local laws and regulations.
9.2 **Airports and Landing Strips.**

9.2.1 The Township Board may permit the establishment and operation of airports or landing strips if the operation of the airport or landing strip is in accordance with and does not in any way conflict with this Order.

9.2.2 The Township Board may establish and operate or allow private persons to establish and operate an airport or landing strip in Lincoln Township according to the special conditions set forth below.

9.2.2.1 No airport or landing strip shall be aligned so that a dwelling lies directly in line with and is less than one-half mile from the end of a runway.

9.2.2.2 Storage of aviation gasoline, jet fuel, and any other types of aircraft fuels is limited to one thousand (1,000) gallons.

9.3 **Billboard and Other Advertising Signs.** Billboard and advertising signs are subject to the following conditions:

9.3.1 No billboard or advertising sign may have more than 400 square feet of message surface.

9.3.2 No billboard or advertising sign will be equipped with flashing lights and/or a mechanical means of giving motion to any part of the sign.

9.3.3 Illumination of billboards and signs will be restricted to no more than four (4) lights with a total power consumption of one thousand (1,000) watts.

9.3.4 No billboards or advertising signs with illumination shall be located within one-fourth (.25) miles of a dwelling unless that dwelling serves as the premises of the business being advertised.

9.4 **Hazardous Waste Storage Sites and/or Hazardous Waste Incinerators.** Owners and operators, including Corporations, Private Owners, Governmental owned and operated, including National, State, Regional, County and Township owned and operated sites are subject to these rules and regulations:

9.4.1 The Township Board may permit the establishment of a hazardous waste facility if the proposed facility is in accordance with and does not in any way
conflict with Chapter 260, RSMo, including any and all regulations promulgated thereunder, and the further requirements of this Section.

9.4.2 The Township Board may establish and operate or allow private persons to establish and operate a hazardous waste facility in Lincoln Township upon a showing by applicant that the operation conforms to the special conditions set below:

9.4.2.1 The hazardous waste facility may not be less than 40 acres or more than 80 acres in size.

9.4.2.2 No hazardous waste storage facility may be located within two (2) miles of a dwelling.

9.4.2.3 The operator of the hazardous waste facility shall not allow incompatible wastes to be stored within two hundred (200) yards of each other.

9.4.2.4 The operator of the hazardous waste site shall keep on site adequate, lawfully and reasonably sufficient fire fighting and waste clean-up equipment.

9.4.2.5 Because of difficulty and expenses involved in clean-up in case of an accident, no hazardous waste may be buried or in any way stored below ground level at the facility.

9.4.2.6 All hazardous waste (both liquid and solid) shall be stored above ground level in stainless steel containers lined with a substance that is resistant to corrosive attack by the waste stored therein, encased in six (6) inch concrete wall.

9.4.2.7 The maximum volume of any stainless steel storage tank shall be no more than five hundred (500) gallons. The tank shall be surrounded by a dike and corrosion resistant liner adequate to contain the entire contents of the tank in case of tank failure.

9.4.2.8 The company or person that first generated the hazardous waste stored in the tanks at the facility and/or operator shall retain full ownership, responsibility, and liability for said wastes. The generator of this hazardous waste shall employ a person full time as
an inspector/caretaker of the storage containers at the facility. Inspections shall be made on a daily basis and a log kept of inspections. This log shall be available to the Township Board or the Code Enforcement Officer within twelve (12) hours notice. The company or person that first generated the hazardous waste stored in the tanks at the facility, as well as the operator, shall assume full joint ownership, responsibility, and liability for said wastes.

9.4.2.9 The company or person that first generated the hazardous waste stored at the facility and/or operator shall keep a second stainless steel container of equal quality and volume in close proximity (one hundred (100) yards or less) to the container holding the hazardous waste. The second identical container shall remain empty except in the event that the original first container begins to leak or shows signs of deterioration in the near future. The contents of the original container shall be placed in the standby container in that event by the inspector/caretaker indicated in Section 9.4.2.8, above. The company or person that first generated the hazardous waste, as well as by the operator, shall have full joint ownership, responsibility, and liability for said wastes.

9.4.2.10 The company or person that first generated the hazardous waste stored at the facility and/or operator shall keep all facilities needed to make the storage transfer indicated in the preceding numbered paragraph. In addition, the inspector/caretaker indicated in the second preceding numbered paragraph above shall be specially trained to make all transfers indicated in the preceding numbered paragraph. The company or person that first generated the hazardous wastes stored at the facility, as well as the operator, shall have full joint ownership, responsibility, and liability for said wastes.

9.4.2.11 In the event of a leaking container or one that is near leaking, the inspector designated pursuant to Section 9.4.2.8 herein shall first notify the inspector/caretaker employed by the company who shall immediately take action to transfer the contents to the standby container. Said inspector shall notify the Code Enforcement Officer and the Township Board, and the hazardous waste generator who owns the container and contents by telephone within one (1) hour of the event and follow up by a letter by registered mail with five (5) days.
9.4.2.12 The Code Enforcement Officer shall make on-site inspections of all hazardous waste containers at the facility. The Code Enforcement Officer shall keep a log of all inspections and shall also note the accuracy of the log kept by the inspector/caretaker employed by the hazardous waste generator. The Code Enforcement Officer shall report to the Board on a weekly basis regarding the condition of the hazardous waste containers and on the hazardous waste facility in general. The Code Enforcement Officer shall report more frequently in case of a leaking container or any other dangerous situations arising at the hazardous waste facility.

9.4.2.13 A cash or surety bond in the amount of one million dollars ($1,000,000.00) shall be furnished to the Township Board from each hazardous waste generator, which generates in excess of one hundred (100) kg per month of hazardous waste, for each container of hazardous waste stored at the facility. The bond plus interest earned (if any) shall be returned to the hazardous waste generator when he removes this hazardous waste from the storage site. In the event of bankruptcy of the hazardous waste generator, the bond shall be used to cover the costs of storage and inspection until the bankruptcy court decides ownership of the hazardous wastes. At that time, the remaining bond monies shall be returned to the new owner upon removal of the hazardous wastes from the facility. If the new owner wishes to continue storage at the facility a new bond shall be established.

9.4.2.14 In the event that the hazardous waste generator company is sold to a new company or person, and the old hazardous waste generator, and/or operator, has removed its hazardous waste, the new company or person and/or facility operator shall have full joint ownership, responsibility, and liability for said wastes.

9.4.2.15 Failure to notify the Township Board and/or Planning Commission of a change in use or operation within fifteen (15) days shall be grounds for revoking a permit.

9.4.2.16 The Township Board shall make any additional regulations for hazardous waste facilities that are necessary for their safe operation.
9.4.2.17 Hazardous waste storage sites and/or hazardous waste incinerator disposal facilities shall be enclosed with a six foot (6') high chain-link fence around the perimeter of the facility.

9.5 **Nonhazardous Waste Landfills and/or Waste Incinerators.** Owners and operators, including Corporations, Private Owners, Governmental owned and operated, including National, State, Regional, County and Township owned and operated sites are subject to the following rules and regulations:

9.5.1 The Lincoln Township Board may permit the establishment and operation of nonhazardous waste landfills and/or incinerators if the operation of the facility is in accordance with and does not in any way conflict with the planning policies of Lincoln Township.

9.5.2 The Township Board may establish and operate or allow private persons to establish and operate a nonhazardous waste facility in Lincoln Township according to the special conditions set forth below:

9.5.2.1 No recyclable wastes may be disposed of in the facility. If the recyclable materials have not been removed prior to shipment to the facility, the facility operator will set up a building for the sorting of recyclable waste and separate the following recyclable wastes into the classes set below:

9.5.2.1.1 Aluminum cans and other aluminum.
9.5.2.1.2 All other cans.
9.5.2.1.3 Clear glass (colorless glass).
9.5.2.1.4 Brown glass.
9.5.2.1.5 Green glass.
9.5.2.1.6 Iron.
9.5.2.1.7 Copper.
9.5.2.1.8 Cardboard.
9.5.2.1.9 Newsprint and other paper.
9.5.2.1.10 High density polyethylene plastic.
9.5.2.1.11 Low density polyethylene plastic.
9.5.2.1.12 Rags and cloth.
9.5.2.1.13 Tires.
9.5.2.1.14 Batteries.
9.5.2.1.15 Stainless steel.
9.5.2.1.16 Any other items the Township Planning Commission or Township Board determines to be recyclable.
9.5.2.2 If the Township Board determines that any of the items of the preceding section are no longer recyclable (i.e., there is no organization or company that will buy or accept free of charge those particular wastes) they may remove them from the list of recyclable wastes and allow their disposal in the landfill/incinerator.

9.5.2.3 Recyclable wastes may be sold or given to a recycling center so that they will enter the recycling stream. Any monies derived from the sale of recyclable wastes will be paid directly to the operator of the facility. In the case that the Township Board is the facility operator, monies derived in excess of operating costs may go into the Township general fund for the operation of Lincoln Township.

9.5.2.4 Nonhazardous wastes from all sources must have all materials that are accepted by recycling collection centers where the waste was generated removed before shipment to Lincoln Township for disposal. In the event the shipper fails to remove recyclable material these materials shall be removed by the facility operator in accordance with Section 9.5.2.1.

9.5.2.5 Nonhazardous waste disposal sites shall be at least one (1) and no more than eighty (80) contiguous acres. No nonhazardous waste facility may be established within one (1) mile of another nonhazardous waste facility that is currently operating or closed. No nonhazardous waste facility site may be located within one (1) mile of a residential district or dwelling.

9.5.2.6 The Township Board shall set and collect tipping fees for the disposal of nonhazardous waste in any disposal facility.

9.5.2.7 A cash or surety bond in the amount of Five Hundred Thousand Dollars ($500,000.00) per ten (10) acres of disposal area shall be furnished by the operator to the Township Board. If the bond is a surety bond, the surety must be approved by the Township Board and found to be of reputable character and financially sound with respect to the obligation incurred. For the purpose of calculating the total bond, the number of acres shall be deemed to be the same as the acreage permitted under the applicable Missouri Department of Natural Resources permit. The bond will be furnished during the operating period and for thirty (30) years following closure of the...
facility. The bond shall be conditioned upon the operator's compliance with all federal, state and local law in the operation of the facility and upon the prompt clean up and proper disposal of any waste improperly handled or disposed of at the facility and restoration of the premises upon which the facility is operated. At the end of the thirty (30) year period following closure and upon compliance with all of the conditions of the bond, the principal and surety shall be fully released. If a cash bond is posted, all interest earned thereon shall become a part of the bond subject to its terms and conditions, including the condition of release.

9.5.2.8 The owners and operators of nonhazardous waste facilities shall agree to assume total and complete joint responsibility and liability for the operation of the facility. In addition, this liability shall extend beyond the closure date of the facility for a period of not less than thirty (30) years. The owners and operators shall further agree to pay all expenses incurred in cleaning up any waste for which disposal has been improperly executed.

9.5.2.9 Inspectors shall be hired by the Township Board with salaries to be paid from Township funds. These employees of the Board shall be at the facility site and make inspections of the waste to be disposed of on a load by load basis. Any loads not passing inspection (i.e., contains materials not to be buried or burned) shall be returned to the source at the expense of the source. Inspectors shall keep a log of all inspections. If the operator is found to be in violation of the provisions of this section, written notice shall be given to the operator or his designated representative at the site citing said violation(s) and allowing the operator thirty (30) days to correct said violations.

9.5.2.10 The Township Board shall set an inspection fee in such an amount as shall be necessary to cover all of the actual and anticipated costs incurred by the Township by reason of the operation of the facility. These costs shall include, but not be limited to, the cost of inspection and the cost of maintaining any public access to and from the facility. In the event it is determined that voter approval is necessary in the setting or collection of the inspection fee, the same shall be submitted to the voters of Lincoln Township, Putnam
county, Missouri for approval at a general or special election called for such purpose.

9.5.2.11 Failure to notify the Township Board and/or Planning Commission of a change in use or operation within fifteen (15) days will be grounds for revoking a permit.

9.5.2.12 Unloading waste will be permitted only during the hours when the Township Inspector(s) is/are present. Those hours will be from 7:00 a.m. to 5:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 noon on Saturday.

9.5.2.13 The Township Board will make any additional regulations for nonhazardous waste disposal facilities that are necessary for their safe operation before closure and their safe maintenance following closure.

9.5.2.14 Nonhazardous waste disposal facilities shall be enclosed with a six foot (6') high chain-link fence around the perimeter of the facility.

9.6 Junk Yards.

9.6.1 The Township Board may permit the establishment and operation of junkyards if the operation of the junkyard is in accordance with and does not in any way conflict with the planning policies of Lincoln Township.

9.6.2 The Township Board may permit the establishment and operation of a junkyard in Lincoln Township according to the special conditions set forth below:

9.6.2.1 The junkyard may not be less than one (1) acre nor more than twenty (20) contiguous acres.

9.6.2.2 Junkyards shall be so screened with vegetation, natural terrain, or fencing so as not to be visible from any Federal, State, County or Township road at any season of the year.

9.6.2.3 No engine, transmission or radiator may be kept on the site without the removal and proper disposal of all antifreeze components.
9.6.2.4 Engines, transmissions and rearends stored with contained oils and other lubricants shall be stored in such a manner as to prevent the contained oils and lubricants from escaping and contaminating the soil and water of Lincoln Township.

9.6.2.5 The Township Board shall collect a bond of one thousand dollars ($1,000.00) per acre of site permitted. This bond is to be used by the Township Commission for closure and cleanup purposes. Unused portions of the bond are refundable. The bond is transferable.

9.6.2.6 Existing junkyards at the time of adoption of this regulation are exempt from its provision except in the event of expansion. Acreage added to existing junkyards after the adoption of this regulation shall follow all of its provisions.

SECTION 10. POWERS AND DUTIES OF THE CODE ENFORCEMENT OFFICER

10.1 The Township Board shall appoint a Code Enforcement Officer to enforce the provisions of this Zoning Order.

10.2 Interpretation of the Planning and Zoning Regulations.

10.2.1 The Code Enforcement Officer shall determine if a use proposed by an applicant for a permit is permitted in the District in which it is located.

10.2.2 The Code Enforcement Officer shall determine if a use proposed by an applicant for a permit provides the minimum lot area and/or yard area.

10.3 Notify County, State and Federal Agencies.

10.3.1 From a list of agencies possibly needing to be informed of land use changes, the Code Enforcement Officer shall notify them of the issuance of each permit.

10.3.2 The agencies on the list noted in the preceding paragraph shall be considered responsible for the enforcement of local, State and Federal regulations unless specifically agreed to by the Township Board.

10.4 Keep Records of Zoning Matters.

LINCOLN TOWNSHIP COMPREHENSIVE PLAN AND ZONING ORDER

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10.4.1 The Code Enforcement Official shall keep records of all requests to the Lincoln Township Planning and Planning Commission and the Board of Adjustment.

10.4.2 The Code Enforcement Official shall keep records of all permits issued.

10.5 Enforce Zoning Regulations.

10.5.1 The Code Enforcement Officer may cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of this Order or any permit issued pursuant to this Order.

10.5.2 Upon failure of efforts to have permits applied for or compliance by violators of issued permits, the Code Enforcement Officer shall refer information to the County Prosecuting Attorney or Township Attorney for legal procedures.

SECTION 11. POWERS AND DUTIES OF THE TOWNSHIP BOARD

11.1 Appointments.

11.1.1 The Township Board shall appoint the Township Planning Commission, which shall consist of the Township Trustee, the Commissioner of the County Commission who represents the Township, one (1) member of the Township Board selected by the Township Board, and a resident appointed from the unincorporated part of the Township.

11.1.2 The Township Board shall appoint the Board of Adjustment which shall consist of five (5) members. No more than one (1) member may be a member of the Lincoln Township Planning Commission. The term shall be appointed as follows: One (1) for one (1) year; one (1) for two (2) years; one (1) for three (3) years; and two (2) for four (4) years. All subsequent appointments shall be for four (4) years.

11.1.3 The Township Board shall hire or appoint the Code Enforcement Officer. This person may be a present Township employee or official or a person to fill a newly created position.

11.2 Adoption of Regulation.

LINCOLN TOWNSHIP COMPREHENSIVE PLAN AND ZONING ORDER
11.2.1 The Township Board shall adopt the Township Zoning Regulations and Official Zoning Map, changes to the Official Zoning Map, and/or amendments to the provisions of this Order in accordance with the procedures set forth in Section 4, herein.

11.2.2 The Township Board shall set permit fees.

SECTION 12. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall have the following powers and it shall be its duty:

12.1 To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Code Enforcement Officer in the enforcement of the Township zoning regulations.

12.2 To hear and decide all matters referred to it or which it is required to determine under the Zoning Order.

12.3 Where, by reason of exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under the Zoning Order would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the comprehensive plan as embodied in this Order and the Official Zoning Map.

SECTION 13. POWERS AND DUTIES OF THE TOWNSHIP PLANNING COMMISSION

The Township Planning Commission shall:

13.1 Make recommendations to the Township Board concerning proposed changes in the Official Zoning Map.
13.2 Make recommendations to the Township Board concerning proposed changes in the Lincoln Township Zoning Order.

13.3 Make recommendations to the Township Board or to the approval, conditional approval or denial of applications for conditional use permits.

13.4 Keep an up-to-date evaluation of the effectiveness of this Zoning Order toward the implementation of the comprehensive Plan of Lincoln Township. Where changes are needed, the Planning Commission shall make such recommendations to the Township Board.

13.5 The Planning Commission shall call public hearings for changes concerning amendments to the Zoning Order.

13.6 The Township Planning Commission shall hold a minimum of four (4) meetings annually. The Planning Commission has the power to call special meetings at the written request of a majority of its members.

SECTION 14. VIOLATIONS, EXCEPTIONS AND PENALTIES

14.1 Violations.

14.1.1 It shall be a violation of this Order to add or to increase the floor space of or to erect any building without obtaining a building permit.

14.1.2 It shall be a violation to use or to permit the use of any land in a manner not permitted by this Order.

14.1.3 It shall be a violation of this Order to fail to obtain a permit prior to commencing construction of a building or structure.

14.1.4 It shall be a violation of this Order to fail to conform with or promptly (within three (3) months) appeal any Order of the Code Enforcement Officer.

14.2 Penalties.
14.2.1 Any person, persons or organizations violating the building and/or land use provisions of this Order shall be notified in writing by the Code Enforcement Officer and given ten (10) days to conform to the provisions of this Order.

14.2.2 Upon failure to comply to the provision 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.

14.2.3 Violations are subject to fines in accordance with the Statutes of Missouri.

SECTION 15. SEVERABILITY

The chapters, sections, paragraphs, sentences, clauses and phrases of this Order are severable, and if any phrase, clause, sentence, paragraph or section of this Order shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any Court of competent jurisdictions, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order since the same would have been enacted by the Township Board without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section."

Section 2. This Order shall take effect immediately upon its adoption.
Adopted by the Lincoln Township Board:

Date: November 15, 1995

[Signatures of Lincoln Township Board members]

I certify that this is a true and complete copy of the Lincoln Township Zoning Order, which (together with the Official Zoning Map) was adopted by the Township Board on the 15th day of November, 1995

ATTEST:

[Signature]
Clerk

[Signature]
Deputy

STATE OF MISSOURI
County of Putnam
I hereby certify that the instrument of writing was filed
Recorded on the 29th day of November
1995 at 11 o'clock 50 minutes A.M.
and recorded in Book 20 of page 331 - 26
and witnessed my hand and official seal at Unionville the day
and date above set out

Recorder of Deeds
Deputy
Lincoln Township, MO
Official Zoning Map

ZONING DISTRICTS
- Agricultural
- Commercial

SCALE IN MILES
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