# Stone County Zoning Regulations

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Section 1, Title.

These Zoning Regulations, in pursuance of the authority granted by Sections 64.800 through 64.895 of the Revised Statutes of Missouri, shall be known as the "Stone County Zoning Regulations" and shall be cited as such. The map portion of these Zoning Regulations may be cited separately as the “Stone County Zoning Map”.

Section 2, Purpose and Legislative Intent.

A. The County Commission adopts these Zoning Regulations for the following purposes:

B.

1. To protect water quality.
2. To secure safety from fire, panic, and other dangers.
3. To provide adequate light and air.
4. To prevent the overcrowding of land.
5. To avoid undue concentration of population.
6. To facilitate provision of adequate facilities for transportation, water, sewage, schools, parks, and other public requirements.
7. To promote a more homogeneous relationship of land use within unincorporated areas of the County.
8. To protect property values.
9. To regulate the use of the land and to promote the orderly development of the County according to the provisions of the Comprehensive Development Plan recommended by the Planning & Zoning Commission, and adopted by the County Commission, setting out the official goals, objectives and policies related to the future development of the County.
10. To effectuate the use of other accepted purposes of zoning.

Section 3, Definitions, Interpretations, Standards

A. General rules of construction.

1. Words that are defined in this Article shall have the meaning given in such definition.
2. Where words have not been defined, the word shall be defined by reference to standard dictionary definitions.

3. Where there is doubt, the Planning Director shall have the right of interpretation. In construing the meaning of these Zoning Regulations, the following rules shall apply:

   a. Words used in the present tense shall also include the future sense.

   b. Words used in the singular number shall also include the plural, and vice versa.

   c. The word "shall" is mandatory.

   d. The word "may" is permissive.

   e. The words "used" or "occupied" shall be construed to include "intended, designed or arranged to be used or occupied."

   f. Where reference is made to the Regulations or the Zoning Regulations, it shall be construed to mean these Stone County Zoning Regulations, recommended by the Planning & Zoning Commission, and adopted by the County Commission, as originally passed and all subsequent amendments, supplements, and revisions.

   g. Except where specified otherwise, the provisions of these Zoning Regulations shall be construed to mean the minimum standards and requirements adopted in pursuit of the purposes of these Zoning Regulations.

Section 4, Uniformity within Zoning Districts.

These Zoning Regulations shall be uniform for each class or kind of buildings or land uses throughout each Zoning District, but the regulations in one Zoning District may differ from those in other Zoning Districts.

Section 5, Definitions.

**Accessory use** or **accessory structure** means a use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**Administrative officer** means the Planning & Zoning Director, who is charged with the administration of planning and zoning matters, and the Planning & Zoning Department.
Agriculture means

a. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, silviculture, and the necessary accessory uses for handling parking, treating or storing the produce or products;

b. provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

c. Animal feeding operations must conform to the Missouri Department of Natural Resources regulations pertaining to waste water management and odor control.

Alley means a passage or way generally affording a means of vehicle access to abutting properties and not intended for general traffic circulation.

Apartment hotel means a facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom.

Basement means a story whose floor is more than twelve (12) inches, but not more than half of the story height below the average level of the adjoining ground (as distinguished from a "cellar" that is a story more than one-half below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination.

Bed-and-breakfast facility, also known as B&B, means a private home in which guests are accommodated in private bedrooms with private bathrooms, or in a suite of rooms including an en suite bathroom, or in private bedrooms with a bathroom that is shared with other guests. Breakfast may be served in the bedroom, a dining room, or the host's kitchen. B&Bs may be operated either as a secondary source of income or a primary occupation. The owners themselves must live in the private home, prepare the breakfast and clean the room, et cetera. If the B&B has hired staff for cleaning or cooking, the facility is no longer a B&B, but is a Hotel. Does not apply to the private quarters of the owners.

Beginning of construction means the incorporation of labor and material for the purpose of placing or erecting a building or structure.

Billboard or signboard means any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the structure of the business conducted thereon or the products primarily sold or manufactured thereon.
**Board** means the **Board of Adjustment**.

**Board, Planning** means the **Planning & Zoning Commission**.

**Boarding house** means **Hotel**.

**Boat Dock Parking** means an open area, other than a public or private street or way, for the parking of motor vehicles for the parking of vehicles in conjunction with a private, community, or remote service boat dock.

**Building** means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building, height of** means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and the ridge for gable, hip or gambrel roofs.

**Building, nonconforming** means a legally existing building that fails to comply with the provisions of these Zoning Regulations that are applicable to the zone in which such building is located.

**Building permit** means a document issued by the Planning & Zoning Director, or by staff subordinate to the authority of the Director, authorizing the holder to take actions authorized by the permit.

**Building, principal** means a building or buildings in which the principal use of the building site is conducted. In any R District, any dwelling shall be deemed to be the principal building on the building site.

**Bulk limitation (floor area ratio)** means the number of square feet of floor area that is permitted for each square foot of lot area.

**Camper** means **travel trailer**.

**Campground** means any tract of land, subject to these regulations, that is used or offered on a fee-basis as a location for two (2) or more user-owned and erected tents, and providing primarily overnight or short-term accommodations.

**Camping trailer** means **travel trailer**.

**Cellar** means a story the floor of which is more than one-half (½) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purposes of height regulations, only if used for dwelling purposes.
Central sewer or wastewater system means any sewer or wastewater collection or treatment system or any part of such a system that is owned, maintained and operated by a non-governmental entity.

Change in use means a change from one land use to another, or a change in intensity of use, e.g., from one type of equipment to another type that makes more noise, et cetera

Cluster development means a development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

Commercial means relating to the sale or barter of goods or services.

Commercial feed lot (CFL) means any livestock or poultry feeding operation that is carried out over short periods of time in buildings or unvegetated lots, for the purposes of fattening livestock or poultry immediately before shipment to market.

Commercial vehicle means any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

Commercial motor vehicle, large means

   a. A commercial motor vehicle designed and regularly used for carrying more than sixteen (16) passengers, including the driver, but not including a vehicle used for public school transportation; or

   b. A commercial motor vehicle license for more than eighteen (18) thousand pounds; or

   c. A panel truck regularly used for the carrying of freight or merchandise in the regular course of business; regularly advertising the name of a commercial business; and/or regularly used for responding to calls for service in the regular course of business;

   d. Examples include but are not limited to, semi-truck and trailer, box truck, dump truck, panel truck.

Commercial trailer, large means a trailer licensed for more than ten (10) thousand pounds.

Commission means the Planning & Zoning Commission.
Compensation means the receiving of goods, services, or money in exchange for or as a result of a service performed.

Comprehensive development plan, also known as the Master Plan, means the Stone County Comprehensive Development Plan, which sets out official goals, objectives and policies related to the future development of the County, and is a long-range plan for the desirable use of land in the County as officially adopted, and as amended from time to time by the County Commission, after recommendation from the Planning & Zoning Commission. The purpose of the Land Use Plan is, among other purposes, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the appropriate subdividing and development of undeveloped land; and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools and other public buildings.

Conditional use permit is a procedure whereby the Planning & Zoning Commission may grant permission for a use that is listed as a conditional use in these Zoning Regulations. The Planning & Zoning Commission must review the application and determine whether specific conditions for protection of the area and maintenance of the character of the Zoning District in which the conditional use is proposed, are incorporated in the plans for the proposed use. A Conditional Use Permit may be approved by the Planning & Zoning Commission for a specified time period on a case by case basis. It is not necessary to show practical difficulty or hardship, as the permit is not asking for permission to violate these Zoning Regulations, but rather it must be shown that the proposed use is included in the list of conditional uses of the Zoning District in which the conditional use is proposed, and that adequate safeguards are specifically included in the plans to insure that the use will not be in any way a detriment to the locality.

Condominium means multi-family dwelling units intended for sale as individual single family dwelling units, providing for absolute ownership of the unit itself and an undivided interest in the common elements that are jointly owned by all condominium owners within the development.

Concentrated Animal Feeding Operation (CAFO) means Livestock confinement operation (LCO).

Convalescent home means a convalescent home, a nursing home, a rest home, or a home for the aged, recuperating, chronically ill or incurable persons, in which two (2) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.

Commission, County means the County Commission, the County’s governing body.

Court means an open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
**Court, outer** means a court that extends directly to and opens for its full length on a street or other permanent open space or yard at least twenty-five (25) feet wide.

**Day care operation** means either:

Day Care Home, located in the caregiver’s private residence dwelling, if not more than six (6) children are kept in addition to the caregiver’s own children, subject to state licensing requirements.

Day Care Group Home, located in the caregiver’s private residence dwelling, if not more than ten (10) children are kept, subject to state licensing requirements; or

Day Care Center, a commercial business where eleven (11) or more children are kept, subject to state licensing requirements.

**District,** also known as **Zoning District,** means a defined area of the County for which these Zoning Regulations impose uniform regulations and requirements.

The term Agricultural District, or A District, means any A-1 or A-R District;

The term Residential District, or R District, means any RR-1, MH-1, UR-1, R-1, R-2, R-3, or R-4 District;

The term Office District, or O District, means any O-1 or O-2

The term Commercial District, or C District, means any C-1, C-2, or C-3 District;

The term Manufacturing District, or M District, means any M-1 or M-2 District;

The term Flood Plain District means any F-1 District;

The terms PA District or PAD means any Plot Assignment District.

**District, more restricted or less restricted** means that each of the Zoning Districts in the following listing shall be more restricted than any of the other Zoning Districts succeeding it, and each shall be less restricted than any of the other Zoning Districts preceding it: F-1, A-1, A-R, RR-1, MH-1, R-1, UR-1, R-2, R-3, R-4, O-1, O-2, C-1, C-2, C-3, M-1, M-2, PAD.

**Dwelling** means any building or portion thereof designed or used exclusively for residential occupancy of one or more persons including one-family, two-family and multi-family dwellings, but not including tents, travel trailers, hotels or motels.

**Dwelling, mobile home.** See Mobile Home or Manufactured Home
Dwelling, multi-family (household) means a dwelling or portion thereof designed, arranged or occupied as a residence by two or more families or housekeeping units having separate quarters and living independently of each other.

Dwelling, single-family (household) means a building designed exclusively for residence purposes by one family or housekeeping unit.

Dwelling, two-family (household) means a building designed exclusively for residence purposes by two families or housekeeping units living independently of each other.

Dwelling unit means one or more rooms in a dwelling designed for occupancy by one family or housekeeping unit for living and sleeping purposes and having kitchen or kitchenette facilities.

Essential services means the erection, construction, alteration or maintenance by public or private utility or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, transformation and regulation stations, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, street and area lighting facilities, hydrants and other similar equipment and accessories thereof; reasonably necessary for the furnishing of adequate services by such public or private utilities or municipal or other governmental agencies, or for the public health and safety or general welfare, but not including bridges.

Establishment means an economic unit, generally at a single physical location, where business is conducted or service or industrial operations performed.

Family means two or more persons living together and related by blood, marriage or adoption, who share a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a hotel, motel fraternity or sorority house, or group home.

Farm animals means livestock species including, but not limited to, swine, cattle, poultry, sheep, goats, horses, mules, asses, and donkeys.

Flood plain means lands that are susceptible to inundation, taking into account any flood control and defense works provided, based on information available from the United States Soil Conservation Service, the United States Army Corps of Engineers, or other appropriate official agency.

Frontage means a portion of a site that fronts directly on a public or private street or right of way.

Garage, private means a detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families or households resident upon the premises; and provided that, except on farms, such garage shall not be used for the storage of more than one (1) commercial vehicle of
greater than one and one-half (1½) ton rated capacity per family or household resident upon the premises.

**Garage, public** means a structure or portion thereof other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers; except that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.

**Garden apartment** means a building containing three or more dwelling units and rising to no more than three stories, in which each dwelling unit has outside access at ground level.

**Grade, curb** means the elevation of the top of the face of the curb.

**Group Home, Non-Residential** means a single-family detached dwelling in which eight or fewer persons reside, and may include two (2) additional persons acting as staff members who need not be related to each other or to any of the persons residing in the home. Non-Residential Group Homes are classified as follows:

- Rehabilitative, defined as individuals living together for short-term recuperating from drug, alcohol or other maladies requiring special care and supervision.
- Corrective, defined as individuals living together as a result of penal action directing incarceration requiring special supervision.

**Group home, residential** means a single-family detached dwelling in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as staff members, house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

**Guest house** means Hotel.

**Home occupation** means any occupation carried on by the inhabitants of a dwelling that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that does not change the character thereof, and that is conducted entirely within the main or accessory building, as described by Article 4, Section 21 of these Zoning Regulations.

**Hospital** means a building or portion thereof used for the accommodation of sick, injured or infirm persons.

**Hotel** means a building or group of buildings in which lodging is provided to the public, usually on a transient basis, but not including trailer court or recreation vehicle (RV) park, hospital, asylum, orphanage, or building where persons are housed under a restraint.
**Household or housekeeping unit** means one (1) or more related or unrelated persons living together as a single housekeeping unit in a dwelling unit.

**Industry** means storage, repair, manufacture, preparation or treatment of any article, substance or any commodity for commercial use.

**Inn** means hotel.

**Institutional uses** means those uses organized, established, used or intended to be used for the promotion of public, religious, educational, charitable, cultural, social or philanthropic activities normally operated on a non-profit basis.

**Junkyard or salvage yard** means a place where waste, discarded or salvaged materials, inoperative or wrecked motor vehicles and their parts, inoperative machinery or trailers and their parts are dismantled, stored, bought, sold, exchanged, bailed, packed, disassembled or handled, including all auto salvage yards, wrecking yards, house wrecking yards, used lumber yards, and place or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

**Kennel, commercial** means any lot, building, structure, enclosure or premises where five (5) or more dogs over the age of six (6) months of age are kept for commercial purposes, including boarding, breeding, wholesale and retail sales of goods or animals, or the rendering of services for profit, or any facility that is classified as a regulated business by the Department of Agriculture.

**Kennel, private** means a shelter at or adjoining a private residence where more than four (4), but less than eleven (11) dogs over six (6) months of age are bred and/or kept for hunting, training, and exhibition for organized shows, field, working and/or obedience trials, or for the enjoyment of an identifiable species of dog or cat. No wholesaling of animals allowed.

**Land Use Plan** means the Comprehensive Development Plan.

**Livestock confinement operation (LCO)** means commercial agricultural activities including feedlot operations, poultry operations, commercial furriers and associated uses that involve the confinement of animals in mass for the purpose of breeding, feedings, boarding, slaughter, or for the production of products for consumption or others uses.

**Loading space** means an off-street space or berth on the same lot with the building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
Lodging house means Hotel.

Lot means a parcel of land identified by a number on a subdivision plat or survey recorded according to the provisions of these Zoning Regulations.

Lot area means the computed area within the lot lines.

Lot, corner means a lot located at the intersection of, and abutting on two (2) or more streets.

Lot depth means the mean horizontal distance between the front and rear lot lines.

Lot, double frontage or through means a lot that has two (2) non-intersecting sides abutting on two (2) or more streets.

Lot, interior means a lot other than a corner lot.

Lot lines means the property lines bounding the lot as defined in these Zoning Regulations.

Lot line, front means the front of a lot shall be considered to be that side of the lot that fronts on a street. On corner lots, the side of least dimension fronting said street shall be the front. If said corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street on which the greatest number of lots front.

Lot line, rear means the lot line opposite and most distant from the front lot line.

Lot line, side means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot line, street or alley means a lot line separating the lot from a street or alley.

Lot, wedge shaped means a lot situated so that the front is either wider or narrower than the rear of the lot.

Lot width means the mean distance between side lot lines, which distance shall be measured parallel to the front lot line and through any portion of a building erected or to be erected.

Lot of record means a separate and distinct parcel on a legally-recorded subdivision plat or a legally recorded deed filed in the office of the Recorder of Deeds of Stone County, Missouri.

Major or secondary highway. See Thoroughfare - Primary or Secondary
Manufactured home means a factory-built structure that is manufactured or constructed according to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code §5401 et seq.; 24 CFR Part 3280 and Part 3282, that became effective June 15 1976, that is built on a permanent chassis and is to be used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles.

Master Plan means the means the Comprehensive Plan.

Maximum coverage means the maximum amount of land that may be covered by buildings on any lot.

Mean lot elevation means the average elevation of a single lot.

Mobile home means a structure designed for human habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. The term "mobile home" shall include manufactured homes constructed pursuant to the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code §5401 et seq.; 24 CFR Part 3280 and Part 3282, that became effective June 15 1976. A travel trailer is not considered a mobile home.

Mobile home park means a site containing spaces with required improvements and utilities that are rented or leased for the long-term placement of mobiles homes and/or manufactured homes and that may include services and facilities for the residents. Mobile Home Park sites must be platted according to the provisions of the Subdivision Regulations.

Mobile home subdivision means a subdivision of single-family dwelling units that meets all the requirements set forth in the Stone County Subdivision Regulations. The principal feature that sets this subdivision apart from conventional subdivisions is that the subdivision is designed primarily, although not necessarily exclusively, for mobile homes or modular dwellings. Each lot is privately owned and the residential use of the land is regulated by the Stone County Subdivision Regulations and whatever deed restrictions or private covenants may be required by the subdivision developer. These dwellings are to be set up as permanent structures.

Modular home means a manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO, having been inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures in the neighborhood and shall be permanently situated
on a concrete foundation. A modular home shall be subject to the same standards as site built homes and shall be considered as single-family detached dwellings.

**Motel** means a hotel intended primarily for occupancy by persons traveling by car, in rooms usually having easy access to a parking area.

**Motor home** see Travel trailer.

**Nightly rental** means *Short-term rental*.

**Non-business area** means any area within a Residential Zoning District, including areas therein where legal non-residential uses are present.

**Nonconforming use** means a parcel of land lawfully occupied by a use that does not conform to the Zoning Regulations applicable to the Zoning District in which it is located.

**Open space – private** means land that is dedicated or reserved by any owner(s) for private use by residents of the subdivision, such as recreation areas, green areas and community centers. Also known as common space or common area, or green space or green area.

**Open Space – public** means land that is dedicated or reserved by any owner(s) for general use by the public, including parks, recreation areas, school sites, community or public building sites. Also known as common space or common area, or green space or green area.

**Overnight shelter** means a facility operated by a nonprofit agency that provides overnight shelter to homeless or transient youths or adults. An overnight shelter is not allowed to provide residential care during daytime hours.

**Parking area, private** means an open area for the same uses as private garage.

**Parking area, public** means a **parking lot**.

**Parking lot** means an open area other than a street or other public way, used for the parking of automobiles and available to the public whether for fee, free, or as an accommodation for clients or customers.

**Parking space** means a prepared surfaced area of not less than two hundred (200) square feet, either within a structure or in the open exclusive of driveways or access drives for the parking of motor vehicles.

**Permanent habitation** means habitation for a period of one (1) month or more.
Permit means a document issued by the Planning & Zoning Director, or by staff subordinate to the authority of the Director, authorizing the holder to take actions authorized by the permit.

Permitted use means the use of a structure or a tract of land allowed by the use regulations of this ordinance.

Planning & Zoning Commission means the Stone County Planning & Zoning Commission.

Plot Assignment District (PA District or PAD) means an area with a minimum of five (5) contiguous acres, to be planned, developed, operated, and maintained as a single entity and containing one or more structures and parcels to accommodate industrial, retail, service, commercial, office, or residential uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominate uses.

Plot plan means a graphic representation delineating the outlines of the land included in the Plan and all proposed use locations, drawn to scale in a horizontal plane with accurate dimensions indicating the relation of each use to the adjoining and to the boundary of the property.

Premise means any tract of land. A premise may consist of one (1) or more lots, tracts, or units, under single or multiple ownership that operates as a functional unit. A shared premise, when developed, shall also possess one or more of the following criteria: shared parking, common management; common identification; common access; or shared circulation.

Principal use means the primary or predominant use of any lot.

Private person means any natural person, partnership, corporation, or entity.

Profession means architecture, engineering, law, medicine, dentistry or other activity in which specialized service to clients are performed by persons possessing a degree from a recognized institution of higher learning, demonstrating successful completion of prolonged course of specialized intellectual instruction and study, and also possessing evidence of professional capability, such as membership in a professional society requiring standard of qualifications for admission.

Public sewer or wastewater system means any sewer or wastewater system or any part of such a system that is owned, maintained and operated by a governmental entity.

R District means any approved Residential District.

Recreational vehicle, see Travel trailer.

Recreational Vehicle Park or RV Park means travel trailer park
Regulations, Subdivision means the Stone County Subdivision Regulations.

Regulations, Zoning means the Stone County Zoning Regulations.

Resort means Hotel.

Restaurant means an establishment where food and drink is prepared and served for consumption on or off the property. If alcoholic beverages are served, more than fifty (50) percent of gross income must be derived from the sale of food and non-alcoholic beverages, for consumption on the property, for the establishment to be classified a restaurant.

Road means Street.

Roadside stand means a temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

Rooming house means Hotel.

Sewer, central means a sewer or wastewater collection and treatment system, or any part of a system, that is permitted by the Stone County Health Department.

Sewer, public means a sewage collection and treatment system, or any part of a system, that is owned, maintained, and operated by a municipal or governmental entity.

Shared premise – see Premise

Short-term rental means rental of one or more residential dwelling units for a period of less than thirty (30) days. Rentals of thirty (30) days or longer are considered to be residential use, therefore are not subject to short-term rental regulations.

Sign means any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag or representation used as, or that is in the nature of, an advertisement, announcement or direction, or is designed to attract the eye by intermittent or repeated motion or illumination.

Sign, illuminated means a sign designed to give forth artificial light, or designed to reflect light from one or more sources, natural or artificial.

Sign, projecting means a sign erected on the face or outside wall of a building that projects out from the wall at any angle.

Sign, temporary means a sign of temporary nature used to advertise a political candidate, or used to advertise the premises for sale, rent, or lease.
Sinkhole means any depression in the surface of the ground with or without collapse of adjacent rock that provides a means through which surface water can come into contact with subsurface water.

Sinkhole watershed means the ground surface area that provides drainage to the sinkhole.

Site plan means the same as Plot Plan.

Special exception means a procedure whereby the Board of Adjustment may grant a deviation from the requirements of these Zoning Regulations in specific cases, but only as provided and in such manner by these Zoning Regulations. (See Article 27, Section 8).

Special use permit. See Conditional use permit.

Stable, private means an accessory building for the keeping of no more than four (4) horses, donkeys, mules, or ponies owned by the person living on the premises, and for which no remuneration is received.

Stable, public means any stable for the housing of horses, donkeys, mules, and ponies operated for remuneration, hire, sale or stabling whether or not owned by persons residing on the premises.

Story means that portion within a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, first means the lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building, except that any basement or cellar for residence purposes shall be deemed the first story.

Story, half means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, and that has an average height of not more than eight (8) feet and covering a floor area of not more than seventy-five (75) percent of the area of the floor on the story next below.

Street means the full width between the property lines bounding every way of whatever nature for the purpose of vehicular traffic, whether designed as a street, highway, freeway, expressway, thoroughfare, parkway, road, avenue, boulevard, lane, place, circle, or however otherwise designed.

Street classification. Streets and roads are classified by function according to relative importance and design standards are related to functional classification. These classifications are as follows:
a. Primary arterials or expressways are facilities devoted primarily to traffic movement, performing little or no land service function and should have some access control.

1. Freeways have full access control and separation of all conflicting traffic movements, such as the interstate highway system or other freeways connecting large population centers carrying heavy volumes of traffic for long distances.

2. Parkways are usually located within a park or park-like green area, and are restricted to non-commercial vehicles.

3. Other expressways are generally divided highways with some grade-separated interchanges, some cross streets not carried across the median, and the other intersections controlled by signals or stop signs, such as primary state highway.

b. Secondary arterials are facilities that bring traffic to and from primary arterials and accommodate major movements and traffic not served by primary arterials. Designed mainly for through traffic, secondary arterials may also perform some land service functions, particularly in low density agricultural areas. Typical secondary arterials are secondary state highways and primary county roads.

c. Collectors are streets that serve internal traffic movements within an area, such as a subdivision, and connect the area with the arterial system such as secondary county highways (farm roads). They do not handle long through trips, but connect small communities and developed areas and also provide a land service function. Direct frontage of single-family lots on collectors is normally discouraged.

d. Local or land access streets have the sole function of providing access to immediately adjacent land, whether industrial, commercial or residential.

e. Minor local or land access streets are streets whose length is limited by design as a loop or cul-de-sac that will not be extended into adjacent development, normally serving not more than fifteen (15) dwelling units on a cul-de-sac or thirty (30) dwelling units on a loop.

**Street, intersecting** means any street that adjoins another street at an angle, whether or not it crosses the other.

**Structural alteration** means any change in the structural members of a building such as walls, columns, beams or girders.
Structure means anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improved areas).

Subdivision Regulations means Stone County Subdivision Regulations.

Tavern means an establishment where fifty (50) percent or more of the gross income is derived from the sale of alcoholic beverages by the drink, for the consumption on the property, and where the serving of food and non-alcoholic beverages, for consumption on the property, and the sale of package liquors may be accessory uses.

Tea room means an establishment used primarily for the serving of non-alcoholic beverages by the drink for consumption on the premise with the sale of food for consumption on the premises is accessory to the primary use.

Tent means a shelter consisting of sheets of fabric or other material draped over, attached to a frame of poles, or attached to a supporting rope. Smaller tents may be free-standing or attached to the ground, large tents are usually anchored using ropes tied to stakes or pegs.

Thoroughfare plan means an official thoroughfare plan that may be adopted or amended from time to time by the Stone County, Highway Commission, establishing the general location and official right-of-way width of the major and secondary highways and thoroughfares in Stone County.

Tourist court means Motel.

Townhouse means multi-family dwelling units intended for sale as individual single-family dwelling units, each unit having its own yard (front and rear) and each having its own lot number designated on a recorded subdivision plat.

Traffic signaling device means a sign, light(s), device, or mechanical contrivance used for the control of motor vehicular and pedestrian movement.

Trailer means any portable or mobile vehicle or structure on wheels, skids or rollers not structurally anchored to a foundation, either self-propelled, or propelled by an attached vehicle or other propelling apparatus that is used or may be used for the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for commercial hauling, storage, or conveyance.

Travel trailer, recreation vehicle, means a portable vehicular structure built on a chassis and designed to be used on the highways, either towed or self-propelled and also designed to be used as a temporary dwelling for travel and recreational purposes.

Travel trailer park means any tract of land, meeting these Zoning Regulations that is used or offered as a location for two (2) or more travel trailers or similar recreational
vehicles for temporary parking and providing primarily overnight or short-term accommodations.

**Usable open space** means the space on a lot (or exterior balcony of roof surface up to a total of fifty (50) percent of the requirement) that is unoccupied by a principal or accessory building above the finished lot grade, at least seventy-five (75) percent unenclosed and available to the occupants of the building or buildings on the lot.

**Use** means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. (See also Change in Use.)

**Utility service installation** means any structure or installation by utility company deemed to be necessary for the safe or efficient operation of that utility.

**Vacation rental** is defined under **Short-term rental**.

**Variance** means a procedure whereby relief may be granted from the strict letter of these Zoning Regulations where it can be clearly shown that by complying with these Zoning Regulations, the owner of the property would suffer practical difficulties or unnecessary hardships. The conditions for granting a variance are stated in Article 27.

**Water supply, central** means a community or non-community water supply system that is regulated by the Missouri Department of Natural Resources.

**Water supply, public** means a water supply system that is owned, maintained, and operated by a municipal or governmental entity.

**Watercourse** means land that has conformation so as to give to surface water flowing from one tract of land to another tract of land, a fixed and determinate course so as to uniformly discharge it upon the servient tract at a fixed and definite point. It shall include but shall not be limited to ravines, swales, sinkholes or depressions of greater or less depth extending from one tract and so situated as to gather up the surface water flowing upon the dominant tract and to conduct along a definite course to a definite point of discharge upon the servient tract. It shall not be deemed to be important that the force of water flowing from one tract of land to another has not been sufficient to wear out a channel or canal having definite well-marked sides or banks. If the surface water, in fact, uniformly or habitually flows over a given course, having reasonable limits as to the width of the line of its flow, it shall be considered to have a definite course.

**Wholesale trade** means an establishment or place of business that is primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Winery** means an establishment at which wine is made.
Yard, front means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as specified in these Zoning Regulations.

Yard, front, least depth means the shortest distance, measured horizontally, between any part of a building and the front lot line.

Yard, front, least depth, how measured. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated in said Thoroughfare Plan.

Yard, rear means an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward.

Yard, rear, least depth, how measured. The shortest distance, measured horizontally, between any part of a building, other than such parts excepted in these Zoning Regulations, and the rear lot line.

Yard, side means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified in these Zoning Regulations.

Yard, side, least width, how measured. Such width shall be measured from the nearest side lot line, and, in case the nearest lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan.

Zoning map means the Stone County Zoning Map, as is from time to time amended to reflect zoning changes. The County maintains a database in digital form, created using Geographic Information Systems (GIS) mapping software. The current Zoning Map, whether for the entire County or for smaller areas, may be printed at any time.

Zoning certificate means building permit or a document issued by the Planning & Zoning Director, authorizing buildings, structures, or uses consistent with the terms of these Zoning Regulations and for the purpose of carrying out and enforcing its provisions.
ARTICLE 2, DISTRICTS AND DISTRICT BOUNDARIES

Section 1, District Divisions.

For the purposes of these Zoning Regulations, the unincorporated territory of the County is hereby divided into the following categories of Zoning Districts:

A-1 Agriculture District
A-R Agriculture Residence District
RR-1 Rural Residence District
CD Conservation District
MH-1 Manufactured Home (Mobile Home) Park or Subdivision District
UR-1 Urban Residence District
R-1 Suburban Residence District
R-2 One and Two-Family Residence District
R-3 Multi-Family Residence District
R-4 Multi-Family Residence District
O-1 Professional Office District
O-2 General Office District
C-1 Neighborhood Commercial District
C-2 General Commercial District
C-3 Rural Commercial District
M-1 Light Manufacturing or Industrial District
M-2 General Manufacturing or Industrial District
PAD Plot Assignment District

Section 2, Boundaries Established by Zoning Map.

The boundaries of these Zoning Districts are hereby established as shown on the Zoning Map of the unincorporated territory of The County, which map is hereby made a part of these Zoning Regulations. The Zoning Map and all notations and reference and other matters shown thereon, shall be and are hereby made part of these Zoning Regulations. The Zoning Map may be modified, amended, or updated from time to time. The Zoning Map then current shall be and shall remain on file in the office of the Stone County Planning & Zoning Commission.

Section 3, District Boundaries Intended to Follow Property Line.

Except where referenced on the Zoning Map to a street line or other designated line by dimensions shown on said map, the Zoning District boundary lines are intended to follow property lines, lot lines, or the center lines of streets or alleys as they existed at the time of the adoption of these Zoning Regulations; but where a Zoning District boundary line obviously does not coincide with the property lines, lot lines or center lines, or where it is not designated by dimensions, it shall be deemed to be one-hundred twenty (120) feet back from the nearest street line in case it is drawn parallel with a street line, or its location shall be determined by scaling in other cases.
Section 4, District Boundary Lines and Other District Requirements.

Where a Zoning District boundary line as established in these Zoning Regulations, or as shown on the Zoning Map, divides a lot that was in a single ownership and on record at the time of enactment of these Zoning Regulations, the use authorized thereon and the other Zoning District requirements applying to the least restricted portion of such lot under these Zoning Regulations shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within fifty (50) feet of said dividing Zoning District boundary lines. The use so extended shall be deemed to be conforming.

Section 5, District Boundary Line Questions Determined by Board of Adjustment.

Questions concerning the exact location of Zoning District boundary lines shall be determined by the Board of Adjustment.

Section 6, Vacation of Public Way Expands Adjacent Districts.

Whenever any street or public way is vacated by official action as provided by law, the Zoning Districts adjoining the side of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, that shall thenceforth be subject to all regulations of the extended Zoning District(s).

Section 7, Disincorporation of Territory Reverts to A-1 District.

In every case where territory has not been specifically included within a Zoning District, or where territory becomes a part of the unincorporated area of Stone County by the disincorporation of any village, town, city or portion thereof, such territory shall automatically be classified as an A-1 District, until otherwise classified.

Section 8, F-1 Floodplain Overlay District.

The Floodplain Overlay District shall encompass those areas identified on the Flood Insurance Rate Maps (FIRM) for Stone County as numbered and unnumbered A or AE zones.
ARTICLE 3, GENERAL PROVISIONS

Section 1, Conformance Required

Except as specified in these Zoning Regulations, no land, building, structure, or premises shall hereafter be used, and no building or structure or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with these Zoning Regulations for the Zoning District in which it is located, and when all other applicable ordinances, statutes, or regulations are met.

Section 2, Continuing Existing Uses

Any use, building, or structure existing at the time of the enactment of these zoning regulations may be continued, even though such use, building, or structure may not conform to the provisions of the zoning regulations for the zoning district in which it is located.

Section 3, Agriculture

Nothing contained in these Zoning Regulations shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, except dwellings. No building permit shall be required for any such use.

Section 4, Public Utilities

Nothing contained in these Zoning Regulations shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility, whether publicly or privately owned, or the use of land by any public utility for the operations of its business as may have been or may hereafter be specifically authorized or permitted by a certificate of public convenience and necessity, or order used by the Public Service Commission, or by permit of the County Commission.

Section 5, Outdoor Advertising

Outdoor advertising shall be classified as a commercial use and shall be permitted in the following Zoning Districts: C-1, C-2, C-3, M-1, and M-2, subject to the regulations of the Missouri Department of Transportation.

Section 6, Flood Plain Overlay District

Nothing provided in these Zoning Regulations shall be so construed as to prohibit the owner of lands within any Flood Plain Overlay District from lawfully filling, draining, constructing levees or otherwise improving his land, so as to eliminate or reduce the
danger of flood or erosion providing that such improvements do not cause surrounding properties to be flooded or harmed by the action.

Section 7, Retail Establishments and Places of Entertainment

Nothing contained in these Zoning Regulations shall prohibit the use of any land for the construction of a building or the reconstruction, change, alteration, maintenance, enlargement or use of any building for the maintenance and operation of any mercantile or retail establishment, drug store, hotel, lunch room or restaurant, or place of entertainment in any area zoned for trade or industry except those lawful provisions set forth in the establishment of those areas or Zoning Districts, but a Zoning Certificate for such uses shall be required according to the provisions of the provisions of these Zoning Regulations.

Section 8, Non-Conforming Uses or Buildings

No existing building or premises devoted to a use not permitted by the Zoning Regulations applicable to the Zoning District in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the Zoning District in which such building or premises is located, and except as follows:

A. Substitution or Extension. When authorized by the Planning & Zoning Commission, the substitution for a non-conforming use of another non-conforming use or the extension of a non-conforming use may be made.

B. Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

C. Where, at the effective date of the adoption of this ordinance or amendment hereto, a lot of record exists and is held in separate ownership but fails to meet the minimum requirements for area or width of the Zoning District in which it is located, such lot may have one (1) single-family dwelling and customary accessory buildings erected upon it provided that:

1. Said lot is in separate ownership and not of continuous frontage with other lots in the same ownership.

2. Said lot is able to meet the yard requirement of the Zoning District in which it is located. Variance is obtainable only through Authorization by the Board of Adjustment.

D. When authorized by the Planning & Zoning Commission, the extension or completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, providing that such lot was under the same
ownership as the lot in question on the date the use of such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building.

E. When authorized by the Planning & Zoning Commission, a nonconforming use may be extended throughout those parts of a building designed or arranged for such use before the date it became nonconforming, if no structural alterations, except those required by law, are made therein.

F. Discontinuance. No building, structure or premises where a nonconforming use has ceased for one (1) year or more shall again be put to a nonconforming use. Whenever the Director has knowledge that a property has not been used in a nonconforming manner for a period of one year, the Director shall notify the owner and user of the non-conforming use building that they shall show cause to maintain current use to the next appropriate meeting of the Planning & Zoning Commission. The Planning & Zoning Commission shall, upon review, make recommendation to the County Commission whether to retain the non-conforming use or to re-zone as appropriate.

G. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than sixty (60) percent of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God; shall not be restored or reconstructed and used as before such happening; but if less than sixty (60) percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it be done within twelve (12) months of such happening.

H. Repairs and Alterations. Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Planning & Zoning Commission.

Section 9, Conversion of Dwellings.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a Zoning District in which a new building for similar occupancy would be permitted under these Zoning Regulations and only when the resulting occupancy will comply with the requirements governing new construction in such Zoning District.
Section 10, Accessory Buildings in All Districts.

Unless otherwise specifically provided in these Zoning Regulations, no accessory structure shall be erected in any required or established front yard setback, or a required side or rear yard setback. No accessory structure shall cover more lot area than the equivalent of 30 percent of the required rear yard. Accessory structures shall be subject to site plan review. The following permitted accessory structures and uses shall be allowed in any zoning district in connection with any permitted principal use:

1. A structure for storage incidental to a permitted use; provided, however, that no storage structure that is accessory to a residential building shall be located in the front yard setback.

2. A temporary structure for sale of seasonal produce grown on the premises. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.

3. A detached garage or other accessory structure, no greater in gross floor area than ten percent of the lot area.

4. Statuary, arbors, trellises, flagpoles, fences; walls and hedges shall be allowed within the required setback areas.

5. Signs, when permitted by these regulations.

6. Off-street parking and loading spaces, as permitted by of these regulations.

7. Storage or use of accessory uses, such as boats, boat trailers, travel trailers, school buses or converted buses or trucks; except that, in platted subdivisions with lots smaller than one acre on average, such uses shall be allowed within required rear yards and within established side yards.

8. Home occupations subject to limitations set forth in these Zoning Regulations.

Section 11, Accessory Buildings in Residential Districts (R Districts).

A.

An accessory building may be erected detached from the principal building, or it may be connected therewith by a breezeway or similar structure. No accessory building shall be erected in any required yard or court, except a rear or side yard, and shall not occupy more than thirty-five
(35) percent of a required rear or side yard. Accessory buildings shall be distant at least ten (10) feet from any dwelling situated on the same lot, unless an integral part thereof, at least ten (10) feet from any other accessory building, and at least ten (10) feet from all lot lines of adjoining lots which are in an R District.

B. When an accessory building is located on a corner lot, it shall not be located nearer to the side street lot line than the minimum setback distance required for a principal building on the same lot.

C. An accessory building, if not located in the rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as said accessory building.

Section 12, Minimum Yard Requirements

Unless specific provisions of these Zoning Regulations specify otherwise the following minimum yard requirements shall apply:

Front Yards:

a. Shall have a depth of not less than twenty-five (25) feet.

b. Where lots have a double frontage, the required front yard shall be provided on both streets.

c. On corner lots, a front yard setback shall be maintained on both streets.

Side Yards: 10 feet.

Rear Yards: 25 feet.

Section 13, Traffic Visibility Across Corner Lot

In any R District on any corner lot, no structure shall be erected or maintained within twenty (25) feet of the "corner" so as to interfere with the traffic visibility across the corner.

Section 14, Required Area or Space Cannot Be Reduced

A. No lot, yard, court, parking area or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by these Zoning Regulations; and, if already less than the minimum required by these Zoning Regulations, said area or dimensions shall not be further reduced.
B. No part of a required yard, court, parking area or other space provided about, or for, any building or structure shall be included in the requirements for another building or structure.

Section 15, Off-Street Parking and Loading

In any Zoning District, spaces for off-street parking and loading or unloading shall be provided.

Section 16, Unsafe Buildings

Nothing in these Zoning Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

Section 17, Building Permits

A. A building permit is not required for repair or maintenance of a structure, unless the repair or maintenance changes the elevation of the structure or the surface space occupied by the structure.

B. Building Permits: Unless a building permit shall first have been obtained from the Office of the Planning and Zoning Director, or by staff subordinate to the authority of the Director:

(1) The construction, moving, or reconstruction of any structure shall not be commenced; and,

(2) The improvement of land preliminary to any use of such land shall not be commenced.

Any building permit issued in conflict with the provisions of these regulations shall be null and void.

C. Application for Building Permit: Every application for a building permit shall include at least the following:

(1) A site plan, in such form as may, from time to time, be prescribed by the Planning and Zoning Director, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, the structure lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Planning and Zoning Director for the proper enforcement of these regulations.
D. Issuance of Building Permit: A building permit shall be either issued or refused by the Planning and Zoning Director within ten days after the receipt of an application or within such further period as may be agreed to by the applicant. No building permit shall be issued unless all the zoning requirements of these regulations are met.

E. Period of Validity: A building permit shall become null and void six months after the date on which it is issued unless within such six-month period construction, structure, moving, or reconstruction of a structure is commenced or a use is commenced.

F. Violation and Penalty: The owner or agent of a structure or premises in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire structure or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, structure or premises in or upon which violation has been committed or shall exist, shall be guilty of a misdemeanor.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said structure or land.

G. Nothing in these Zoning Regulations shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of these Zoning Regulations, the construction of which, conforming with such plans, shall have been started before the effective date of these Zoning Regulations and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until after the completion, except for reasons beyond the control of the builder.

Section 18, Multiple Uses and Structures

A. Only one primary use is allowed on a single tract of property.

B. All other uses, whether within the same structure or located in other structures on the same tract, must be of an accessory nature as determined by the Planning & Zoning Commission.
ARTICLE 4, SPECIAL PROVISIONS

Section 1, Parking and Loading Areas, Public Garages, Parking Lots, and Filling Stations

A. Off-Street Loading Space

1. In any Zoning District, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, that is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet.

2. Each loading space shall not be less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.

3. Subject to the limitations of this Article, such space may occupy all or any part of the required yard or court space.

4. No loading space shall be located closer than fifty (50) feet to any lot in any R District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six (6) feet in height.

Section 2, Off-Street Parking Space

A. Required Automobile Parking Spaces

In all Zoning Districts, in connection with every industrial, business, institutional, recreational, residential, or any other use except agriculture, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles according to the provisions of the provisions of these Zoning Regulations.

B. Size and Access.

1. Each off-street parking space shall have an area not less than two hundred (200) square feet (20 feet x 10 feet) exclusive of access drives or aisles, and shall be of usable shape and condition. Except for dwellings, no parking area shall be less than one thousand (1,000) square feet in area.
2. There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width in the case of a dwelling, and not more than thirty (30) feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in connection with a use permitted in an R District, such easement of access or access drive shall not be located in any R District.

C. Handicapped Parking

Handicapped parking shall be required in sufficient amounts to be in conformance with the Americans with Disability Act. One (1) expanded handicap space (a parking space that is wide enough and deep enough for a van lift to be deployed) will be required in developments with less than twenty (20) standard spaces. For developments with greater than twenty (20) parking spaces, and for every twenty (20) parking spaces thereafter, an additional standard parking space will be required, every fifth (5th) of which must be the expanded type.

D. Floor Area Defined

1. For purpose of applying the requirements of these Zoning Regulations, "Floor Space," in the case of offices, merchandising or service type of uses, means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise.

2. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.

E. Number of Parking Spaces Required

1. The minimum number of off-street parking spaces required shall be as set forth in the following table; however, final requirements shall be determined by the Planning & Zoning Director.

2. In the case of any building, structure or premise, the use of which is not specifically mentioned in these Zoning Regulations, the provisions for a use that is so mentioned and to which said use is similar, shall apply.
### Uses

<table>
<thead>
<tr>
<th>Uses</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail Establishments</td>
<td>1 for each 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Banks, Businesses, and Professional Offices</td>
<td>1 for each 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Bowling Alleys</td>
<td>5 for each alley</td>
</tr>
<tr>
<td>Churches and Schools</td>
<td>1 for each 8 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater</td>
</tr>
<tr>
<td>Dance Halls and Assembly Halls</td>
<td>1 for each 100 sq. ft. of floor area used for assembly or dancing</td>
</tr>
<tr>
<td>without fixed seats, Exhibition Halls except Church Assembly Rooms in conjunction with Auditorium</td>
<td></td>
</tr>
<tr>
<td>Dwellings</td>
<td>2 for each dwelling unit</td>
</tr>
<tr>
<td>Funeral Homes and Mortuaries</td>
<td>4 for each parlor or 1 for each 50 sq. ft. of floor area</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 for each 2 beds</td>
</tr>
<tr>
<td>Hotels</td>
<td>1 for each 2 bedrooms</td>
</tr>
<tr>
<td>Manufacturing Plants, Research or Testing Laboratory Plants, over 1,000 sq. ft. in area</td>
<td>1 for each 2 employees in the maximum working shift, or 1,200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Medical Clinics or Dental Clinics</td>
<td>1 for each 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Motels</td>
<td>1 space for each living or sleeping unit</td>
</tr>
<tr>
<td>Restaurants, Taverns, Beer Parlors, and Night Clubs – over 1,000 sq. ft. in area</td>
<td>1 for each 200 sq. ft. of floor area or 1 for each 3 seats, whichever is greater</td>
</tr>
<tr>
<td>Sanitariums, Convalescent Homes, Children’s Homes</td>
<td>1 for each 6 beds</td>
</tr>
<tr>
<td>Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than Schools</td>
<td>1 for each 6 seats</td>
</tr>
<tr>
<td>Swimming Pools and other recreational development associated with subdivisions</td>
<td>1 per each 10 dwelling spaces served</td>
</tr>
<tr>
<td>Wholesale Establishments or Warehouses</td>
<td>1 for each 3 employees on maximum shift or for each 3,000 sq. ft. of floor area, whichever is greater</td>
</tr>
<tr>
<td>Boat docks</td>
<td>1 parking space for each 3 boat stalls or boat slips</td>
</tr>
</tbody>
</table>

**F. Development and Maintenance of Parking Areas.** Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained according to the provisions of the following requirements:

1. **Screening and Landscaping.** Off-street parking areas shall be effectively screened on each side that adjoins or faces a premise situated in any R District, or an institutional premise, by masonry wall or solid fence of acceptable design. Such wall or fence shall be not less than four (4) feet or more than eight (8) feet in height and shall be maintained in good condition without any advertising thereon. In any R District, the space between such wall or fence and the side lot adjoining the premise, or the...
front lot line facing premise, shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In case the capacity of the parking area exceeds thirty (30) vehicles, it shall be screened by a masonry wall not less than four (4) feet or more than eight (8) feet in height.

2. **Minimum Distances and Set-Backs.** No part of any parking area shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall of acceptable design. If not in an R District but adjoining an R District, the parking area shall be set back at least twenty-five (25) feet from the established street right-of-way line for a distance of fifty (50) feet from any R District.

3. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any nearby or adjoining premise in any R District.

4. Handicapped parking will be sited, designed, and marked for the benefit of handicapped persons.

G. The Planning & Zoning Commission may authorize on appeal a modification, reduction, or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential business, trade, industrial, or other use, or the exceptional shape or size of the property or other exceptional situation or condition would justify such action.

H. Large Commercial Motor Vehicles, Large Commercial Trailers and Commercial Vehicles. In all Zoning Districts the parking of large commercial motor vehicles, large commercial trailers and commercial vehicles shall require an off-street parking area with an access drive that is designed and constructed in a manner to be used by said vehicles.

**Section 3, Restricted Business or Industrial Accessory Parking Areas.**

The Planning & Zoning Commission may authorize, as a conditional use, the establishment and operation of an off-street parking area for twenty-five (25) or more automobiles in such parts of any A District, R District, that abut at least fifty (50) feet, either directly or across an alley, a C District, or an M District, subject to the following conditions and requirements:

A. The parking lot shall be accessory to, and for use in connection with, one (1) or more business or industrial establishments located in an adjoining C District or M District.
B. Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any R District.

C. The parking lot shall be subject to all conditions or requirements, in respect to development, maintenance, and operation, that the Planning & Zoning Commission deems necessary or desirable for the protection of adjacent property or the public interest.

D. No sign of any kind, other than designating entrances, exits, and conditions of use, shall be maintained on such parking lot.

E. No commercial repair work or services of any kind shall be conducted on such parking lot.

F. No charge shall be made for parking in such parking lot.

G. Any person, firm or corporation desiring to secure permission to establish and maintain a restricted business or industrial parking lot within the meaning of this subsection shall make application to the Planning & Zoning Commission, accompanied by a plan that clearly indicates the proposed development, including the location, size, shape, design, landscaping, curb cuts and other features and appurtenances of the parking lot. Such application shall also be accompanied by the names and addresses of all owners of all properties within the same block as the proposed parking lot, and all properties separated therefrom by not more than one (1) street, any part of any one of which properties is within two hundred (200) feet of any part of said proposed parking lot and is located in an R District.

H. Before making its final determination, the Planning & Zoning Commission shall hold a public hearing, notice of which shall be given to owners of property above described. If the Planning & Zoning Commission approves the aforesaid application, the Planning & Zoning Director shall thereafter issue a zoning certificate in accordance therewith, subject to any modification of the foregoing requirements and to any additional requirements that may be stipulated by the Planning & Zoning Commission.

I. Any permit authorized by the Planning & Zoning Commission and issued by the County Planning & Zoning Director may be revoked at the time that the aforementioned requirements are not complied with.

Section 4, Filling Stations, Public Garages, and Parking Lots

A. No gasoline filling station, parking lot for twenty-five (25) or more motor vehicles, or parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street that the lot in question does not abut.
B. No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance for any purpose, other than filling cars, is located within twelve (12) feet of any street lot line or within twenty-five (25) feet of any R District, except where such appliance or pit is within a building.

Section 5, Travel Trailer Parks, Recreational Vehicle Parks (RV Parks) and Campgrounds

A. One (1) travel trailer or recreational vehicle may be stored in a driveway leading to a required off-street parking space for a single-family detached, single-family semi-detached, duplex or townhouse dwelling unit or mobile home on an individual lot or stored in an enclosed garage or other accessory building, or parked in a rear yard, provided that no living quarters shall be maintained or any business conducted in connection therewith while such travel trailer or recreational vehicle is parked or stored.

B. Travel trailer parks are permitted in a C-2 General Commercial District but must conform to sanitary regulations prescribed by the Stone County Health Department, together with all amendments thereto subsequently adopted, and when all other applicable ordinances, statutes, or regulations are met, in addition to the following requirements:

1. **Mandatory Connection to Public or Central Sewer System.**  
   All travel trailers or recreational vehicles stationed within an authorized trailer park shall be connected to a public or central sewer system within seventy-two (72) hours.

2. **Mandatory Connection to Public or Central Water System.**  
   All travel trailers or recreational vehicles stationed within an authorized trailer park shall be connected to a public or central water system within seventy-two (72) hours. This requirement may be waived if the developer or proprietor of such trailer park provides an approved well that has been certified to comply with the requirements of the Missouri Division of Health and the Stone County Health Department.

C. No vehicular entrance to or exit from any travel trailer park wherever such may be located, shall be within two hundred (200) feet of any school, public playground, church, hospital, library, or institution for dependents or for children, except where such school, public playground, church, hospital, library, or institution for dependents or for children is in another block or another street that the premise in question does not abut.

D. All the areas for automobile access and parking shall comply with the applicable provisions of this Article.

E. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.
F. A travel trailer park shall comply with all areas and yard requirements prescribed in the Zoning District in which the travel trailer park is located.

G. The buildings, cabins and trailers in any travel trailer park together with any non-accessory buildings established on the lot, shall occupy in the aggregate not more than twenty-five (25) percent of the area of the lot.

H. Any enlargement or extension to any existing travel trailer park shall be treated as if such enlargement or extension was a new establishment, and thus be subject to all current, applicable regulations.

I. No enlargement or extensions to any travel trailer park shall be permitted unless the existing one is made to conform substantially to all requirements for new construction for such an establishment.

J. Travel Trailer Park - Submission of Plans/Platting

1. An application for the establishment of a travel trailer park shall be filed with the Planning & Zoning Director and must be accompanied by a stamped or sealed scale drawing certified by a registered civil engineer. All pertinent information, data and plans shall be submitted to the Planning & Zoning Director according to the provisions of the Subdivision Regulations.

2. Travel Trailer Park – Requirements. Travel trailer park shall be designed and maintained according to the provisions of the following additional requirements:

   a. Park Area

      The minimum travel trailer park area shall be five (5) acres.

   b. Distance Between

      The minimum distance between adjacent travel trailers or recreational vehicles shall be according to the area requirement provisions of the respective Zoning District.

   c. Screening

      All travel trailer parks shall provide for proper screening and landscaping of the perimeter areas so as to mitigate the impact of the project upon adjoining properties and/or to achieve appropriate transition between land uses and densities, subject to the review and approval of the Planning & Zoning Commission.
K. Utilities

Each travel trailer or recreational vehicle space shall be equipped with an electric outlet. A sanitary sewer and water system shall be installed according to the provisions of this Article and any other applicable County specifications. Travel trailer or recreational vehicle spaces not directly connected with the water and sewer system shall be located no more than two hundred (200) feet from a community utility building providing separate toilet and shower facilities for each gender.

L. Recreation Areas

There shall be provided within each travel trailer park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of one hundred (100) square feet for each lot or space in said park. The recreation site or sites shall be of appropriate design and provided with appropriate equipment. Required yards between travel trailer vehicular driveways and parking spaces shall not be counted in computing recreation space or site area.

M. Supplementary Requirements

In addition to the foregoing, the County Commission and/or Director of Planning and Zoning may impose such other conditions, requirements or limitations concerning the design, development and operation of such travel trailer park as it may deem necessary for the protection of adjacent properties and the public interest.

N. Campgrounds.

All campgrounds shall comply with all provisions of this section except where modified below. Campgrounds without these minimal facilities, so-called “primitive campgrounds” shall not be operated on a fee-basis.

1. Campsites. Each tent location (campsite) shall be specifically designated and have a distinct boundary to distinguish it from other campsites.

2. Sewer. Toilet facilities must be accessible to all campsites. This may be provided through a public or central facility located no further than 500 feet from any campsite. A vault toilet system, similar to those found in federal campgrounds, may be used in lieu of a sewer system with running water and a septic tank.

3. Potable water. Water must be provided for use by all campsites through a public or central (well) water system approved by the Missouri
Department of Natural Resources. This may be provided through a central facility no further than 500 feet from any campsite.

4. Cooking facilities. Each campsite shall have a prepared location in which to build campfires. This may consist of a circle of rocks or bricks, metal enclosure, metal grate, concrete pad or simply a hole (pit).

5. Trash & garbage. Garbage cans or a dumpster must be provided for the placement of refuse.

6. Other requirements. Except for the foregoing, travel trailer park requirements specified in Paragraph J, Subparagraph 2 of this section may be waived for campgrounds by the County Commission and/or Director of Planning and Zoning.

Section 6, Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs

A. Outdoor Commercial Advertising:

1. This Section regulates the use of outdoor advertising. The purpose of the ordinance is:
   a. to allow businesses to inform and direct the general public,
   b. to protect the physical appearance of the county, and
   c. to ensure public safety along county streets and roadways.

2. Outdoor advertising shall be classified as a commercial use and shall be permitted in the following Zoning Districts: C-1, C-2, C-3, M-1 and M-2, subject to the regulations of the Missouri Department of Transportation.
B. Legal Nonconforming Signs:

1. Any sign in existence before the adoption of Article 3, Section 8 of these Zoning Regulations shall be considered a legal nonconforming use.
   
   a. No existing nonconforming use may be enlarged, extended, reconstructed, substituted or structurally altered without approval by the Planning & Zoning Commission.

2. All legal nonconforming signs are subject to Article 3, Section 8 of these Zoning Regulations.

C. General Provisions:

1. Any billboard, sign or advertising structure shall comply with applicable State and Federal regulations.

2. Any outdoor advertising structure located within one hundred (100) feet of any R District shall not face the front or side lot line of any residential lot; or when any outdoor advertising structure is located within three hundred (300) feet of any public parkway, public square, library, church or similar institution, it shall not face such a use.

3. No sign shall be constructed that resembles any official marker or that by reason of position, shape, or color would conflict with any official traffic control device.

4. All sign structures shall be constructed according to the provisions of any applicable County regulations.

5. Signs shall be maintained in good and safe structural condition.

6. No off-premise sign shall be located on property without the consent of such property’s owner or legal representative.

7. The area in the vicinity of any freestanding sign shall be kept clear of any trash and debris.

8. No sign shall be allowed in any neighborhood or subdivision public or private open space, except signs pertaining to the neighborhood or subdivision as a whole or to a property owners’ association.

D. Size of Signs:

1. The maximum sign area for any one (1) face of any outdoor advertising structure not located on roads designated as interstate highways and freeways on
the federal-aid primary system shall not exceed eight hundred (800) square feet, excluding the base, supports, and other structural elements.

2. The maximum sign area on roads designated as interstate highways and freeways on the federal-aid primary system is twelve hundred (1200) square feet inclusive of embellishments but not including the base, supports or other structural elements.

3. Temporary embellishments for off-premise signs shall not exceed twenty (20) percent of the maximum sign area allowed.

4. The sign area shall be measured by the smallest square, circle, or rectangle that will encompass the entire sign.

5. Off-premise signs or billboards that are back-to-back, double-faced, V-shaped, or multiple-faced are considered one structure, and no face can exceed the maximum height or size allowed by this Section.
   a. V-shaped or multiple faced structures if not sharing a common support or pole may not be more than fifteen (15) feet apart.

E. Maximum Height and Length:

1. Any advertising structure shall maintain a minimum clearance of ten (10) feet measured from the ground level at the base of the sign to the bottom of the sign face.

2. Any advertising structure shall have a maximum height not to exceed fifty (50) feet above grade level of the roadway to the top of the sign face, as measured from the centerline of the roadway to which the sign is oriented.

3. The maximum length allowed is sixty (60) feet on all roadways.

F. Spacing for Off-Premise Signs:

1. No off-premise sign located along a federal-aid primary route classified as having limited access may be established within five hundred (500) feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.

2. No off-premise sign located along County roadways or State highways not listed on the federal-aid primary system may be established within five hundred (500) feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.
3. No off-premise sign located along a federal-aid primary route classified as not having limited access may be established within three hundred (300) feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.

4. Spacing from directional, official or on-premise signs shall not be included in the measurement of these spacing requirements for off-premise signs.
   a. However, no sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator’s view of approaching, merging, or intersecting traffic.

5. The minimum distance between off-premise signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the highway and shall apply to structures located on the same side of the same street or highway.

G. Minimum Setbacks for Off-Premise Signs:

1. The minimum front setback for any off-premise sign with any face greater than three hundred (300) square feet shall be twenty-five (25) feet from the front property line.
   a. Those signs less than three hundred (300) feet are required to be setback ten (10) feet from the front property lines.

2. On-premise commercial advertising requires no front setback, but cannot be located so as to obscure the sight distance along a public right-of-way, intersection or private drive.

3. The minimum side setback for any off-premise sign is five (5) feet from any adjoining C District or M District and twenty-five (25) feet from a more restrictive Zoning District.

4. The minimum rear setback for any off-premise sign is five (5) feet from any adjoining C District or M District and twenty-five (25) feet from a more restrictive Zoning District.

5. Setbacks shall be measured from a point on the sign nearest to the property line.

6. No sign may be located within any utility, drainage or other easement without written authority from the easement holder.
   a. Such written authority must accompany any permit request.
H. Lighting of Signs:

1. Signs that are illuminated by any flashing, intermittent, or moving lights are prohibited if such signs interfere with traffic safety. Reflective sign surfaces or devices on sign faces and multiple-faced signs, with illumination, are permitted, provided such signs do not interfere with traffic safety.

2. Electronic variable message signs, both informational and commercial in nature, that function as multiple-faced signs are permitted provided such signs do not interfere with traffic safety.

3. The Planning & Zoning Department may require any sign receive a conditional use permit if it includes flashing, moving or bright lights, variable electronic messages, emits a substance such as smoke or bubbles, or has moving parts.

4. Signs must be effectively shielded to prevent light beams or rays from being directed toward any public right-of-way, dwelling unit or any R District.

5. No sign shall be illuminated as to interfere with the effectiveness of or to obscure an official traffic sign, or signal.

I. Sign Permits. All off-premise signs are required to have a building permit. Information required for the issuance of a building permit includes:

1. A legal description from a legal document,
2. A site plan, and
3. Written authority from the easement holder if a sign is to be located within an easement.

J. Small announcement or professional signs where permitted,

1. Shall not exceed six (6) square feet in area;

2. Except that a church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board
   a. not over twelve (12) square feet in area,
   b. that, if not attached flat against a building, shall be at least twelve (12) feet from all road right-of-ways.
c. Any such sign(s), if lighted, must be sited so that the light does not become a nuisance to residential structures.

K. Political signs shall be allowed in any Zoning District.

1. At no time shall a sign be placed on a corner lot that would obscure the vision of a motorist.

2. All signs shall be removed within twenty-five (25) days following the election for which they are used.

3. The person or group of persons responsible for erection of the sign(s) shall also be responsible for the removal of the sign(s).

Section 7, Cluster Developments.

In any R District, the clustering of dwellings shall be permitted, providing that the following conditions shall be met:

A. The total density of dwellings per acre does not exceed the density provided for that Zoning District.

B. The development shall be provided with approved sewage disposal system other than conventional septic tank. Approval shall be subject to the discretion of the Planning & Zoning Commission.

C. The developer must be able to satisfy the Planning & Zoning Commission and the County Commission that the remaining private open space shall be maintained by the residents or a responsible agent.

D. In no case may a dwelling occupy more than seventy-five (75) percent of the lot area.

E. The development shall be supplied by an approved water supply. Approval shall be subject to the discretion of the Planning & Zoning Commission.

F. In no case shall the dwellings be located nearer to the paved street than twenty-five (25) feet.

G. In addition to submittal of the preliminary and final plats, a plot plan shall also be required and shall be approved before the filing of a final plat. The plot plan shall show the proposed coverage on each lot.

H. The appropriate variances pertaining to side yards and front and rear yards shall become automatic with the approval of the preliminary plat; however, the development
shall remain subject to the Zoning District regulations pertaining to dwelling height and floor area.

I. A cluster development shall also be subject to any further restrictions deemed necessary by the Planning & Zoning Commission to protect the public health, safety and welfare.

J. Before the submittal of a preliminary plat a sketch plan shall be reviewed by the Planning & Zoning Department.

K. Calculation of dwelling spaces per acre will exclude areas used for road rights-of-ways.

L. The development must meet all applicable subdivision regulations.

Section 8, Commercial Mines, Quarries, Gravel Pits.

A. Any owner, lessee or other person or entity having an interest in mineral lands may file with the Planning & Zoning Director an application for authorization to mine minerals, provided that such person or entity shall comply with all requirements of the Zoning District in which said mining is allowed by these Zoning Regulations and with the following additional requirements:

B. No quarrying operation shall be carried on or any stockpile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the Planning & Zoning Commission where such is deemed necessary for the protection of adjacent property; however, this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of abutting property;

C. In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;

D. Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Planning & Zoning Commission, such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Planning & Zoning Commission;

E. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition.

Section 9, Crushing, Washing and Refining.

Crushing, washing, and refining or other similar processing may be authorized by the County Commission after recommendation by the Planning & Zoning Commission as an
accessory use, provided, however, that such accessory processing shall not be in conflict with the land use regulations of the Zoning District in which the operation is located.

A. In accepting such plan for review, the Planning & Zoning Commission and the County Commission must be satisfied that the proponents are financially able to carry out the proposed mining operation according to the provisions of the plans and specifications submitted.

B. An application for such operation shall set forth the following information:

1. Name of the owner or owners of land from which removal is to be made.
2. Name of the applicant making request for such a permit.
3. Name of the person or corporation conducting the actual removal operation.
4. Location, description and size of the area from which the removal is to be made.
5. Location of processing plant used.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method of rehabilitation and reclamation of the mine area.

C. Upon receipt of the application, the Planning & Zoning Commission shall set the matter for a public hearing in the same manner as for a zoning change.

D. The Planning & Zoning Commission shall make a complete record of all testimony and witnesses heard at the public hearing and shall recommend to the County Commission within thirty (30) days of completion of said hearing, either approval, denial, or conditional approval of the application.

E. The County Commission shall act on the application within thirty (30) days of receipt of the report and recommendation of the Planning & Zoning Commission.
Section 10, Restoration, Rehabilitation and Reclamation

To guarantee the restoration, rehabilitation and reclamation of mined-out areas, every applicant granted a mining permit as provided in these Zoning Regulations, shall furnish a performance bond running to the County, in an amount to be determined by the County Commission as guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the County Commission, meet the following minimum requirements:

A. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:
   1. That the excavated area shall not collect and permit to remain therein stagnant water; or
   2. That the surface of such area that is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently rolling surface that will minimize erosion due to rainfall and that will be in substantial conformity to the adjoining land areas.

B. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where this Section provides that such area is not to be submerged under water.

C. The banks of all excavations not backfilled shall be sloped to the water line at a slope that shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

D. In addition to the foregoing, the County Commission may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operations of such mines, quarries, or gravel pits as the County Commission may deem necessary for the protection of adjacent properties and the amount of the performance bond shall be determined by the County Commission before issuance of the permit.

E. Bonds required by this Section shall be:
   1. a performance bond or surety bond issued by an insurance company licensed pursuant to the laws of the State of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The bond shall be written on terms acceptable to the County Commission.
   2. a cash bond,
   3. cash that shall be deposited and held by the County,
4. a certified check that shall be cashed and the proceeds deposited and held by County, or

5. an irrevocable standby letter of credit issued by a Federal Home Loan Bank with offices in Missouri, possessing the highest rating issued by at least one nationally recognized statistical rating agency. The letter of credit shall be written on terms acceptable to the County Commission, and shall contain an assurance that the letter of credit will be automatically renewed or replaced by the issuing bank upon expiration, until such time as the letter of credit is released by the County.

Section 11, Oil Drilling.

The extraction of oil and other hydrocarbons is expressly prohibited in all Zoning Districts other than A-1 and M-2. Drilling sites shall be fenced and all oil or gas produced shall be carried away by pipelines unless stored in underground tanks. Applications for drilling permits shall be accompanied by a performance bond in an amount to be determined by the County Commission.

E. Bonds required by this Section shall be:

1. a performance bond or surety bond issued by an insurance company licensed pursuant to the laws of the State of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The bond shall be written on terms acceptable to the County Commission.

2. a cash bond,

3. cash that shall be deposited and held by the County,

4. a certified check that shall be cashed and the proceeds deposited and held by County, or

5. an irrevocable standby letter of credit issued by a Federal Home Loan Bank with offices in Missouri, possessing the highest rating issued by at least one nationally recognized statistical rating agency. The letter of credit shall be written on terms acceptable to the County Commission, and shall contain an assurance that the letter of credit will be automatically renewed or replaced by the issuing bank upon expiration, until such time as the letter of credit is released by the County.
Section 12, Agricultural Reserve District

A. To help encourage the preservation of agricultural land and provide landowners protection from development pressures, any landowner who holds title to at least ten (10) acres may request that his/her property be designated by the Planning & Zoning Commission as an Agricultural Reserve Area.

B. Said designation shall assure the landowner that property taxes shall be assessed at the rates set for agricultural use, even if the reserve area lies within an area designated for another land use.

C. A reserve designation shall run with the property and shall be recorded in the County Recorder's Office, as well as the County Planning & Zoning Department.

D. While an area is designated as a reserve area, there shall be no building permits issued other than for customary residential and accessory buildings directly related to agricultural uses.

Section 13, Use Standards

A. General Requirements. No premise, land, or structure in any Zoning District shall be used or occupied in any manner so as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element; in such a manner or in such amount as to adversely affect a nearby or adjoining premise or surrounding area, referred to in these Zoning Regulations as "dangerous or objectionable elements"; provided that any use permitted or not prohibited by this Regulation may be established and maintained if it conforms to the provisions of these Zoning Regulations.

B. Existing Uses

Use standards - review: Whenever it is alleged that a use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Planning & Zoning Commission shall make a preliminary investigation of the matter and shall forward its report, together with all preliminary findings and evidence, to the County Commission.

In the event that the Planning & Zoning Commission concurs in the allegations that there exists or is likely to be created such dangerous or objectionable elements, it shall request the County Commission to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of said dangerous or objectionable elements and of practicable ways to remedy such condition.
Conditions:

1. No noise from any operation conducted on the premise, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the M-1 District.

2. No toxic matter, noxious matter, smoke, gas or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located.

3. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located.

4. Exterior lighting fixtures shall be shaded whenever necessary to avoid casting light upon property located in any R District.

5. The manufacture of flammable materials that produce explosives, vapors or gases is prohibited.

6. Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

C. Enforcement

Upon receipt of the findings and recommendations of such specialist or laboratory, the County Commission may approve, partially approve, or disapprove the measures recommended therein and instruct the Planning & Zoning Director to proceed with the enforcement of said measures.

Section 14, Conditional Uses

A. The Planning & Zoning Commission shall have authority to allow any conditional use permitted in a particular Zoning District:

1. Upon finding that the proposed use meets all requirements set forth in the section allowing such conditional use, and

2. Further finding that such use is not inappropriate for the neighborhood, or for the adjacent properties, considering both present and probable future uses.

3. In authorizing a conditional use, the Planning & Zoning Commission may make such requirements, limitations or conditions with respect to the location, construction, maintenance and operation as may be
reasonably necessary for the protection of the neighborhood or adjacent properties.

4. An engineer’s review of the site plans for a conditional use permit may be required.

Section 15, Airports, i.e., FAA-Approved and Private Landing Fields

Approval of any airport in the County shall be conditional and subject to any and all requirements and standards provided in these Zoning Regulations and to approval by the Planning & Zoning Commission and other official agencies having jurisdiction.

Section 16, Airport Zone

Statement of Intent: An Airport Zone is intended to provide for the safety of the inhabitants of those areas described below. Reference Sections 305.400 through 305.405 of the Revised Statutes of Missouri.

Beginning at a point on the end of any runway and on the centerline of the runway; thence to the right a distance of five hundred (500) feet on a course perpendicular to said centerline to a point; thence to a point two thousand (2,000) feet to the right of and perpendicular to the centerline extended that point is directly opposite a point ten thousand (10,000) feet from the end of the runway on the said centerline extended away from the runway; thence to a point two thousand (2,000) feet to the left of and perpendicular to the centerline extended that point is directly opposite a point ten thousand (10,000) feet from the end of the runway on said centerline extended away from the runway; thence to a point five hundred (500) feet to the left of the point of beginning and perpendicular to the said centerline; thence to a point of beginning.

A. Principal Permitted Uses

1. Agricultural uses, subject to the following modification.

   a. No dwellings shall be permitted to be constructed in an airport zone other than single-family dwellings, each of which is on a lot or parcel of land ten (10) acres or more.

   b. No hospitals, health institutions, clinics, sanitariums, nursing homes, convalescent homes, institutional homes or other similar facilities shall be permitted to be constructed in an airport zone.

   c. No public or private schools, libraries, sports arenas, day care centers, churches or other places of worship, auditoriums or buildings for public assembly or use, theaters or any other similar facility shall be permitted to be constructed in an airport zone.
d. No building or structure shall be constructed nor shall any growth be maintained that exceeds fifty (50) feet in height in an airport zone; no building or structure shall be constructed nor any growth maintained that is more than one hundred (100) feet in height within any area located outside of an airport zone but located otherwise in an area two thousand (2,000) feet parallel to and on each side of the centerline of any runway extended ten thousand (10,000) feet from the end of and away from the runway.

e. No use or activity shall be conducted in an airport zone that emits radio signals, electronic emissions or interference of any kind with any navigational signal or radio communication between the airport or aircraft; nor anything that makes it difficult for pilots to distinguish airport lights or results in significant reflection of light or glare that impairs pilot visibility or otherwise light or glare that impairs pilot visibility or otherwise creates a hazard for aircraft.

Section 17, Flood Hazard and Waterway Contamination.

A. Whenever the Planning & Zoning Commission or County Commission are required to make decisions about matters concerning protection of life and property from flood hazards, a report may be requested from the Federal Emergency Management Agency (FEMA) or the United States Army Corps of Engineers.

B. Nothing in this Article shall be so construed as to prohibit the rehabilitation or reclamation of any land, provided that any fill, drainage, works, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be subject to review and authorization by the Planning & Zoning Commission.

C. It shall be the developer's responsibility to document the exact delineation of flood hazards.

D. This request shall be at the discretion of the County reviewing officials.

E. It shall also be the developer's responsibility to document compliance with accepted procedures designed to prevent contamination or pollution of adjacent waterways according to the provisions of Section 208 of the Federal Water Pollution Control Act, and other state water quality regulations.

Section 18, Height and Area Requirements.

A. Height limitations stipulated elsewhere in these Zoning Regulations shall not apply:
1. To barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas, and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio towers, sand and gravel processing plants, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.

2. To places of public assembly in churches, schools and other permitted public and semipublic buildings, provided that these are located on the first floor of such building and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the Zoning District in which the building is located, its side and rear yards shall be increased in width and depth by an additional foot over the side and rear yard required for the highest building otherwise permitted in the Zoning District in which the building is located.

3. To bulkheads, elevator penthouses, water tanks and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators or other structures, where the manufacturing process requires a greater height; provided, however, that all such structures above the heights permitted in the Zoning District in which the structure is located shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line.

B. Projection Into Required Yards. Certain architectural features may project into required yards or courts as follows:

1. Into any required front yard, or required side yard adjoining a side street lot line:
   
   a. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two (2) feet, six (6) inches.
   
   b. Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.
   
   c. An uncovered stair and necessary landings may project a distance not to exceed six (6) feet, provided such stair and landings shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet.
   
   d. Bay windows, balconies and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the
aggregate, more than one-third (1/3) of the length of the building on which they are located.

2. The above named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one-fifth (1/5) of the required least width of such yard, but not exceeding three (3) feet in any case.

3. The features named in Section 1 above may project into any required rear yard or into any required outer court the same distances they are permitted to project into a front yard.

4. Fences, walls and hedges exceeding eight (8) feet but not greater than ten (10) feet in height in rear or side yards shall be permitted upon approval of a conditional use permit according to the provisions of Article 27, Section 8.

C. Setbacks for Required Yards. The required yard setbacks whether side, front, or rear for each Zoning District are stipulated in the yard requirements of each Zoning District but may be modified as follows:

1. The setback requirements for any Zoning District may be modified upon approval of a written request if the following conditions are met:
   a. The written request must include a survey or plot plan showing:
      (1) The tract with existing set backs
      (2) Adjacent tracts and set backs
      (3) Existing buildings on all tracts
   b. The tract must be a legally recorded tract and have one of the following characteristics:
      (1) Irregular shape,
      (2) Small size; and/or
      (3) Encroachment into existing setbacks.
   c. The request must be approved by the Road and Bridge Department (if the tract is located on a county maintained road), and the Planning and Zoning director, within ten (10) days of receipt of the request. If the request is denied then the applicant may apply to the Board of Adjustment for a variance.
2. Any setbacks modified by procedure described above will then be the required setbacks for any future buildings on the lots affected.

Section 19, Stationary Vehicles.

It shall be considered unlawful to place, assemble, park, store or display car hulks, junk vehicles, antique cars or any other form of immobilized contrivance in a stationary position for more than forty-eight (48) hours on any property in any UR-1, R-1, R-2, R-3, or R-4 District.

Section 20, Mobile Homes.

A. Mobile homes shall be utilized solely for dwelling purposes and meet all applicable standards set forth in Chapter 700 of the Revised Statutes of Missouri.

B. No mobile home shall be placed in any R-3, R-4, UR-1, R-1, or R-2 District except with an approved Conditional Use Permit from the Planning & Zoning Commission.

Section 21, Home Occupations.

The purpose of the home occupations provisions is to allow for home occupations that are compatible with the neighborhoods in which they are located. Home occupations are limited to those uses that may be conducted within a residential dwelling, being clearly secondary to the residential use of the dwelling, without changing the appearance or condition of the residence.

A. Residential Districts (R Districts).

Home occupations are permitted accessory uses in R Districts so long as all of the following conditions are observed:

1. No more than one (1) person other than a member of the immediate family occupying the dwelling shall be employed.

2. Not more than fifty (50) percent of the floor area of one (1) story of the dwelling is devoted to the home occupation.

3. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner that would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.

4. The home occupation must be conducted within the principal dwelling, the garage or accessory building. The detached garage or accessory building must be located on the same lot as the dwelling, must
not be larger than thirty-five (35) percent of the dwelling, must not occupy more than thirty-five (35) percent of the required yard, and must not be located farther than fifteen (15) feet from the dwelling unless located in the back yard.

5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

6. No commercial vehicle shall be used in connection with the home occupation, or parked on the property.

7. No outdoor display of goods or outside storage of materials used in the home occupation shall be permitted.

8. Only one (1) nameplate will be allowed.
   a. It may display the name of the occupant and/or the name of the occupation.
   b. It shall not exceed one (1) square foot in area,
   c. shall be non-illuminated, and
   d. Shall not be erected in any required front or side yard.

9. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable Zoning District.

10. The following are typical examples of uses that often can be conducted within the limits of the restrictions established in this Section and thereby qualify as home occupations. Uses that qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it as a home occupation):
   a. Artists and sculptors.
   b. Authors and composers.
   c. Beauty shop - one (1) chair.
   d. Dressmakers, seamstresses and tailors.
e. Family day care home, limited to not more than six (6) children.

f. Home crafts, such as model making, rug weaving, lapidary work and cabinet making.

g. Office facility of a minister, rabbi or priest.

h. Office facility of a sales person, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premise.

i. Office facility of an architect, artist, broker, dentist, physician, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician or real estate agent.

j. Music or dancing teachers, provided that the instruction shall be limited to four (4) pupils at any given time except for occasional groups.

k. The letting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither of whom is a transient.

11. The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations:

   a. Animal hospitals.
   b. Antique shops.
   c. Auto repair.
   d. Clinics or hospitals.
   e. Dancing schools.
   f. Gift shops.
   g. Mortuaries.
   h. Nursery schools.
i. Painting of vehicles, trailers or boats.

j. Private clubs.

k. Renting of trailers, boats or watercraft.

l. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras or other similar small items.

m. Restaurants.

n. Stables or kennels.

B. Agriculture Districts.

Home occupations are permitted as accessory uses in A Districts. The home occupations permitted in Article 4 of these Zoning Regulations will be considered principal uses. The home occupations permitted in the provisions for home occupations in R Districts will be considered accessory uses. Uses prohibited as home occupations in R Districts, as well as any other use deemed appropriate for a home occupation by the Planning & Zoning Commission, may be permitted as home occupations in A Districts upon receipt of a conditional use permit.

A conditional use permit may be granted for home occupations so long as the following conditions are observed:

1. No more than one (1) employee other than a member of the immediate family occupying the dwelling shall be employed.

2. The home occupation must be conducted within the dwelling unit, the garage or an accessory building.

   a. The detached garage or accessory building must not be larger than fifty (50) percent of the floor area of the dwelling,

   b. must be located on the same tract of land as the dwelling, and

   c. must be located farther than fifty (50) feet from the dwelling.

3. The home occupation must not occupy more than fifty (50) percent of the floor area of one (1) story of the dwelling.
4. The use shall not generate significantly greater volumes of traffic than would normally occur in the rural area. All parking shall be conducted off the street.

5. No outdoor display of goods or outside storage of materials used in the home occupation shall be permitted.

6. Only one (1) nameplate will be allowed.
   a. It may display the name of the occupant and/or the name of the occupation.
   b. It shall not exceed four (4) square feet in area,
   c. shall be non-illuminated, and
   d. must be displayed on the same tract of land as the dwelling.

7. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference that would affect neighboring residences.

8. The property must conform to all other A District requirements, or if surveyed or platted before adoption of these Zoning Regulations, the dwelling or accessory building must be at least one hundred (100) feet from the nearest neighboring residence.

9. Any other condition imposed by the Planning & Zoning Commission.

Section 22, Storm Water Runoff.

A. Storm Water Detention

1. Before the development of the land, surface conditions provide a higher percentage of permeability and longer time of concentration. With the construction of buildings, parking lots, et cetera, permeability and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume of runoff.

2. Construction modifications may create harmful effects on properties downstream. Therefore, to minimize these effects, storm water detention requirements may be required. All new non-agricultural construction is required to provide storm water detention facilities except where:
a. It can be demonstrated by engineering computations that such a facility would, due to timing of outflows, have an adverse effect on downstream properties by increasing peak rates of runoff, as demonstrated by engineering computations approved by the County;

b. The developer agrees with the Planning & Zoning Commission and affected property owners to provide storm drainage improvements downstream of the development in lieu of constructing on-site detention facilities; or

c. Due to the small size of the development, it can be demonstrated that the detention facility would result in no beneficial effect on downstream properties, and where there are no existing flooding problems downstream.

B. Obstruction of Water Courses Prohibited

1. It shall be unlawful for any person or entity to block, obstruct, destroy, cover, fill or alter in any way a watercourse or any part thereof so as to cause damage to the property of other persons from surface water.

2. Whenever a person or entity has blocked, obstructed, destroyed, covered, filled or altered in any way a watercourse so as to cause surface water damage to the property of others, the Planning & Zoning Director is authorized to proceed to abate the violation according to the provisions of Article 26 of these Zoning Regulations.

3. Nothing contained in this Section shall be constructed to prohibit the altering of a watercourse so long as it is done pursuant to a permit and provided the change does not cause damage to others to create a condition that could cause damage to others in the opinion of the Planning & Zoning Director. The permit may be conditioned upon compliance with standards established so as to protect the public health, safety and welfare so as to ensure that the project will not interfere with the use of the watercourse and that adequate provisions are made to protect the watercourse from any work being performed pursuant to the building permit.

Section 23, Sediment and Erosion Control.

Statement of intent. The purpose of this Section is to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of the land within the County. Soil erosion scars the land and creates sediment that clogs storm sewers and road ditches; chokes streams and creates silt bars, all of which pose a threat to public health and safety. These provisions are intended to provide a natural community environment, to prevent soil erosion and to reduce costly repairs to gullies, washed out fills, water conveyance systems, roads and embankments.
Application of these Zoning Regulations will effectively control sedimentation and soil erosion.

A. Scope of Authority:

1. No area of land shall be excavated or graded except upon the issuance of an Excavation/Grading Permit. Any person or entity proposing to develop land within the County shall apply to the Planning & Zoning Commission for approval of an erosion control plan and issuance of an Excavation/Grading Permit as specified in these Zoning Regulations.

2. Upon approval of the Sediment and Erosion Control Plan and before issuance of Excavation/Grading Permit, the Planning & Zoning Commission shall require the developer to post security in the amount of 110% of all work to be done for excavation and grading, and under the Sediment and Erosion Control Plan.

3. All excavation or grading shall comply with regulations of the Missouri Department of Natural Resources.

B. Bond Requirement.

1. Upon approval of the Sediment and Erosion Control Plan and before issuance of an Excavation/Grading Permit, the Planning & Zoning Commission shall require the developer to post security of not less than 110% of the cost of all work to be done under the grading, sediment and erosion control plan.

2. The County Commission, in its sole discretion, may determine whether such security shall be:

   a. a performance bond or surety bond issued by an insurance company licensed pursuant to the laws of the State of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The bond shall be written on terms acceptable to the County Commission.

   b. a cash bond,

   c. cash that shall be deposited and held by the County,

   d. a certified check that shall be cashed and the proceeds deposited and held by the County, or

   e. an irrevocable standby letter of credit issued by a Federal Home Loan Bank with offices in Missouri, possessing the highest rating issued by at least one nationally recognized statistical rating agency. The letter...
of credit shall be written on terms acceptable to the County Commission, and shall contain an assurance that the letter of credit will be automatically renewed or replaced by the issuing bank upon expiration, until such time as the letter of credit is released by the County.

3. For Excavation/Grading Permits that do not include the construction of public improvements related to subdividing land under jurisdiction of the Subdivision Regulations, or construction of permanent buildings or structures, (such as where only grading work is contemplated, for a borrow pit or pond, *et cetera*) the only type of security that will be accepted will be:

   a. cash that shall be deposited and held by the County, or

   b. certified check that shall be cashed and the proceeds deposited and held by the County.

C. Regulations.

1. Contents of Sediment and Erosion Control Plan. Grading plans for grading operations, site plans, preliminary plat of subdivision, or a subdivision improvement plan shall include the following additional information:

   a. A Sediment and Erosion Control Plan shall be submitted, and shall include two (2) sets of maps and plans with specifications showing proposed excavation, grading or filling, and will include the following:

      (1) Full name and address of property owner;

      (2) Designation of property address;

      (3) Portion of the property that is to be excavated, graded or filled with excavated material;

      (4) Location of any sewerage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading or fill area and the location of any gas transmission pipeline operated at a maximum service pressure in excess of two hundred (200) p.s.i.g., any part of which is within one hundred (100) feet of the proposed grading or filling area;

      (5) Existing grade and topography of the premise, and the proposed finish grade and final contour elevation, at a contour interval of not more than two (2) feet;

      (6) Location and present status of any current or prior grading operation on the property;
(7) Details of any drainage system proposed to be installed and maintained by the applicant and a comprehensive drainage plan designed to safely handle surface water, streams, or other natural drains (including sinkholes) following heavy rains during grading operations;

(8) Details of any proposed water impoundment structures, embankments, debris basins, grass or lined waterways, and diversions with the details and locations of proposed stable outlets;

(9) Details of soil preparation and re-vegetation of the finished grade and of other methods of erosion control;

(10) Proposed truck and equipment access ways to the work site;

(11) Delineation of the one hundred (100) year flood plain;

(12) A statement from the property owner or his agent assuming full responsibility for the performance of the operation as stated in the application. The statement shall contain assurance that all county roads will be adequately protected and/or repaired, if damaged. The County Commission may discretionarily require security to protect County roads or public roads.

a. the security shall be:

   (i) Cash that shall be deposited and held by the County, or

   (ii) Certified check that shall be cashed and the proceeds deposited and held by the County.

2. The proposed phasing of development of the site, including clearing, rough grading and construction, and final grading and landscaping should identify:

   a. the expected date on which clearing will begin,

   b. the estimated duration of exposure of cleared areas,

   c. the sequence of clearing,

   d. installation of temporary sediment control measures,
e. establishment of storm drainage,
f. paving streets and parking areas, and
g. establishment of temporary and permanent vegetative cover.

3. The Planning & Zoning Commission may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objective and principles of these Zoning Regulations.

D. Plan Approval.

1. A nonagricultural grading operation or a final plat of a subdivision shall not be approved unless the preliminary plat and erosion and sediment control plans indicate that measures to be taken will meet erosion control standards. Permit approval or disapproval will be indicated within thirty (30) days of erosion and sediment control plan hearing by the Planning & Zoning Commission.

2. Conservation District Comments.

   a. When a plan is submitted, the Stone County Soil and Water Conservation District may make comments and recommendations.

   b. All such comments and recommendations shall be made within fifteen (15) days of receipt by the Stone County Soil and Water Conservation District.

   c. Such comments may pertain but need not be limited to:

      (1) Erosion and sediment control,

      (2) Soil use limitations,

      (3) Environmental considerations,

      (4) Drainage and flooding.
E. Standards:

1. All excavations, grading, or filling shall have a finished grade not to exceed a 3:1 slope (33%).
   a. Steeper grades may be approved if the excavation is through rock or the excavation or fill is protected (a designed head wall or toe wall may be required).
   b. Retaining walls that exceed a height of four (4) feet shall require the construction of safety guards as identified by the county engineer.

2. Grading plans for sites shall provide for sediment or debris basins, silt traps or filters, staked straw bales, or a combination of these measures to remove sediment from runoff waters.
   a. Temporary siltation control measures shall be designed to assure that sediment is not transported from the site by a storm event of a ten (10) year frequency (5.7 inches in 24 hours.)
   b. Temporary siltation control measures (structural) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site.

3. Where natural vegetation is removed during grading, vegetation shall be reestablished in such a density as to prevent erosion.
   a. Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed. (Refer to Paragraph H. Vegetative Establishment Requirements Chart.)

4. When grading operations are completed or suspended for more than thirty (30) days between permanent grass seeding periods, temporary cover shall be provided. (Refer to Paragraph H. Vegetative Establishment Requirements Chart.)
   a. All finished grades (areas not to be disturbed by future improvement) in excess of 20% slopes (5:1) shall be mulched at the rate of one hundred (100) pounds per one thousand (1,000) square feet when seeded.

5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after grading.
   a. Un-vegetated open channels shall be designed so that gradients result in velocities of two (2) fps (feet per second) or less.
b. Velocities in permanently vegetated open channels shall not exceed five (5) fps.

c. Un-vegetated open channels with velocities more than two (2) fps and less than five (5) fps shall be established in permanent vegetation by use of commercial erosion control blankets or lined with rock riprap or concrete or other suitable materials as approved by the County engineer.

d. Detention basins, diversions, or other appropriate structures shall be constructed to prevent velocities above five (5) fps.

6. The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion.

a. Runoff water from developed areas (parking lots, paved sites, and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems.

b. Sufficiently anchored straw bales may be substituted with other materials, with the approval of the County engineer.

7. Development along natural watercourses shall have residential building lines, commercial or industrial improvements, parking areas or driveways set back a minimum of twenty-five (25) feet from the top of the existing stream bank.

a. Permanent vegetation should be left intact.

b. Approval may require stream bank erosion control measures.

c. FEMA guidelines shall be followed where applicable regarding site development in flood plains.

8. All lots shall be seeded and mulched or sodded before an occupancy permit is issued except that a temporary occupancy permit may be issued in cases of undue hardship because of unfavorable ground conditions.

F. Inspection and Violation:

1. Inspections: By applying for an Excavation/Grading Permit, the applicant consents to inspection of the proposed development site and all work in progress.

2. Corrections: All violations shall be corrected within the time limit set forth by the Planning & Zoning Director specified in the issuance of a written notice to correct. All persons or entities failing to comply with such notice shall be deemed in violation of these Zoning Regulations.
3. Violations: In the event of a regulation violation, the bond proceeds may be used by the County to complete the planned sediment and erosion control practices, or to reclaim the disturbed area to a vegetative state.

4. Penalties and Civil Enforcement:

a. Conduct declared unlawful. The following conduct is hereby declared to be unlawful:

(1) Violation of any provision of these Zoning Regulations or of any regulation adopted pursuant to authority conferred by it;

(2) Failure to comply with the provisions, requirements, conditions or standards contained in any approved site plan, grading plan, excavation plan or clearing plan or in any special permit, building permit, occupancy permit, variance or certificate of appropriateness;

(3) Procurement of any amendment or any required permit, certificate or approval through misrepresentation of any material fact.

b. Penalties. Any person or entity that willfully engages in any conduct made unlawful by these Zoning Regulations shall be deemed guilty of a county ordinance violation and, upon conviction thereof, be fined not less than ten (10) dollars or more than one thousand (1,000) dollars for each such offense. Each day such violation continues shall constitute a separate offense.

c. Civil enforcement. In case any land, building, or improvement is or is proposed to be used, altered, or maintained in violation of these Zoning Regulations or if any person, firm or corporation is engaging in conduct declared unlawful by subsection (a) above, the Planning & Zoning Director, or any adjacent or neighboring property owner that would be specially damaged by such violator or unlawful conduct, in addition to the penalties and 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 unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

d. Stop order; suspension and revocation of plans, permits, certificates, approvals and variance.
(1) Except as otherwise specifically provided in these Zoning Regulations, the Planning & Zoning Director may, upon finding that any person is or has been engaging in conduct declared unlawful by subsection (a), issue an order directing such person to stop engaging in such conduct.

(a) The issuance of a stop order shall suspend the effect of any approval, permit, plan, variance, or certificate previously issued that relates to the property, premise, structure, or activity that is subject to the stop order, until such time as the stop order is withdrawn by the Planning & Zoning Director or is stayed by an appeal to the Board of Adjustment.

(2) Except as otherwise specifically provided in these Zoning Regulations, the Planning & Zoning Director may, upon finding that any person is or has been engaging in conduct declared unlawful by subsection (a), the Planning & Zoning Director may revoke any permit or certificate previously issued by him or her.

G. Glossary

For the purpose of these Zoning Regulations, the following words and phrases shall have the following meanings:

1. Debris or sediment basin means a barrier or dam built across a waterway or at other suitable locations to retain rock, sand, sediment, gravel, silt, or other materials.

2. Diversion means a channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

3. Erosion means the wearing away of the land surface by the action of wind, water, or gravity.

4. Excavation or cut means the removal, stripping or disturbance of soil, earth, sand, rock, gravel, or other substance from the surface of the earth.

5. Existing grade means the vertical location of the existing ground surface before excavation or filling.


7. Fill or filling means the placing of any soil, earth, sand, rock, gravel or other substance on the ground.
8. **Finished grade** means the final grade or elevation of the ground surface conforming to the proposed design.

9. **Grading** means any excavation or filling or combination thereof.

10. **Natural watercourse** means a channel formed in the existing surface topography of the earth before changes made by unnatural conditions.

12. **Open channel** means a constructed ditch or channel designed to remove water.

13. **Sediment** means solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

14. **Silt traps or filters** means staked bales of straw or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage of storm water runoff.

15. **Site** means a lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

16. **Site development** means altering terrain and/or vegetation and constructing improvements.

17. **Soil and Water Conservation District** (SWCD) means the Stone County Soil and Water Conservation District, a district organized to operate as a unit of government, functioning under Missouri law, to promote protection, maintenance, improvement, and wise use of the soil and water within The County.

18. **Stream bank, top of existing** means the usual boundaries, not the flood boundaries, of a stream channel. The top of the natural incline bordering a stream.

19. **Watershed** means all that area drained by a waterway, drainage ditch, stream or other water course.

**H. Vegetative Establishment Requirements**

<table>
<thead>
<tr>
<th>Seeding Rates</th>
<th>Broadcast</th>
<th>Drilled</th>
<th>Sodded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tall Fescue</td>
<td>30 lbs./ac.</td>
<td>25 lbs./ac.</td>
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<tr>
<td>Kentucky Bluegrass</td>
<td>3 lbs./ac/</td>
<td>2 lbs./ac</td>
<td>Solid</td>
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<tr>
<td>Red Fescue</td>
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<td>Wheat or Rye</td>
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<td>100 lbs./ac.</td>
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<tr>
<td>Annual Ryegrass</td>
<td>100 lbs./ac.</td>
<td>100 lbs./ac.</td>
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</tr>
</tbody>
</table>
Seeding Dates:

Perennial Grasses: March 1 to May 15 or August 15 to October 15

Temporary Cover: May 15 to November 15

Mulch Rates

<table>
<thead>
<tr>
<th>Mulch</th>
<th>Rate</th>
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</thead>
<tbody>
<tr>
<td>Wheat Straw</td>
<td>100 lbs. per 1000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td>(4,500 lbs. /ac.)</td>
</tr>
</tbody>
</table>

Fertilizer Rates

<table>
<thead>
<tr>
<th>Fertilizer</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nitrogen</td>
<td>90 lbs. /ac.</td>
</tr>
<tr>
<td>Phosphate</td>
<td>90 lbs. /ac.</td>
</tr>
<tr>
<td>Potassium</td>
<td>90 lbs. /ac.</td>
</tr>
<tr>
<td>Lime</td>
<td>1,500 lbs. /ac. ENM (Effective Neutralizing Material as per State evaluation of quarried rock)</td>
</tr>
</tbody>
</table>

Section 24, Sinkhole Use Standards

A. Placing Substances and Objects in Sinkholes

1. No person shall place or cause to be placed any substance or objects, other than those approved by the County Commission, in any sinkhole.

   a. This specifically includes any trash, garbage, or refuse material.

   b. If an accidental spill of any toxic, petroleum, or hazardous material occurs it shall be reported to the Missouri Department of Natural Resources immediately

2. Any property that has a sinkhole present that has been used as a site for dumping of trash, garbage, and refuse will be prohibited from building permits, zoning actions, or land subdivision until the sinkhole has been cleaned out.

B. Alteration of Sinkholes. The filling, grading, or excavation of sinkholes is prohibited unless the following provisions are met:

1. Approval is granted by the Planning and Zoning Commission after receiving recommendation from the applicant’s storm water engineer.

2. A sinkhole evaluation that addresses geologic and engineering factors, stamped or sealed by a registered civil engineer shall be filed with the Planning & Zoning Department detailing the method and material to be used and showing that no detrimental effect will occur to surrounding properties.
a. In cases of agricultural filling, where the Planning & Zoning Commission determines that no detrimental effect on surrounding properties will occur, the Engineering Report may be waived.

3. All other pertinent regulations are met.

C. Development.

1. No construction will be allowed within a sinkhole.
   a. Any alteration of a sinkhole related to building construction, subdivision development, or landscaping, is prohibited unless approved by the Planning & Zoning Commission on the recommendation of its Engineer.

2. Drainage to sinkholes shall not exceed pre-development conditions unless approved by the Planning & Zoning Commission on the recommendation of its Engineer.

3. No waste disposal system is allowed within a sinkhole.

4. No excavation or stripping of vegetative cover is allowed within sinkholes, except for normal agricultural activities.

D. Reporting Sinkholes.

1. Whenever a new sinkhole appears or it becomes apparent that a sinkhole has not yet been identified, it shall be reported to the Planning & Zoning Department.

Section 25, Short-Term Rentals.

A. Short-term rentals of residences, as defined in Article 1, Section 5, may be Conditional Uses in the A-1, A-R, RR-1, R-1, and R-2 Zoning Districts, provided that the following requirements and limitations are adhered to:

1. Such use does not violate subdivision restrictive covenants.

2. Such use does not endanger public health or safety, or create a public nuisance.

3. Such use does not adversely affect property values in the subdivision, neighborhood, or area.

4. Such use is compatible with the existing uses in the subdivision, neighborhood, or area.
5. Such use’s vehicle traffic and noise levels are compatible with the existing uses in the subdivision, neighborhood, or area.

6. A representative or agent is available at all times.

7. Missouri sales tax license is in effect at all times.

8. Stone County merchant’s license is in effect at all times.

9. Stone County Health Department permit under the Vacation Home Rental Ordinance is in effect at all times.

10. Parking:
    a. Minimum two (2) parking spaces for up to three bedrooms and one (1) parking space for each additional two bedrooms.
    b. All vehicles are parked on the residence’s premises, and not on a roadside.
    c. Parking is limited to three (3) outside vehicles, in addition to any garaged vehicles.

Section 26, Residential Group Homes.

A. Residential group homes as defined in Article 1, Section 5, may be Conditional Uses in the R-1, R-2, R-3, R-4, and MH Zoning Districts provided that the following requirements and limitations are adhered to:

1. The size of the facility and exterior appearance of the residential group home and property must be compatible with the surrounding neighborhood, as determined by the Planning & Zoning Commission.

2. The residential group home shall be located no closer than one-quarter (¼) mile from any other group home.

3. The residential group home must be equipped with approved fire safety systems.

4. The residential group home must be connected to public water and sewer or approved private systems.

5. The residential group home must meet all County, State, and Federal requirements regarding each individual group home.
Section 27, Public Utilities and Essential Services.

A. Public utility transmission and distribution lines, poles and other accessories; county or municipally owned sewer trunk lines, sewer lines, water supply and distribution lines; publicly regulated telephone lines, poles and other accessories; public or privately owned gas supply or distribution lines; public or privately owned cable television lines including fiber optic cables or lines, poles, and other accessories; and public utility structures or uses required for public convenience including highways and railroads, may be permitted upon approval of the Stone County Planning & Zoning Commission, provided that no use permit shall be granted unless the use:

1. is necessary for the public convenience at that location;

2. is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; and

3. will not cause injury to the value of other property in the neighborhood in which it is located; except as may be otherwise specified herein, or recommended by the Planning & Zoning Commission.

B. Notwithstanding the foregoing, when a utility proposes a main transmission facility, notice shall be given to the Planning & Zoning Department of such intention and of the date of hearing for the Missouri Public Service Commission.

1. Before beginning construction of a specific route, said utility shall file with the Planning & Zoning Department plans for the construction of said route.

2. The Planning & Zoning Department shall within thirty (30) days report to the applicant the appropriateness of the planned transmission facility in relationship to the intent of the general plan in preserving the character of the Zoning District in which the planned transmission facility is to be located.

C. Any work or routings proposed to be located in any County right-of-way will require an additional submittal of plans to the Stone County Highway Department for approval. Any land disturbance required by the location of the above utilities or services will require an Excavation/Grading Permit from DNR.
Section 28, Livestock Confinement Operations (LCO).

A. Livestock Confinement Operations (LCO) as defined by Article 1, Section 5 may be conditionally permitted in A-1, M-1, or M-2 district with a conditional use permit approved by the Planning & Zoning Commission. An operation shall be considered an LCO when said use is expected to meet or exceed the following animal population(s):

<table>
<thead>
<tr>
<th>Animal Type</th>
<th>Number of Animals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mature Dairy Cattle (Milkers or Dry Cows)</td>
<td>150</td>
</tr>
<tr>
<td>Dry Cows and Heifers</td>
<td>500</td>
</tr>
<tr>
<td>Slaughter and Feeder Cattle</td>
<td>500</td>
</tr>
<tr>
<td>Horses</td>
<td>500</td>
</tr>
<tr>
<td>Swine (weighing over 55 pounds)</td>
<td>500</td>
</tr>
<tr>
<td>Sheep, Lambs and Goats</td>
<td>1,000</td>
</tr>
<tr>
<td>Chickens</td>
<td>10,000</td>
</tr>
<tr>
<td>Turkeys</td>
<td>10,000</td>
</tr>
</tbody>
</table>

B. Tracts less than twenty (20) acres will not be considered for LCO approval.

1. Further, any confinement of animals in population(s) that exceed the maximum populations outlined in Section 31.A, or any division of that maximum for smaller tracts, in the absence of a conditional use permit, is prohibited.

2. The owner(s) of a tract of land in A-1, M-1, or M-2 District containing a minimum of twenty (20) acres may apply for Livestock Confinement Operation (LCO) approval.

C. Animal confinement areas and buildings, including waste treatment lagoons, separators, waste storage areas/buildings, composting facilities, and feed storage:

1. shall be located a minimum of one thousand three hundred twenty (1320) feet from any residential development or Zoning District developed or permitting a density at or greater than one (1) dwelling unit per three (3) acres;

2. a minimum of six hundred (600) feet from any dwelling unit existing on adjacent property at a density of less than one (1) dwelling unit per three (3) acres; and
3. A minimum of two hundred (200) feet from all property lines.

4. The Planning & Zoning Commission is empowered to increase setback requirements based on the nature of operations associated with the Livestock Confinement Operation (LCO).

D. Reasonable assurance shall be provided to the Planning & Zoning Commission that the best management practices shall be exercised to discourage undesirable odors, insects and excessive noise.

   1. The Planning & Zoning Commission shall have the power to require additional mitigative measures to protect adjacent properties and generally safeguard the health, safety, and general welfare of the citizens of The County.

E. An application for said conditional use permit shall be made on forms provided by the Planning & Zoning Department. The following information shall supplement the customary conditional use permit submittals:

   1. A full written description of the Livestock Confinement Operation (LCO, including a complete site plan (18 x 24") drawn to scale. The site plan shall include, but not be limited to:

      a. location of all structures,

      b. feed storage areas,

      c. animal confinement areas,

      d. waste storage areas,

      e. water wells,

      f. septic systems,

      g. canals,

      h. ditches,

      i. significant natural features,

      j. sinkholes,

      k. interior traffic circulation,

      l. lighting,
m. adjoining residences, and
n. dimensions of all property line setback measurements.

2. A topographical map and soils map of the Livestock Confinement Operation (LCO) site.

3. A waste disposal plan for both solid and liquid wastes approved by the Missouri Department of Natural Resources.

4. Written comment on and, if appropriate, approval letters from
   a. Missouri Department of Transportation,
   b. Stone County Health Department,
   c. and/or other agencies.

Section 29, Telecommunication Regulation.

A. Purpose: The purpose is to find practical solutions to the siting of telecommunications facilities and their functionally equivalent services.

1. The regulation allows for reasonable and fair action necessary to protect and advance the public interest.

2. Maintaining quality of life by balancing community and individual interests with community health and safety is the responsibility of local government when delivering services benefitting all citizens of The County.

B. Definitions:

1. **Antenna** means the surface from which wireless radio signals are sent and received by a personal wireless service facility. “Antenna” should not be used as a synonym for “cell site”.

2. **Cell Site** means a generic term for a personal wireless service facility.

3. **Co-Location** means the use of a single mount on the ground by more than one (1) carrier and/or several mounts on an existing building by more than one (1) carrier.

4. **Equipment shelter** means an enclosed structure, cabinet, shed or box at the base of the mount used to contain batteries and electrical equipment. An equipment shelter may also be known as a **base transceiver station**.
5. **Functionally Equivalent Service** means the definition under the federal Telecommunications Act, the following five (5) services that are considered functionally equivalent services and must receive the same treatment by local government:

   a. Cellular telephone services;

   b. Personal Communications Services (PCS);

   c. Enhanced Specialized Mobile Radio;

   d. Specialized Mobile Radio; and

   e. Paging services

6. **Guyed tower** means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

7. **Lattice Tower** means a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

8. **Licensed Carrier** means a company authorized by the FCC to construct and operate a commercial mobile radio services system.

9. **Monopole** means a type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform for panel antennas arrayed at the top.

10. **Mount** means the structure or surface upon which antennas are mounted. Types of mounts include roof-mount, side-mount, ground-mount (tower) and structure-mount.

11. **PCS (Personal Communications Services)** means an advanced form or radiotelephone services, capable of transmitting and receiving voice, data, text, and video messaging. PCS operates in the 1850-1990 MHz range.

12. **Telecommunications Facility** means any antennas, microwave dishes, guy wires, or cables that send or receive radio frequency signals, and including such accessory structures as towers, equipment shelters, and fences. The definition shall not include:

   a. towers located in an area zoned for commercial or manufacturing use that meet the setback requirements prescribed for towers. Such tower may be accessory to the principal use.

   b. any antenna one (1) meter or less in diameter located in any zone.
c. any antenna in excess of one (1) meter in diameter that is utilized for the reception of broadcast television, video, or radio signals that may be accessory to the primary use on the premise of the holder of the broadcast license.

d. communication towers and antennas used for non-commercial purposes, such as ham radio operation or receive only antennas do not require a Conditional Use Permit as long as the above mentioned setback requirements are adhered to.

C. A Conditional Use Permit is required for any:

1. ground-mount telecommunications facility located within any Agricultural or R District.

2. Any existing telecommunication facility located within any Agricultural or R District:
   a. where the mounting of additional antennas add more than twenty (20) feet to the height of the existing tower or
   b. where the placement of additional supporting structures or equipment increase the square footage of the existing telecommunication facility compound by more than twenty-five (25) percent while still meeting all other requirements of these Zoning Regulations.

3. A ground-mount telecommunication facility or functionally equivalent service shall be considered a principal use and may be located within any Commercial or Manufacturing district so long as the facility can maintain setback requirements prescribed for towers.

4. In granting a Conditional Use Permit the Planning & Zoning Commission may require conditions mitigating the impact of the tower location on surrounding properties.
   a. These conditions may include in part:
      (1) Screening of the compound surrounding the equipment shelter and tower,
      (2) Lighting,
      (3) Tower height,
(4) Landscaping of the site including building materials and architectural requirements when located within or adjoining an R District,

(5) Co-location,

(6) abandonment of the site, which may require dismantling towers and structures at the owner's expense, and vegetation reclamation.

5. Communications towers and antennas used as part of a home occupation must adhere to all conditions set forth within these Zoning Regulations. Any tower associated with a home occupation and exceeding sixty (60) feet in height requires a Conditional Use Permit.

6. The application requesting the Conditional Use Permit must include the following information:

   a. A scale site plan showing
      (1) Property lines,
      (2) Existing land use and zoning,
      (3) Surrounding land use and zoning,
      (4) Access roads,
      (5) Proposed structures,
      (6) Setbacks of proposed structures from property lines,
      (7) Type of proposed mount,
      (8) proposed landscaping,
      (9) Screening or fencing,
      (10) Parking areas,
      (11) Proposed signage, and
      (12) Proposed lighting of the facility.

   b. A written report describing:
(1) Tower height and design,

(2) Engineering specification detailing the tower construction,

(3) Information on painting,

(4) Lighting of the tower,

(5) Tower’s capacity, including the number and type of antennas that it can accommodate as a co-location site.

c. A statement in writing that other existing towers or structures do not provide a suitable location for the proposed tower.

(1) Evidence submitted may cite the geographic location of other structures,

(2) Insufficient height or structural strength to meet engineering requirements,

(3) Unreasonable costs,

(4) Contractual provisions required for co-location, or

(5) Other significant factors making co-location an unreasonable option.

7. In granting a Conditional Use Permit the Planning & Zoning Commission will consider, but is not limited to, the following factors:

a. Height of the proposed tower,

b. Proximity of the tower to residential structures and boundaries,

c. Nature of uses on adjacent and nearby properties,

d. Surrounding topography,

e. Surrounding tree and vegetative cover,

f. Design of the tower, including characteristics that reduce visual obtrusiveness,

    g. Availability of existing towers and other structures suitable for co-location,
8. A Conditional Use Permit is required for the installation of an antenna on
   a. an existing structure other than a tower, such as
      (1) A building,
      (2) A water tower,
      (3) A light pole, or
      (4) Another non-residential structure,
   b. provided that the antenna (including the supporting masts, et cetera) complies with all other provisions of these Zoning Regulations.

9. In the instances mentioned above, when approved, the mount shall be considered to be an accessory use to the principal use.

D. All towers must meet or exceed current Federal standards and regulations of the FAA, the FCC, and any other agency of the federal or state government regulating the construction and specifications of towers and antennas.

   1. If such standards change, the tower and antenna owners governed by these Zoning Regulations shall bring such tower or antenna in compliance with the revised standards within the time mandated by the controlling agency.

E. Each applicant shall cooperate with the Planning & Zoning Department and with other applicants or users by designing towers such that other users may co-locate upon the same tower.

   1. Specifically, unless otherwise authorized by the Planning & Zoning Commission, towers shall have such capacity that additional equipment by the principal user of the tower may be added or secondary users might lease the balance of the tower.
      a. Towers less than sixty (60) feet in height are not required to meet the above mentioned co-location criteria.
      b. Applicants must notify the Planning & Zoning Director in writing of the name and address of any and all co-users of a tower or antenna.

F. Any proposal to lease space on County owned property or structures must be approved by the County Commission.
G. All towers governed by these Zoning Regulations constructed within Stone County must be permitted by and adhere to any applicable fire district building codes or building regulations.

H. Insurance and inspections.

1. For all towers, before any building permit will issue, and at all times thereafter that the tower is standing, the Owner shall provide insurance coverage in form and amount determined by the Planning & Zoning Commission, and shall at all times provide the Planning & Zoning Director with proof of insurance coverage, amendments, and changes.

2. For all towers, before any building permit will issue, Applicant shall have the tower inspected for conformance with design requirements by a registered civil engineer. A copy of the inspection approval stamped with the registered engineer’s seal shall be filed with the Planning and Zoning Department.

3. A copy of all subsequent inspections must be filed with the Planning & Zoning Department.

I. All ground-mount telecommunication facilities shall be secured with minimum six (6) foot security fencing, the towers equipped with appropriate anti-climbing devices, and clearly marked “No Trespassing”.

J. No accessory equipment or vehicles will be allowed to be stored on site unless used in direct support of the communication facility, unless repairs to the tower are then currently in progress.

K. Setbacks:

1. Towers located within an R District must be set back from the property line a distance equal to the overall height of the tower constructed, or a minimum setback for the Zoning District, whichever is greater.

2. Towers located adjacent to any R District must be set back a minimum distance equal to the height of the tower.

3. Towers located within or adjacent to any A District must have a setback from the property line equal to the height of the tower.

4. Guy wires and other support structures shall maintain a minimum of twenty (20) feet from the property line in any Zoning District.

5. All towers and accessory buildings must adhere to the minimum setback requirements within the Zoning District in which they are located.
L. Landscaping:

1. The street frontage or front yard of any tower located within any R District shall maintain the yard in a manner consistent with the residential character of the surrounding neighborhood.

2. The perimeter of the telecommunications facility site shall be screened, at a minimum, with a course of coniferous trees, at least six (6) feet in height at the time of planting, ten (10) feet on center.

3. The applicant shall, upon application for a Conditional Use Permit, submit a landscape/site plan detailing the plantings and/or other features such as privacy fencing, earthen berm, or natural vegetation buffering the proposed site to be approved.

4. Existing mature tree growth and natural land forms on or surrounding the communication facility should be preserved to the maximum extent possible.
   a. In some cases natural growth around the property perimeter may be a sufficient buffer to waive the above mentioned landscape requirements.

5. Towers located within any A District must have the perimeter of the communication facility screened with a single course of coniferous trees that at the time of planting shall be at least six (6) feet in height, fifteen (15) feet on center.

6. Those towers located within two hundred and fifty (250) feet of an R District may be subject to the landscaping requirements within the nearby R Districts.

M. Towers will be artificially illuminated if required by a FAA or other governing authority.

1. The lighting shall be designed with the required guidelines, yet should cause minimal impact on surrounding or nearby properties.

2. Security lighting around the base of the tower must have direct rays confined to the property and may be required to be incandescent in nature.

N. The tower shall be maintained with a galvanized steel finish or, subject to FAA standards, painted a neutral color to lessen visual impact or camouflaged to harmonize with the surrounding environment.
O. The support buildings within a telecommunication facility shall, to the extent possible, be designed to blend into the surrounding setting in which they are being sited. This may include, in addition to landscaping and screening, residential style architecture with pitched roof, siding, and color.

P. Any tower no longer in use for the original purpose granted by the Conditional Use Permit or serving as an approved co-location site must be dismantled and removed within one hundred and eighty (180) days of the cessation of operations.

1. The owner of the tower must notify the Planning & Zoning Department with a copy of any notice given to the FCC relating to its intent to cease operations.

2. Upon removal, the tower owners will reclaim the site by obtaining the property Excavation/Grading Permits from the Planning & Zoning Department and reclaiming the disturbed area according to Article 4, Section 23 of these Zoning Regulations.

3. An extension to the one hundred and eighty (180) day period may be granted by the Planning & Zoning Director if good faith effort is made to resolve the situation.

Section 30, Adult Entertainment Facilities

A. Intent:

1. It is not the intent of these Zoning Regulations to suppress any speech activities protected by the First Amendment, but to enact a content-neutral regulation that addresses the adverse secondary effects of sexually-oriented businesses (adult entertainment establishments).

2. The County Commission finds that sexually-oriented businesses (adult entertainment establishments) create or enhance undesirable secondary effects that include a wide range of criminal and other unlawful activities that have regularly and historically occurred, including prostitution, narcotics, breaches of the peace, assaults and sexual conduct involving contact between the patrons. Secondary land use effects also include impacts to both residential and commercial property, including a change of character, de-stabilization of neighborhoods, and depressed property values that are destructive to residential areas and certain commercial zones. These secondary effects are inconsistent with goals of the Comprehensive Development Plan, these Zoning Regulations, and the Subdivision Regulations. Therefore, it is the intent of this Section to mitigate these secondary impacts from adult entertainment establishments.

3. It is well documented that certain businesses providing live adult entertainment are associated with prostitution, disruptive conduct, and other
criminal activity and constitute a threat to the public peace, health, and safety. This Section is intended to address these secondary impacts.

4. The County Commission is aware of studies that have documented an increase in the crime rate generally, and specifically in the rate of sexually related crime, in areas that are close to adult businesses. These studies provide convincing evidence that adult-oriented businesses provide an atmosphere supporting an increase in crimes such as assault, theft, robbery, prostitution, drug use and other serious offenses. This Section is intended to address this concern.

5. Many cities, including surrounding metropolitan areas, have experienced negative secondary land use impacts from adult entertainment activities. The skid row effect described in case studies of Detroit is one of these secondary effects, and is evident in certain parts of Seattle and Tacoma. Such an effect could be significantly magnified in the unincorporated areas of The County. This Section is intended to address that concern.

6. Secondary land use impacts to residential uses are expected when adult entertainment land uses are located adjacent or in close proximity to residential zones. At a minimum, adult entertainment uses located in close proximity to residential neighborhoods are perceived by residents to have a detrimental impact to the residential character and, therefore, an impact on the suitability of their area for residential use. This can cause a de-stabilization of the residential area, depressed property values, and have significant detrimental impacts to the health and vitality of the neighborhood. These impacts have been documented by studies in other jurisdictions. This Section is intended to address these secondary land use impacts.

7. Both residential neighbors and commercial landlords and tenants have concerns over the secondary effects of location of adult uses in the immediate vicinity of residential and commercial uses, including a significant distraction to their residential quality of life and expected significant adverse impacts to their neighborhood character and property values as a result. This Section is intended to address these residential and commercial neighborhood concerns.

8. By land use regulation of adult entertainment land uses it is the intent of this Section to prevent deterioration and/or degradation of the vitality of our rural community.

9. The Comprehensive Development Plan and these Zoning Regulations require that adjacent land uses be compatible. It is the intent of this Section to require such compatibility when siting adult entertainment uses.

10. Adult entertainment land uses are considered incompatible with certain land uses, such as residences, religious facilities, day care facilities, libraries, youth centers, parks and schools, and should be separated and buffered from such
uses. It is the intent of this Section to implement separation and buffering strategies protecting uses that are incompatible with adult entertainment uses.

11. In order to avoid a “skid row” effect, adult entertainment uses need to be separated from one another. It is the intent of this Section to implement a strategy to separate adult entertainment uses and avoid skid row effects in The County’s land use zones.

12. Careful siting of adult entertainment uses is necessary to properly integrate such uses into compatible land use zones. It is the intent of this Section to carefully select certain zones providing for the needs of adult entertainment uses that will minimize impacts to other land uses in the selected zones.

13. Careful site planning of adult entertainment uses is necessary to properly integrate adult uses among non-adult entertainment uses to avoid conflicts that impact the desirability of the commercial area for existing uses. It is the intent of this Section to develop and require implementation of siting techniques to minimize land use impacts from adult entertainment uses upon surrounding land uses.

B. **Adult Entertainment Definitions:** The following words and phrases shall have the meanings set forth below when used in reference to provisions for adult entertainment businesses and uses within this Section.

1. **Adult entertainer** means any person who provides live adult entertainment within an adult entertainment dance studio as defined in this Section whether or not a fee is charged or accepted for entertainment.

2. **Adult entertainment** means any exhibition, performance or medium that contains, or is distinguished or characterized by:

   a. Actual or simulated acts of sexual intercourse, masturbation, sodomy, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area;

   b. Fondling or other touching of the human genitals, pubic region, buttocks or female breast;

   c. Human genitals in a state of sexual stimulation or arousal;

   d. Displays of less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola;

   e. Human male genitals in a discernibly turgid state even if completely covered;
f. actual or simulated sexual acts;

g. actual or simulated violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture;

h. Any exhibition, performance or dance conducted in a premise where such exhibition, performance or dance is performed within the view of one or more members of the public and is intended or is likely to sexually stimulate any member of the public;

i. Adult entertainment shall not include the following:

   (1) Plays, operas, musicals or other dramatic works that are not obscene;

   (2) Classes, seminars and lectures which are held for serious scientific or educational purposes;

   (3) Exhibitions or dances that are not obscene. For this Section, any exhibition, performance, dance, or other medium is obscene, if:

      (a) The average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

      (b) The exhibition, performance, dance, or other medium explicitly depicts or describes patently offensive representations or descriptions, applying contemporary community standards of sexual conduct; and

      (c) The exhibition, performance, dance, or other medium, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

3. Adult arcade means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projections, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, video disks or other photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas
4. **Adult bookstore, adult novelty store, or adult video store** means a commercial establishment that has as one of its principal business purposes the offering for sale or rental for some form of consideration, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, video disks or other visual representations that are characterized by the depiction or description of specific sexual activities or specific anatomical areas.

5. **Adult entertainment facility** means and includes all adult-oriented businesses including adult arcades, adult bookstores, adult novelty stores, adult video stores, similar adult uses and adult live entertainment facilities.

6. **Adult live entertainment center** means a cabaret or business having as part of its trade, live dancers or entertainers who depict specific sexual activities or display specific anatomical areas as defined in this Section, including, but not limited to topless dance centers, so-called exotic dance centers and body painting studios.

7. **Business area** means any zoning district designated for office, government and institutional, commercial and industrial use.

8. **Cabaret** means an establishment that features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or specified anatomical areas.

9. **Commercial** means relating to the sale of goods or services.

10. **Commercial vehicle** means any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

11. **Compensation** means the receiving of goods, services, or money in exchange for or as a result of a service performed.

12. **Entertainment** means any exhibition or dance of any type, removal of articles of clothing, pantomime, modeling or any other performance.

13. **Establishment** means an economic unit, generally at a single physical location, where business is conducted or service or industrial operations performed.

14. **Member of the public** means any customer, patron or person, other than an employee, who is invited or admitted to an adult entertainment premise.

15. **Non-business area** means any area within a residential Zoning District, including areas therein where legal non-residential uses are present.
16. **Nude or state of nudity** means displays of less than completely and opaquely covered human genitals, pubic area, anus, buttocks, or female breast below the top of the areola.

17. **Premise** means any tract of land. A premise may consist of one (1) or more lots, tracts, or spaces, under single or multiple ownership, that operates as a functional unit. A **Shared Premise**, when developed, shall also possess one or more of the following criteria:
   
   a. Shared parking;
   
   b. Common management;
   
   c. Common identification;
   
   d. Common access; or
   
   e. Shared circulation.

18. **Principal use** means the primary or predominant use of any lot.

19. **Restaurant** means an establishment where food and drink is prepared and served for consumption on or off the property. If alcoholic beverages are served, more than fifty (50) percent of gross income must be derived from the sale of food and non-alcoholic beverages, for consumption on the property, for the establishment to be classified as a restaurant.

20. **Specific anatomical areas** means:
   
   a. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola;
   
   b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

21. **Specific sexual activities** means:
   
   a. Human genitals in a state of sexual stimulation; and/or
   
   b. Acts of human masturbation, sexual intercourse or sodomy; and/or
   
   c. Fondling or other erotic touching of human genitals, pubic region, buttocks or the female breasts.
22. **Stock in trade** means the greater of:

a. The retail value of all prerecorded video tapes, books, magazines or similar material readily available for purchase, rental, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premise not regularly open to patrons; or

b. The total number of titles of all prerecorded video tapes, discs, books, magazines, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premise not regularly open to patrons.

23. **Tavern** means an establishment where fifty (50) percent or more of the gross income is derived from the sale of alcoholic beverages by the drink, for the consumption on the property, and where the serving of food and non-alcoholic beverages, for consumption on the property, and the sale of package liquors may be accessory uses.

24. **Tea Room** means an establishment used primarily for the serving of non-alcoholic beverages by the drink for consumption on the premise with the sale of food for consumption on the premise is accessory to the primary use.

25. **Wholesale Trade** means an establishment or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

26. **Youth oriented facility** means facilities owned or operated by non-profit organizations for the purpose of providing recreational or educational opportunities for youth including, but not limited to, Boys and Girls Clubs, YMCA, YWCA, Little League, and other youth sports associations.

C. **Adult entertainment facilities permitted in certain land use zones subject to certain restrictions and standards.**

1. Adult arcades, adult live entertainment facilities, cabarets and any adult entertainment facility falling under the definitions of adult bookstores, adult novelty stores, adult video stores or other similar adult uses may be permitted in the following zones subject to the standards and requirements of Section 33-D and spacing requirements identified below:

a. Land use zones permitted: C-2, M-1, or M-2 district.

b. Spacing and buffering requirements.
(1) No adult entertainment facility shall be located closer than one thousand (1,000) feet from another adult entertainment facility, whether such other facility is located within or outside the unincorporated area of The County.

(2) No adult entertainment facility shall be located, operated or maintained within one thousand (1,000) feet of any sensitive land uses, property that includes property used for:

(a) Public and private schools;
(b) Public parks;
(c) Public libraries;
(d) State-certified daycare;
(e) Public community centers;
(f) Churches, cemeteries or other religious facilities or institutions;
(g) Residential and lodging uses and property zoned primarily for residential uses, including A-R Agricultural Residence District, R-1 Suburban Residence District, R-2 One and Two-Family Residence District, R-3 Multi-Family Residence District, and R-4 Multi-Family Residence District zones.

c. General Standards: All the standards of Section 33-D shall apply.

d. Measuring required distances: The distances between adult entertainment facilities and sensitive land uses identified in Section 33.C.1.b.(2) hereof or the spacing distances between adult entertainment facilities shall be measured by following a straight line, without regard to intervening structures or objects, from the nearest point of the property parcel upon which the proposed adult entertainment facility or use is to be located to the nearest point of the sensitive parcel of property or the Zoning District boundary line from which the proposed adult entertainment use is to be separated.
D. **General standards for adult entertainment facilities.** Adult entertainment facilities shall conform to the following general standards:

1. All on-site parking areas and premise entries of adult entertainment uses shall be illuminated from dusk until one (1) hour past closing with a lighting system that provides an average maintained horizontal illumination of one foot-candle of light on the parking strips and/or walkways. An on-premise exterior lighting plan shall be presented to and approved by the Planning & Zoning Department before the operation of any such use.

2. All parking must be visible from the fronting street. Access to the exterior rear of the building shall be denied to any persons other than employees or public officials during the performance of their respective duties and tasks by means of fencing as approved by the Planning and Zoning Department.

3. In addition to all on-premise sign requirements of Article 3, Section 5, and Article 4, Section 6 the following signing provisions shall be followed:
   
   a. There shall be no electronic reader boards or changing message center signs.

   b. All adult entertainment facilities shall have facades, exteriors, and exits which must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of the building used for such business or on any door or apparatus attached to such building.

4. No one under 21 years of age shall be admitted to any adult entertainment establishment. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premise during hours when nude entertainment is being presented.

5. Nude entertainment shall only be available at an adult entertainment establishment from the hours of 7:00 a.m. to the following 1:30 a.m., on Monday through Saturday of each week.

6. No landowner or lessee shall knowingly permit an adult entertainment establishment to be operated or maintained upon a premise, property, or structure under his, her, or its control, in violation of these Zoning Regulations.

7. All standards of the underlying Zoning District.

8. All adult entertainment facilities shall be required to comply with the requirements of the Comprehensive Development Plan to promote compatibility with surrounding land uses in both commercial and manufacturing zones;
9. Each day of operation in violation of any provision of these Zoning Regulations shall constitute a separate violation.

10. Any adult entertainment establishment that engages in repeated or continuing violations of these Zoning Regulations shall constitute a public nuisance. For purposes of these Zoning Regulations “repeated violations” means three (3) or more violations of any provision set out in these Zoning Regulations within a one (1) year period dating from the time of any violation, and a “continuing violation” means a violation of any provision set out in these Zoning Regulations lasting for three (3) or more consecutive days;

11. If any provision of these Zoning Regulations is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate any regulation in its entirety, and to this end the provisions of these Zoning Regulations are declared to be severable.

12. **No ‘grandfather’ provision.** Even those adult entertainment establishment that were in operation before the effective date of these Zoning Regulations shall comply with every provision of these Zoning Regulations, and all future amendments to these Zoning Regulations.

E. **Waiver of distance requirements.** The following procedures and criteria shall be adhered to with regard to a request for waiver of distance requirements:

1. **Distance Waiver Required.** Any party proposing to locate an adult facility within less than the required distances from uses or zones specified in this chapter may do so only after obtaining a waiver from the Planning & Zoning Commission through a Conditional Use Permit process.

2. **Waiver of Notice Requirements.** In addition to the notice requirements for a Conditional Use Permit, first-class mailed notice shall be made to all parties within the distances set forth in these Zoning Regulations.

3. **Criteria for Decision.** The final decision on the request for waiver of distance shall be made by the Planning & Zoning Commission based on consideration of the following:

   a. The extent to which the physical features would result in an effective separation in terms of visibility and access;

   b. Compatibility with adjacent and surrounding land uses;

   c. The availability or lack of alternative locations for the proposed use; and
The ability to avoid the adult facility by alternative vehicular and pedestrian routes.

F. **Intervening uses.** Sensitive land uses specified in these Zoning Regulations shall not be allowed to locate within the specified distances to an adult entertainment facility. Any party proposing to locate such a use or zone within the specified distances of an adult entertainment facility is considered an intervening use and may do so only after obtaining a distance waiver pursuant to the provisions of Article 4, Section 30-E regarding waiver of distance requirements.

**Section 31, Wild or Exotic Animals.**

Wild or exotic animals are subject to federal regulation. Zoos, sanctuaries and similar display or exhibition facilities, dealers, research facilities, or other businesses which contain wild or exotic animals or non-human primates, regulated by the US Department of Agriculture’s (USDA) Animal Plant Health Inspection Service (APHIS) under the Animal Welfare Act of 1966 (as amended), shall not be located in any district except those zoned for commercial use. Additionally, such animals shall not be housed, caged or otherwise located within 1,000 feet of any dwelling, or any residential district (RR-1, MH-1, UR-1, R-1, R-2, R-3, R-4), or within 2,500 feet of any church, school or daycare center. Wild animals include those of native or foreign origin which are not normally domesticated as household pets. Exotic animals are those not native to the United States, or introduced from abroad. This term specifically includes animals such as, but not limited to, tigers, lions, leopards, elephants, camels, antelope, anteaters, kangaroos, water buffalo and species of foreign domestic cattle. Non-human primates include high order, non-human mammals including, but not limited to, monkeys, orangutans, apes, and similar primates.
ARTICLE 5, A-1, AGRICULTURE DISTRICT

Statement of Intent:

A. This Zoning District is intended to provide for agricultural and related uses in areas where non-farm residential development is not of a significant portion and is presently not anticipated.

B. This Zoning District allows accessory residential dwellings to the extent required for the safe and proper operation of a principal permitted use.

1. Single-family detached dwelling

   a. In the A-1 District to create tracts of 3.5 acres or larger requires an administrative subdivision. No more than two (2) tracts less than ten (10) acres may be created and the remaining tract must have a minimum of ten (10) acres.

   b. All legal parcels of ground created before this regulation will be considered legal tracts of ground for permits and transfer of title.

Section 1, Principal Permitted Uses

A. Agriculture, including any customary agricultural building and structure, orchards, the harvesting of wild crops, berries, tree fruits and seeds, grazing, nursery and greenhouses; provided that any greenhouse heating plants, or building or enclosure in which farm animals are kept shall comply with the distance requirements of one hundred (100) feet from any R District.

B. Single-family detached dwelling.

C. Churches and parish houses, schools, public buildings, structures and properties of recreational, cultural, administration or public service type all producing less than one thousand five hundred (1,500) gallons of wastewater per day.

D. Private non-commercial recreational areas, uses and facilities including country clubs, swimming pools, forests and wildlife preserves.

E. Public utilities, essential services, and other uses according to the provisions of Article 4, Section 27.

F. Private stables, dairies and poultry houses; provided that any building or enclosure in which fowl or animals are kept shall comply with the distance requirements of one hundred (100) feet from any R District.
G. Private kennel provided that any building or enclosure in which animals are kept shall comply with the distance requirements of one hundred (100) feet from an R District and twenty-five (25) feet from any property line. All animals must be kept and provided for according to the provisions of the United States Department of Agriculture guidelines for the humane treatment of animals. Any tract of land for such use shall not be less than five (5) acres in area.

Section 2, Accessory Uses

A. Accessory uses, buildings and structures customarily incidental to any of the Permitted Uses set out above, including:

1. Living quarters of persons employed on the premises; the keeping of roomers or boarders by a resident family.
2. A private garage, parking area or stable.
3. Customary incidental home occupations when conducted in a dwelling, provided that no stock in trade is kept or products sold, except such as are made on the premises.
4. Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
5. Temporary buildings for uses incidental to construction work and other signs incidental to a permitted use.


A. Schools; cultural, administrative or public buildings; churches and other places of worship expected to exceed one thousand five hundred (1500) gallons of wastewater per day, including parish houses and Sunday Schools, but excluding overnight shelters and temporary outdoor revivals, on a minimum of five (5) acres of land, to provide sufficient land area for off-street parking; and buffer yards and proper site design to lessen possible adverse impacts on adjoining properties.

B. The parking of one (1) mobile home in extreme hardship cases, as a second dwelling.

1. Such as, but not limited to, relatives of the occupants of a principal dwelling unit on the premises, or
2. In the case of the destruction or substantial damage to a dwelling by casualty, may be allowed for a time limit set by the Board of Adjustment, which may be renewed by the approval of the Planning &
Zoning Commission, for successive periods of time, with time limits set by the Planning & Zoning Commission.

C. The parking of one (1) mobile home as an additional dwelling may be permitted for temporary occupancy of a farmer, tenant farmer or hired help whose main occupation is farm work. Area, yard and setback requirements for the mobile home shall be the same as required for a single family dwelling.

D. Temporary roadside stands for non-agricultural commercial sales.

E. Livestock confinement operations in conformance with Article 4, Section 28.

F. Commercial mines, oil drilling, quarries and gravel pits, temporary sawmill for cutting timber grown on the premises;

1. provided that any lot or tract of land containing such use, other than a temporary sawmill, shall not be less than ten (10) acres in area, and

2. That the location of any power-driven or power-producing machinery affixed to the real estate shall comply with a distance of five hundred (500) feet from any R District.

G. Cemeteries, including mausoleums and crematories therein, provided that any mausoleum and crematory shall comply with the distance requirements of five hundred (500) feet from any R District, and provided that any new cemetery shall contain an area not less than twenty (20) acres.

H. Religious and charitable institutions.

I. Hospitals and sanitariums, including institutions for contagious disease and for the insane, liquor or drug addicts, and penal or correctional institutions,

1. Provided that any tract or lot of land in such use shall be not less than ten (10) acres in area and

2. Provided the location of any such establishment shall comply with the distance requirements of five hundred (500) feet from any R District.

J. Airports and landing fields, subject to the provisions of the Missouri State Statutes and FAA Regulations.

K. Disposal of garbage or refuse by the County, a township or municipality, or agent thereof, subject to the provision of the Missouri State Statutes.
L. Radio and television transmitters, not to include class C or D (CB), but subject to FCC Regulations - towers only.

M. Rifle, skeet, trap, and pistol ranges and similar uses provided that the physical layout of such uses (firing line, targets, range, *et cetera*) shall be located a minimum distance of five hundred (500) feet from an R District.

N. Commercial kennels, animal hospitals, veterinary clinics or kennels,

1. Provided that any tract of land in such use shall not be less than five (5) acres in area, and

2. Any building or enclosure shall be a distance of one hundred (100) feet from an R District, and twenty-five (25) feet from any property line.

3. All animals must be kept and provided for according to the provisions of United States Department of Agriculture guidelines for the humane treatment of animals.

O. Golf courses.

P. Riding academies and public stables;

1. provided that any lot or tract of land in such use shall be not less than twenty (20) acres in area and that

2. Any building or enclosure in which animals are kept shall be a minimum distance of two hundred (200) feet from an R District.

3. The issuance of a conditional use permit for riding academies and public stables is intended to insure they remain primarily agricultural in nature.

Section 4, Area Requirements

A. All tracts of property shall have a minimum road frontage of two hundred (200) feet.

B. Lots that have no road frontage shall have a minimum dimension of two hundred (200) feet.

C. Odd shaped tracts will be approved on a case by case basis by the Planning & Zoning Commission.

D. Tract may include road rights-of-way.
**Side Yard Widths**

<table>
<thead>
<tr>
<th>Lot Area*</th>
<th>Minimum Frontage</th>
<th>Front Yard Depth</th>
<th>One Side Yard Depth</th>
<th>Both Side Yards Depth</th>
<th>Rear Yard Depth</th>
<th>Dwelling's 1st Floor Minimum Area</th>
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</thead>
<tbody>
<tr>
<td>Lot Area Customarily agricultural uses, as specified in Article 5</td>
<td>5 acres</td>
<td>50 feet</td>
<td>50 feet</td>
<td>100 feet</td>
<td>50 feet</td>
<td>-</td>
</tr>
<tr>
<td>Single-family dwellings and accessory buildings</td>
<td>5 acres</td>
<td>200 feet</td>
<td>50 feet</td>
<td>25 feet</td>
<td>50 feet</td>
<td>640 sq. ft. 1st floor minimum</td>
</tr>
<tr>
<td>Recreational facilities, hospitals</td>
<td>5 acres</td>
<td>100 feet</td>
<td>75 feet</td>
<td>150 feet</td>
<td>100 feet</td>
<td>-</td>
</tr>
</tbody>
</table>

*Lot Area may include all road rights-of-way
ARTICLE 6, A-R, AGRICULTURAL-RESIDENCE DISTRICT

Statement of intent:

A. This Zoning District is intended to preserve the predominant rural character of the land while allowing certain non-agricultural uses.

B. This Zoning District is to provide residential areas where property owners can maintain a limited number of farm animals and accessory buildings in a rural setting.

C. This Zoning District imposes special regulations for areas which possess certain environmental and/or physical characteristics. These characteristics include but are not limited to:

   1. Recharge area for important springs,
   2. Faults and other areas of discrete groundwater recharge,
   3. Caves and sinkholes,
   4. Municipal watershed,
   5. Forest cover,
   6. Easily erodible soils,
   7. Proximity to streams or lakes.

Section 1, Principal Permitted Uses

A. Single family detached dwellings.

B. Hunting and fishing, unless prohibited by other ordinances and laws.

C. Public utilities, essential services, and other uses according to the provisions of Article 4, Section 27.

D. Churches, schools, public buildings, structures, and properties of recreational, cultural, administration or public service type all producing less than one thousand five hundred (1500) gallons of wastewater per day.

E. Private non-commercial recreational areas, including country clubs, swimming pools and golf courses, forest and wildlife preserves.

G. Wineries.
Section 2, Accessory Uses

A. Accessory uses, buildings and structures customarily incidental to the Permitted Uses set out above.

B. Home occupations as defined in Article 1

C. Temporary real estate and small announcement signs.

D. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

E. Swimming pool incidental to a single family dwelling.

F. Day care homes, if not more than six (6) children are kept.

Section 3, Conditional Uses Requiring Authorization by Planning & Zoning Commission

A. Public utility structures or uses, subject to the provisions set by the Board of Zoning Adjustment.

B. Schools; cultural, administrative, and public buildings; churches; and other places of worship expected to exceed one thousand five hundred (1500) gallons of wastewater per day, including parish houses and Sunday schools,

   1. on a minimum of three (3) acres of land, to provide sufficient land area for off-street parking; and buffer yards and proper site design to lessen possible adverse impacts on adjoining properties, but

   2. Excluding overnight shelters and temporary outdoor revivals.

C. Cemeteries adjacent to or in extension of existing cemeteries, subject to the provisions set by the Planning & Zoning Commission.

D. Day Care Group Homes, if not more than ten (10) children are kept.

E. Residential Group homes, if the maximum residential density does not exceed a total of ten (10) persons, and located at least twenty-five (25) feet from all lot lines.

F. Bed-and-breakfast facilities.
Section 4, Specific Prohibitions.

A. The filling or drainage of marsh or wetlands, removal of topsoil, stripping of natural vegetative cover, the creation of ponds by damming or relocating of any water course shall not be permitted unless allowed according to the provisions of federal and state regulations.

B. Quarrying, mining or other excavation except as incidental to the construction of buildings to house permitted uses listed above.

C. Locating wastewater treatment systems closer than one hundred (100) feet from surface water or areas of discrete recharge to ground water sources.

Section 5, Special Provisions

A. Location of wastewater treatment systems in those areas with environmental or physical constraints as described in the Statement of Intent of this Article shall only be installed after receiving approval from the Stone County Health Department.

B. Stricter requirements may be imposed for water and wastewater systems if the Stone County Health Department finds it necessary for the protection of the public health, safety, and welfare. Alternate wastewater systems may be allowed in areas deemed inappropriate for conventional septic tank systems.

C. Area requirements may be increased if the Planning & Zoning Commission finds it necessary for the protection of the public health, safety and welfare.

D. Private roads.

1. A private road shall be so described in deeds and legal descriptions.

2. A private road will not be accepted or maintained by the County in any Zoning District,
Section 6, Height and Area Restrictions.

<table>
<thead>
<tr>
<th></th>
<th>Area*</th>
<th>Frontage</th>
<th>Height</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
</tr>
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<tbody>
<tr>
<td>Individual single-family dwelling with individual well and approved on-site sewage system</td>
<td>3.5 acres</td>
<td>150 feet</td>
<td>2½ stories (35 feet)</td>
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<td>25 feet</td>
<td>50 feet</td>
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<td>Recreational facilities, hospitals</td>
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</tr>
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</table>

*Lot Area may include all road rights-of-way

Section 7, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 7, RR-1, RURAL RESIDENCE DISTRICT

Statement of intent:

A. This Zoning District is intended to accommodate low density residential development on tracts three and one-half (3.5) acres or larger.

B. This Zoning District provides a residential option between the lower density agriculture residential and the higher density urban residential.

C. This Zoning District imposes special regulations for areas which possess certain environmental and/or physical characteristics. These characteristics include but are not limited to:

1. Recharge area for important springs.
2. Faults and other areas of discrete groundwater recharge.
3. Caves and sinkholes.
4. Municipal watershed.
5. Forest cover.
7. Proximity to streams or lakes.

Section 1, Principal Permitted Uses

A. Single family detached dwellings.

B. Public utilities, essential services, and other uses in accordance with Article 4, Section 27.

C. Churches, schools, public buildings, structures, and properties of recreational, cultural, administration or public service type all producing less than one thousand five hundred (1500) gallons of wastewater per day.
Section 2, Accessory Uses

A. Accessory uses, buildings and structures customarily incidental to the Permitted Uses set out above.

B. Residential home occupations as defined in Article 1, Section 5.

C. Temporary real estate and small announcement signs.

D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

E. Swimming pool incidental to a single family dwelling.

F. Day care homes, if not more than six (6) children are kept.


A. Public utility structures or uses, subject to the provisions set by the Planning & Zoning Commission.

B. Schools; cultural, administrative and public buildings; churches; and other places of worship expected to exceed one thousand five hundred (1500) gallons of wastewater per day, including parish houses and Sunday Schools. Must be on a minimum of three (3) acres of land, to provide sufficient land area for off-street parking; and buffer yards and proper site design to lessen possible adverse impacts on adjoining properties, but excluding overnight shelters and temporary outdoor revivals.

C. Day Care Group Homes, if not more than ten (10) children are kept.

D. Residential Group Homes, if the maximum residential density does not exceed a total of ten (10) persons and located at least twenty-five (25) feet from all lot lines.

E. Short-term rentals of residences as defined in Article 1, Section 5, provided that the requirements and limitations of Article 4, Section 25 are adhered to.
Section 4, Special Provisions

A. Location of wastewater treatment systems in those areas with environmental or physical constraints as described in the Statement of Intent of this Article shall only be installed after receiving approval from the Planning & Zoning Commission and the Stone County Health Department.

B. Stricter requirements may be imposed for water and wastewater systems if the Planning & Zoning Commission or the Stone County Health Department finds it necessary for the protection of the public health, safety, and welfare. Alternate wastewater systems may be required in areas deemed inappropriate for conventional septic tank systems by the Stone County Health Department.

C. Area requirements may be increased if the Planning & Zoning Commission finds it necessary for the protection of the public health, safety and welfare.

D. Private roads.
   1. A private road shall be so described in deeds and legal descriptions.
   2. A private road will not be accepted or maintained by the County in any Zoning District.

Section 5, Specific Prohibitions

A. The filling or drainage of marsh or wetlands, removal of topsoil, stripping of natural vegetative cover, the creation of ponds by damming or relocating of any water course shall not be permitted unless allowed according to the provisions of federal and state regulations.

B. Quarrying, mining or other excavation except as incidental to the construction of buildings to house permitted uses listed above.

C. Locating wastewater treatment systems closer than one hundred (100) feet from surface water or areas of discrete recharge to ground water sources.
Section 6, Height and Area Restrictions

Area and Height Measurements

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*Lot Area may include all road rights-of-way

Section 7, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 8, MH-1, MANUFACTURED HOME (MOBILE HOME) PARK OR SUBDIVISION DISTRICT

Statement of Intent:

A. This Zoning District is intended to provide for areas of quality affordable housing in the County.

B. This Zoning District is intended to eliminate manufactured housing from commercial districts, and

C. This Zoning District is intended to require said housing to be located in areas where public or central sewer and water services are available.

Section 1, Principal Permitted Uses

A. Manufactured home parks.

B. Manufactured home subdivisions.

C. Modular homes.

D. Single-family detached dwellings, (subdivisions only)

E. Neighborhood parks, swimming pools, playgrounds, recreational and community center buildings and grounds, public golf courses, tennis courts and similar recreational uses, all of a noncommercial nature.

F. Public utilities, essential services, and other uses according to the provisions of Article 4, Section 27.

Section 2, Accessory Uses.

A. Accessory uses, buildings, and structures customarily incidental to any of the Permitted Uses set out above, including:

1. Home occupations,

2. Temporary real estate signs and small announcement signs,

3. Temporary buildings for uses incidental to the permitted principal use of a single-family dwelling,

4. Swimming pool, incidental to the permitted principal use of a single-family dwelling,
5. Day care homes if not more than six (6) children are kept, subject to state licensing requirements,

6. Accessory Structures, awnings, storage cabinets and buildings, fences or windbreaks, carports, garages, porches, greenhouses, and other accessory structures.

Section 3, Conditional Uses Requiring Authorization by Planning & Zoning Commission

A. Day care group homes if not more than ten (10) children are kept, subject to state licensing requirements.

B. Public utility structures or uses subject to the provisions set by the Planning & Zoning Commission.

C. Churches and other places of worship, including parish houses and Sunday schools, but
   1. Excluding overnight shelters and temporary outdoor revivals,
   2. On a minimum of two (2) acres of land, to provide sufficient land area for off-street parking; and buffer yards and proper site design to lessen possible adverse impacts on adjoining properties.

D. Residential group homes according to the provisions of Article 4, Section 26.

E. Bed-and-breakfast facilities.

Section 4, Special Provisions

A. Common Open Space.
   1. All mobile home parks and subdivisions shall provide for common open space at the rate of three hundred (300) square feet per site or lot, or twenty thousand (20,000) square feet, whichever is greater.
   2. At least fifty (50) percent of the common open space shall be suitable for active recreation such as playgrounds, swimming pools, or ball fields.
   3. The common open space shall be landscaped, improved and maintained before the issuance of building permits.
   4. Perimeter buffer yards and streets shall not be used to satisfy the common open space requirements.
B. Perimeter Treatment.

1. All mobile home parks and subdivisions shall provide a completely landscaped and maintained setback
   a. of at least twenty-five (25) feet from a public right of way, and
   b. a setback of at least ten (10) feet from any other abutting property line.
   c. The setback areas may be included as parts of adjacent lots but shall not be included as part of the required minimum area.
   d. No structure shall be allowed in the setback area.

2. Landscaping in the perimeter area shall consist of the following:
   a. Deciduous and/or evergreen trees spaced not more than thirty-two (32) feet apart all of which grow to a height of five (5) feet or more after one full growing season.
   b. At least one row of shrubs spaced not more than eight (8) feet apart.

3. Where the adjoining land use is a street with a functional classification of arterial or higher, a six (6) foot solid wall or fence shall be provided to the aforementioned landscaping.

4. The perimeter area may include other trees, shrubbery, benches, fences, et cetera.

C. Parking. Each site or lot shall contain at least two (2) paved parking spaces.

D. Streets and drainage.

1. All streets and storm water drainage structures, whether public or private, shall be constructed to specifications approved by the Planning & Zoning Commission. Streets shall measure twenty (20) feet from back of curb to back of curb.

2. Each site or lot shall be directly accessible from an internal street with no direct access to any other street.
3. All streets, drainage facilities and utilities must be constructed and approved before issuance of any permit to locate a manufactured home in any manufactured home park.

E. Utilities.

1. All units in all mobile home parks or subdivisions shall be connected to a sewer system approved by the Missouri Department of Natural Resources.

2. All units in all mobile home parks or subdivisions shall be connected to a public water system or State approved well.

F. Lighting - Streets and sidewalks shall be lighted during hours of darkness.

Section 5. Design Requirements

A. Minimum Park or Subdivision Size - 5 acres.

B. Minimum Individual Site or Lot Size - 4000 Square Feet.

C. No mobile home may be occupied until having received a mobile home permit from the Stone County Planning & Zoning Department.

Area Measurements

<table>
<thead>
<tr>
<th></th>
<th>Lot Area*</th>
<th>Minimum Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Width</th>
<th>Side Yard Width – Both Sides</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual home site</td>
<td>4,000 sq. ft.</td>
<td>40 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>Side yards may be reduced to zero lot lines, if the other side yard is not less than 12 feet, but two lots may not share the same zero lot line.</td>
<td>25 feet</td>
</tr>
</tbody>
</table>

*Lot Area may include all road rights-of-way

Section 6, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 9, UR-1, URBAN RESIDENCE DISTRICT

Statement of intent.

This Zoning District is intended primarily for single-family-detached dwellings at lot densities of approximately seven (7) units per acre, in areas served by public or central sewage disposal and water supply. This Zoning District is intended to permit smaller lots than are required by the Suburban Residence District when approved for conditional uses as described. This use allows, as conditional uses subject to restrictions, certain other structures and uses necessary to serve governmental, educational, religious, recreational and other needs of neighborhood areas. Conditional use restrictions are intended to preserve and protect the single-family residential character of the Zoning District.

Section 1, Principal Permitted Uses.

A. Single-family-detached dwellings.

B. Public utilities, essential services, and other uses according to the provisions of Article 4, Section 26.

C. Accessory apartments in owner-occupied-single-family detached dwellings.

D. Police and fire stations.

E. Temporary uses.

F. Zero-lot-line construction.

G. Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices, and maintenance facilities operated by a neighborhood or community organization or a property owners association.

Section 2, Accessory uses - Distance Requirements - Reference General Provisions. This Section permits Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

A. Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

B. Home occupations as defined in Article 1, Section 5.

C. Temporary real estate signs and small announcement signs.
D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

E. Swimming pool, incidental to the permitted principal use of a single-family dwelling.

G. Noncommercial nurseries, greenhouses and gardens, but not including chicken farms, hog farms and other commercial animal farms and kennels.

H. Day care homes, if not more than six (6) children in addition to the caregiver’s own are kept, subject to state licensing requirements.

Section 3, Conditional Uses Requiring Planning & Zoning Commission Authorization or Approval. The following Conditional Uses may be allowed, if the Planning & Zoning Commission specifically authorizes or approves the use:

A. Day care group homes if not more than ten (10) children are kept, subject to state licensing requirements.

B. Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals, with frontage on and primary access to an arterial or higher classification street and on a minimum of two (2) acres of land to provide sufficient land area for off-street parking, buffer yards, and property site design to lessen impact on adjoining residential neighborhoods.

C. Churches and other places of worship on less than two (2) acres of land at the time the Zoning District is mapped shall be considered conforming uses.

D. Schools, elementary and secondary, and schools or development centers for elementary and secondary-school-age children with handicaps or development disabilities, on a minimum of five (5) acres of land.

E. Country clubs, public parks, public and private golf courses and other private noncommercial recreational areas and facilities, including swimming pools, but not including miniature golf courses and driving ranges; provided, that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in an R-District.

F. Public buildings and properties of a cultural, recreational, administrative or service type;

1. Not including repair garages, storage or repair yards or warehouses;

2. Provided any such building shall be located not less than twenty-five (25) feet from any other lot in any R District.
G. Public utilities structures or uses subject to the provisions set by the Planning & Zoning Commission.

H. Cemeteries adjacent to or in extension of existing cemeteries, subject to the provision set by the Planning & Zoning Commission.

I. A manufactured home subdivision is subject to all requirements of a single-family R District. In addition, each manufactured home in the subdivision must also comply with the following provisions:

1. Each manufactured home’s roof must be pitched at least three (3) in twelve (12) or greater.

2. Each manufactured home’s roof must be covered with roofing material similar to roofing material used on conventional residences.
   (a) including, but not limited to, approved wood, asphalt composition, or fiberglass shingles, but
   (b) excluding corrugated aluminum, corrugated fiberglass or metal roofing materials.
   (c) Placement of a mobile home in any UR-1 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.

3. Each manufactured home’s roof overhang must be not less than one (1) foot or greater than thirty (30) inches.

4. Each manufactured home’s exterior siding that must be similar to exterior siding used on conventional residences, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, wood shakes, or similar material, but excluding high-gloss finish, smooth, ribbed or corrugated metal, or plastic panels.

5. Each manufactured home shall have a garage or carport. The external roofing and siding material and design of the garage or carport must be the same as that of the dwelling unit. The requirement for a garage or carport may be waived by the Planning & Zoning Commission, in cases where the deletion is consistent with the surrounding neighborhood.

6. Each manufactured home must be placed on a permanent foundation of design and construction approved by the Planning & Zoning Commission.
7. Each manufactured home must be at least twenty (20) feet wide.

8. The hitch axles or wheels must be removed from each manufactured home.

9. Each manufactured home must be oriented on its lot such that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if the manufactured home has a building addition so that the narrow dimension, facing the street, is not less than fifty (50) percent of the long dimension.

10. The Planning & Zoning Commission must determine that the manufactured home subdivision will be compatible with development in the surrounding area.

11. The manufactured home subdivision must meet all requirements of Section 4 of Article 8 MH-1 Manufactured Home (Mobile Home) Park or Subdivision District.

J. Bed-and-breakfast facilities.

K. Public museums and libraries on a minimum of two (2) acres.

L. Residential group homes according to the provisions of Article 4, Section 26.

Section 4, Use Limitations. All uses shall operate according to the provisions of the standards contained in Article 4, Section 13.

Section 5, Lot Size Requirements.

A. Minimum lot area: ten thousand (10,000) square feet.

B. Minimum lot width: Fifty (50) feet.

C. Minimum lot depth: One-hundred (100) feet.

Section 6, Bulk and Open Space Requirements.

A. Maximum structure height:

1. When side yards are less than fifteen (15) feet in width: Thirty-five (35) feet or two and one-half (2 ½) stories above the finished grade.

2. When side yards are fifteen (15) feet in width or greater: Forty-five (45) feet or three (3) stories above the finished grade.
3. Accessory structures: Sixteen (16) feet, except storage buildings, which shall not exceed ten (10) feet.

B. Minimum yard requirements:

1. Front yard: Twenty-five (25) feet.
2. Side yard: Five (5) feet.
3. Rear yard: Twenty (20) percent of the lot depth, but may not be less than ten (10) feet nor shall more than twenty-five (25) feet be required.

4. **Road or Street Setback.** No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.

C. Maximum building coverage (including accessory buildings) of the lot area shall not exceed forty (40) percent.

D. Minimum open space of the lot area.

1. Not less than thirty (30) percent of the total lot area shall be devoted to open space including required yards and buffer yards.
2. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets.
3. Open space shall contain living ground cover and other landscaping materials.

E. Maximum Impervious Area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of storm water shall not exceed seventy (70) percent of the total lot area.

**Section 7, Density Requirements.**

A. The maximum density shall be six-thousand (6,000) square feet per dwelling unit provided that the required rights-of-way for adjacent streets as classified by the Major Thoroughfare Plan is dedicated during subdivision of any tract being developed.

B. For tracts 20 acres or larger proposed to be subdivided into tracts smaller than 8,000 square feet, a left hand turn lane at all the entrances of the proposed subdivision shall be provided.
C. If a proposed subdivision (with lots of less than 8,000 square feet) fronts a major transportation facility, then acceleration and deceleration lanes may be required by the Planning & Zoning Commission.

Section 8, Other Requirements.

A. A site plan shall be submitted and approved for all uses except single-family-detached dwellings.

B. For all uses except single-family-detached dwellings, a plot plan shall be submitted and approved by the Planning & Zoning Commission.

C. A landscaping plan shall be submitted and approved by the Planning & Zoning Commission.

D. All off-street parking lots and vehicular use areas for permitted non-residential uses shall be screened from all residential uses.

E. Refuse storage areas for permitted non-residential uses shall be screened from view.

F. Required front yards shall be landscaped with grass, ground cover, plants, shrubs or trees. Decorative landscaping materials such as rock, bark and mulch are also permitted. Impervious surfaces in required front yards shall be minimized and shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular drives are permitted if sufficient room is available.

G. Storage of maintenance or other equipment incidental to any permitted use or a conditional use except a single-family-detached dwelling shall be screened from view.

H. Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

Section 9, Buffer yard Requirements. Whenever any non-residential development in this Zoning District is located adjacent to a residential use in any Zoning District or a different R District, screening and a buffer yard shall be provided as follows:

A. Recommended Plantings per 100 linear feet:

1. Two (2) canopy trees;

2. Two (2) understory trees;

3. Two (2) evergreen trees;
4. Fourteen (14) shrubs.

B. Buffer yard depth requirements.

1. 20 feet;

2. 30 feet with a reduction of planting of 50 percent.

3. 10 feet with a six (6) foot high fence, masonry wall, brick wall, or solid evergreen hedge.
ARTICLE 10, R-1, SUBURBAN RESIDENCE DISTRICT

Statement of Intent.

This Zoning District is intended to provide for detached single-family residential development in areas served by public or central sewage disposal and water supply.

Section 1, Principal Permitted Uses

A. One-family detached dwellings, limited to one driveway, unless on a corner lot and the street is classified as “local”.

B. Public utilities, essential services, and other uses according to the provisions of Article 4, Section 27.

C. Neighborhood parks, swimming pools, playground, recreational and community center buildings and grounds, public golf courses, tennis courts and similar recreational uses,
   1. All of a noncommercial nature; and
   2. Provided that any such principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District.

Section 2, Accessory Uses - Distance Requirements -Reference General Provisions

A. Accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:

B. Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

C. Home occupation as defined in Article 1 Section 5.

D. Temporary real estate signs and small announcement signs.

E. Temporary buildings for uses incidental to construction work,
   1. Which buildings shall be removed upon completion or abandonment of the construction work.

F. Swimming pool, incidental to the permitted principal use of a single-family dwelling.
G. Noncommercial nurseries, greenhouses and gardens, but not including chicken farms, hog farms and other commercial animal farms and kennels.

H. Day care homes if not more than six (6) children in addition to the caregiver’s own are kept, subject to state licensing requirements.

Section 3, Conditional Use Requiring Authorization by Planning & Zoning Commission

A. Day care group homes if not more than ten (10) children are kept, subject to state licensing requirements.

B. Churches and other places of worship, including parish houses and Sunday schools, schools, cultural, administrative and public buildings, but

1. Excluding overnight shelters and temporary outdoor revivals;

2. On a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, buffer yards, and proper site design to lessen possible adverse impacts on adjoining residential neighborhoods.

C. Country clubs, public parks, golf courses and other private noncommercial recreational areas and facilities including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District.

D. Public buildings and properties of a cultural, recreational, administrative or service type,

1. Not including repair garages, storage or repair yards or warehouses;

2. provided any such building shall be located not less than twenty-five (25) feet from any other lot in any R District.

E. Public utility structures or uses subject to conditions set by the Planning & Zoning Commission.

F. Cemeteries adjacent to or in extension of existing cemeteries, subject to conditions set by the Planning & Zoning Commission.

G. A manufactured home subdivision subject to all requirements of a single-family R District. In addition, each manufactured home in the subdivision must also comply with the following provisions:

1. Each manufactured home’s roof must be pitched at least three (3) in twelve (12) or greater
2. Each manufactured home’s roof must be covered with roofing material similar to roofing material used on conventional residences.

   (a) Including, but not limited to, approved wood, asphalt composition, or fiberglass shingles, but

   (b) Excluding corrugated aluminum, corrugated fiberglass or metal roofing materials.

3. Each manufactured home’s roof overhang must be not less than one (1) foot or greater than thirty (30) inches.

4. Each manufactured home’s exterior siding that must be similar to exterior siding used on conventional residences, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, wood shakes, or similar material, but excluding high-gloss finish, smooth, ribbed or corrugated metal, or plastic panels.

5. Each manufactured home shall have a garage or carport. The external roofing and siding material and design of the garage or carport must be the same as that of the dwelling unit. The requirement for a garage or carport may be waived by the Planning & Zoning Commission, in cases where the deletion is consistent with the surrounding neighborhood.

6. Each manufactured home must be placed on a permanent foundation of design and construction approved by the Planning & Zoning Commission.

7. Each manufactured home must be at least twenty (20) feet wide.

8. The hitch axles or wheels must be removed from each manufactured home.

9. Each manufactured home must be oriented on its lot such that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if the manufactured home has a building addition so that the narrow dimension, facing the street, is not less than fifty (50) percent of the long dimension.

10. The Planning & Zoning Commission must determine that the manufactured home subdivision will be compatible with development in the surrounding area.

11. The manufactured home subdivision must meet all requirements of Section 4 of Article 8, MH-1 Manufactured Home (Mobile Home) Park or Subdivision District.
12. Placement of a mobile home in any R-1 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.

   a. Replacement of an existing mobile home with one of newer manufacture shall not require a Conditional Use Permit, provided there are no prohibitive deed restrictions or covenants.

H. Residential group homes according to the provisions of Article 4, Section 26.

I. Bed-and-breakfast facilities.

J. Short-term rentals of residences as defined in Article 1, Section 5, provided that the requirements and limitations of Article 4, Section 25 are adhered to. The Planning & Zoning Commission may prescribe a specific period of time that the conditional use permit is in effect.

Section 4, Height and Area Regulations.

A. The maximum height of buildings in an R-1 District shall not exceed two and one-half (2½) stories or thirty-five (35) feet above the average finished grade, except the height may be increased by not more than ten (10) feet when 7 each side yard is not less than fifteen (15) feet. Such dwelling, however, shall not exceed three (3) stories in height.

<table>
<thead>
<tr>
<th>Area Measurements</th>
<th>Lot Area</th>
<th>Minimum Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Width</th>
<th>Side Yard Width – Both Sides</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling with public or central sewer and water supply</td>
<td>10,000 sq. ft.</td>
<td>70 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>12 feet</td>
<td>25 feet</td>
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<tr>
<td>Other permitted uses</td>
<td>-</td>
<td>100 feet</td>
<td>40 feet</td>
<td>20 feet</td>
<td>40 feet</td>
<td>50 feet</td>
</tr>
<tr>
<td>Single-family dwelling without public or central sewer and water supply</td>
<td>3.5 acres</td>
<td>150 feet</td>
<td>40 feet</td>
<td>25 feet</td>
<td>50 feet</td>
<td>50 feet</td>
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</tbody>
</table>

Section 5, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.

Section 6, Single family dwellings without public or central sewer and water systems.

Single family dwellings without public or central sewer and water systems shall be regulated as if in an RR-1 District, including the ability to use a private drive as access.
for a lot or lots not having road frontage. Access provided by private drives in the R-1 district will be limited to tracts of 3 acres or larger.
ARTICLE 11, R-2, ONE-FAMILY AND TWO-FAMILY RESIDENCE DISTRICT

Statement of Intent.

This Zoning District is intended to provide for medium density residential development limited to one and two-family homes in areas served by public or central sewer and water supply.

Section 1, Principal Permitted Uses.

A. Any use or structure permitted and as regulated in the R-1 District, except as is modified in these Zoning Regulations.

B. Two-family dwelling.

C. Cluster developments and townhouses comprised of buildings containing not more than two (2) families in any one (1) building, subject to the requirements of this Article.

Section 2, Accessory Uses, District Requirements, Reference General Provisions.

A. Any accessory use or structure permitted and as regulated in the R-1 District,
   1. Except that the raising or keeping of farm animals shall not be permitted on any lands used or platted for residential purposes, and
   2. Except as is modified in these Zoning Regulations.

B. Home occupation as defined in Article 1, Section 5.

C. The keeping of not more than three (3) roomers or boarders by a resident family.

D. Any accessory use or structure customarily accessory and incidental to a permitted principal use.


A. Any conditional use permitted and as regulated in the R-1 District.

B. Residential group homes according to the provisions of Article 4, Section 26.

C. Short-term rentals of residences as defined in Article 1, Section 5, provided that the requirements and limitations of Article 4, Section 25 are adhered to.
D. Placement of a mobile home in any R-2 District. Applications for a Conditional Use Permit shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, the Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.

1. Replacement of an existing mobile home with one of newer manufacture shall not require a Conditional Use Permit, provided there are no prohibitive deed restrictions or covenants.

Section 4, Height and Area Regulations.

A. The maximum height of buildings in an R-2 District shall not exceed two and one-half (2½) stories or thirty-five (35) feet above the average finished grade, except

1. The Planning & Zoning Commission may allow the height to be increased by not more than fifteen (15) feet.

2. Such dwelling, however, shall not exceed three (3) stories in height.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Minimum Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Width</th>
<th>Side Yard Width – Both Sides</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family dwelling</td>
<td>9,000 sq. ft.</td>
<td>70 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td>10,000 sq. ft.</td>
<td>70 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Cluster development and townhouses</td>
<td>5,000 sq. ft.</td>
<td>40 feet each unit</td>
<td>30 feet each unit</td>
<td>Zero on common wall</td>
<td>20 feet per dwelling</td>
</tr>
<tr>
<td>Other permitted uses</td>
<td>1 acre</td>
<td>100 feet</td>
<td>20 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

Section 5, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 12, R-3, MULTI-FAMILY RESIDENCE DISTRICT

Statement of Intent.

This Zoning District is intended to provide for residential development of low-rise residential buildings housing two (2) or more families,

A. where all dwelling units do not have ground level occupancy,

B. or private entrance,

C. in those areas where such development would be compatible with surrounding uses,

D. where the density would not create service problems, and

E. where public or central sewer and water supply are available.

Section 1, Principal Permitted Uses.

A. Any use or structure permitted and as regulated in the R-2 District.

B. Condominium, multi-family dwellings for any number of families or housekeeping units.

C. Churches and other places of worship, including parish houses and Sunday schools, schools, cultural, administrative and public buildings,
   1. but excluding overnight shelters and temporary outdoor revivals,
   2. On a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, buffer yards, and proper site design to lessen possible adverse impacts on adjoining properties.

D. Short-term rentals of residences as defined in Article 1, Section 5, provided that the requirements and limitations of Article 4, Section 25 are adhered to.

Section 2, Accessory Uses, District Requirements, Reference General Provisions.

A. Any accessory use or structure permitted and as regulated in the R-2 District.

B. Any accessory use or structure customarily accessory and incidental to a permitted principal use.

A. The keeping of not more than six (6) roomers or boarders by a resident family in a multi-family dwelling unit.

B. Any conditional use permitted and as regulated in the R-2 District.

C. Clubs, fraternities, lodges and other meeting places of other organizations,
   1. Not including any use that is customarily conducted as a gainful business,
   2. Provided that buildings in which such meeting places are housed shall be located at least twenty (20) feet from any R or A District.

D. Children's day care centers, rest homes, or nursing homes for convalescent patients, provided that any buildings for such use shall be distant no less than twenty (20) feet from any other lot in any R or A District.

E. Non-Residential Group Homes as classified in these Zoning Regulations may be authorized by the Planning & Zoning Commission, provided that all guidelines, requirements and limitations stated in these Zoning Regulations or any other requirements as deemed necessary by the Planning & Zoning Commission are adhered to.

   1. Non-Residential Group Homes shall be classified as follows:
      a. Rehabilitative, defined as individuals living together for short-term recuperating from drug, alcohol or other maladies requiring special care and supervision.
      b. Corrective, defined as individuals living together as a result of penal action directing incarceration requiring special supervision.

   2. Requirements and limitations regarding group homes shall be based on the following considerations:
      a. Size of the facility, number of vehicles and the amount of personnel associated with each respective group home shall be restricted in order to protect and maintain the general neighborhood's integrity.
      b. Concentration of facilities shall be limited in order to preserve the general neighborhood's character.
      c. Installation of approved fire safety systems as deemed necessary.
d. Connected to a public water supply or an approved private system.

e. Connected to an approved sewage treatment system.

f. Meet all County, State and Federal requirements regarding each individual group home.

F. Residential group homes according to the provisions of Article 4, Section 26.

G. Day care group homes if not more than ten (10) children are kept, subject to state licensing requirements.

H. Bed-and-breakfast facilities.

Section 4, Height and Area Regulations.

A. There shall be no maximum height for buildings in an R-3 Multi-Family District,

1. provided that the front, side and rear yards of any building exceeding forty-five (45) feet be increased one (1) foot for each foot which exceeds forty-five (45) feet up to a height of seventy-five (75) feet; and

2. Thereafter, no increase in front, side or rear yards shall be required for any height in excess of seventy-five (75) feet.

<table>
<thead>
<tr>
<th>Lot Area</th>
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<th>Rear Yard Depth</th>
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<tbody>
<tr>
<td>Three-family dwelling</td>
<td>9,000 sq. ft.</td>
<td>70 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
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<tr>
<td>Four-family dwelling</td>
<td>9,000 sq. ft.</td>
<td>70 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
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<tr>
<td>4,500 sq. ft. per double unit</td>
<td>70 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>Multi-family dwelling</td>
<td>3,000 sq. ft. per unit</td>
<td>70 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

B. Other permitted uses, same as R-2 District.

Section 5, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 13, R-4 MULTI-FAMILY RESIDENCE DISTRICT

Statement of Intent.

A. This Zoning District is intended to provide for residential development of buildings housing two (2) or more families,
   1. Where all dwellings do not have ground level occupancy, or
   2. Private entrances,

B. in those areas where such development could be compatible with surrounding uses and where public or central sewer and water supply are available.

Section 1, Principal Permitted Uses.

A. Any use or structure permitted and as regulated in the R-3 District.

B. Hotels, and short-term rentals for any number of guests,
   1. But not primarily for transients,
   2. Including incidental accessory services,
      A. such as restaurants, and newsstands,
      B. provided that all exterior display or advertising complies with the signage restrictions and provisions contained in these Zoning Regulations.

C. Hospital and clinics for human care.

Section 2, Accessory Uses, District Requirements, Reference General Provisions.

A. Any accessory use or structure permitted and as regulated in the R-3 District.

B. Any other accessory use or structure, customarily accessory and incidental to a permitted principal use.


A. Any conditional use permitted and as regulated in the R-3 District.
Section 4, Height and Area Regulations.

A. There shall be no maximum height for buildings in an R-4 Multi-family District,

1. provided that the front, side and rear yards of any building exceeding forty-five (45) feet be increased one (1) foot for each foot that exceeds forty-five (45) feet up to a height of seventy-five (75) feet; and

2. Thereafter, no increase in front, side or rear yards shall be required for any height in excess of seventy-five (75) feet.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Minimum Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Width</th>
<th>Side Yard Width – Both Sides</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Three-family dwelling</td>
<td>9,000 sq. ft.</td>
<td>70 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Four-family dwelling</td>
<td>10,000 sq. ft.</td>
<td>75 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Over four-family dwelling</td>
<td>2,000 sq. ft. per unit</td>
<td>100 feet</td>
<td>25 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

Section 5, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 14, O-1 PROFESSIONAL OFFICE DISTRICT

Statement of Intent.

A. This Zoning District is intended to provide for new construction of, and conversion of older dwellings into professional offices to act as a buffer between single-family residence districts and major thoroughfares without compromising the integrity of existing single-family neighborhoods.

B. To qualify for this Zoning District, a property must abut both an R-1 Suburban Residence District and a street with a functional classification of "arterial" or higher.

Section 1, Principal Permitted Uses.

A. Any use or structure permitted and as regulated in the R-1 Suburban Residence District.

B. Any other use as determined by the Stone County Planning & Zoning Commission to be of the same general character as the above permitted uses. This does not include any use first allowed in the O-2 General Office District.

Section 2, Accessory Uses

A. Exterior signs

1. Each office structure may have one sign that pertains only to the permitted use on the premises and shall indicate only the name, insignia and/or address of the use.

2. Signs must be integral with or attached flat against the building, or project not more than four (4) feet beyond the building.

   a. The sign may not project above the roof line and must face the major thoroughfare that the property abuts.

3. Signs allowed under this Section may be a maximum of fifty (50) square feet, and

   A. may only be indirectly illuminated with non-colored light, and

   B. shall not have images or light that flashes or moves.

4. One (1) free standing directional sign of no more than two (2) square feet may be hung at the office driveway entrance.
a. The sign may not overhang the street right-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.

5. Portable signs and commercial vehicles serving as portable signs are prohibited.

B. Any accessory use permitted in the R-1 Suburban Residence District.


A. Nonprofessional offices limited to those with administrative functions, not to include services available to the general public.

B. Exterior alteration of any structure existing on the effective date of these Zoning Regulations that had already been, or was currently being, into a professional office.

C. Structural alteration of, or addition to, any structure existing on the effective date of these Zoning Regulations that had already been, or was currently being, into a professional office. Interior structural alterations that do not change the exterior appearance of the structure are permitted.

D. Construction of any new professional office structure.

E. Location only of a sign that does not conform to Section 2 of this Article when the professional office is located more than one hundred (100) feet from the right-of-way of the major thoroughfare. A conditional use permit may not allow for more than one (1) non-directional sign.

F. All conditional use permits must adhere to the standards of sections 6 and 7.

Section 4, Prohibited Uses.

A. Any use not specifically listed as a principal permitted use or accessory use.

B. Any use that produces more than one thousand five hundred (1500) gallons of wastewater per day without being connected to a public or central sewer system.

Section 5, Home Occupations. Any single-family home located in this Zoning District, that has not been converted into a professional office, may establish those home occupations that are permitted in the R-1 Suburban Residence District, as regulated in that Zoning District.

Section 6, Use Standards

A. No more than fifty (50) percent of any lot may be occupied by the professional office and its accessory uses including parking area.
B. The conversion of a dwelling into a professional office may not result in an increase of more than fifty (50) percent of the floor area of the structure before conversion,

1. Except, when the structure is located on a lot of more than two (2) acres, the floor area of the structure before conversion, may be doubled.

2. The construction of a new professional office may be no more than fifty (50) percent larger than the average floor area of the single-family dwellings within one thousand (1000) feet of the site.

   A. unless the proposed site has an area of over two (2) acres, in which case an additional fifty (50) percent of the floor area will be allowed.

C. All structural alterations to converted professional offices and new construction of professional offices must be in architectural harmony with the existing single-family homes in the area

   1. Including exterior appearance, and

   2. Including exterior materials.

D. The conversion of a dwelling into a professional office and the new construction of a professional office must include the construction of a six (6) feet tall solid board fence of uniform color along any property line that abuts an R-1 Suburban Residence District. Evergreen trees must also be planted at ten (10) feet intervals along such property line.

E. No more than fifty (50) percent of any side or front yard may be used for parking.

F. No driveway, parking area or accessory structure may be located closer than twenty-five (25) feet from any R-1 Suburban Residence District.

Section 7, Height and Area Regulations.

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Minimum Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Depth</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 sq. ft. minimum</td>
<td>100 feet</td>
<td>50 feet</td>
<td>25 feet</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

B. Area and yard requirements may be waived for existing structures with the stipulation that the existing area and yards shall not be reduced when converting to a professional office.

Section 8, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 15, O-2 GENERAL OFFICE DISTRICT

Statement of Intent.

A. This Zoning District is intended to provide for professional, management and other office uses.

B. Uses except for parking shall be conducted within an enclosed building.

C. No use shall be permitted that involves manufacturing, wholesaling or retailing.

Section 1, Principal Permitted Uses.

A. Offices of any kind.

B. Cultural facilities including art galleries and museums.

C. Any other use that is determined by the County Commission to be of the same general character as the above permitted uses.

D. Any use permitted and as regulated in the R-4 Multi-Family Residence District.

Section 2, Accessory Uses. Parking incidental to permitted uses.


A. Medical or dental laboratories.

B. Barber or beauty shops.

Section 4, Prohibited Uses.

A. The uses permitted in a C-1 District, including but not limited to:

1. Day care centers,

2. Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pickup, shoe repair, self-service and laundromats,

3. Restaurants, cafes, and soda fountains excluding dancing or those with drive-in, pick-up, or drive-through facilities,

4. Public utilities and essential services.
B. Any use that produces more than one thousand five hundred (1500) gallons of wastewater per day without being connected to a public or central sewer system.

Section 5, Height and Area Regulations.

<table>
<thead>
<tr>
<th>Non-residential buildings</th>
<th>Lot Area</th>
<th>Height</th>
<th>Front Yard Depth</th>
<th>Side Yard Width – Both Sides</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>20,000 sq. ft.</td>
<td>2½ stories</td>
<td>100 feet</td>
<td>50 feet</td>
<td>None, except where adjoining R District, then not less than 15 feet each</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

Section 6, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 16, C-1, NEIGHBORHOOD COMMERCIAL DISTRICT

Statement of Intent.

A. This Zoning District is intended to provide for individual or small groups of retail and customer service establishments benefitting local residential neighborhoods.

B. It is intended that C-1 Districts be connected to public or central water and sewer services, and be located along collectors or higher classification streets.

C. Uses should be limited to those which do not generate substantially increased traffic in the neighborhood.

Section 1, Principal Permitted Uses.

A. Day care centers

B. Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pickup, shoe repair, self-service laundromats, and other services deemed by the County Commission to be of the same nature as outlined by the Statement of Intent.

C. Restaurants, cafes, and soda fountains excluding dancing or those with drive-in, pick-up, or drive-thru facilities.

D. Business and professional offices,
   1. Provided that they retain the character of the neighborhood in which they locate, and
   2. That the total impervious surface area does not exceed fifty (50) percent of the total lot area.

E. Public utilities, essential services, and other uses according to the provisions of Article 4, Section 27.

Section 2, Accessory Uses.

A. Exterior, directional and other incidental signs,
   1. Provided that such signs shall comply with existing sign regulations at the time any building or occupancy permits are received.
B. A single-family residential unit, with the following conditions:

1. The residence is occupied by the owner and operator or a full-time employee of the principal permitted use;

2. The structures, if separate, must remain on the same property and may not be subdivided independent of each other.

C. Any other accessory use or structure, not otherwise prohibited, customarily accessory and incidental to a principal permitted use.


A. The following uses will be allowed with the authorization of a conditional use permit by the Planning & Zoning Commission.

1. Banks and financial institutions, except those including automatic teller machines and drive-through facilities.

2. Convenience stores with gas pumps.

3. Retail establishments located within a completely enclosed building.

4. Outdoor dining areas associated with restaurants, cafes, and soda fountains.

5. Law enforcement and fire stations, and other emergency vehicle services.

6. Requirements and limitations regarding conditional use permits shall be based on the following considerations:

   a. Size of the structure, amount of traffic generated and number of employees associated with the use.

   b. Impact of the use on the character of the surrounding neighborhood.

   c. Impact of the use on the surrounding natural environment.

   d. Operating hours of proposed use.

   e. Any other conditions deemed necessary by the Planning & Zoning Commission.
Section 4, Use Limitations.

A. All activities and permitted uses except off-street parking and loading facilities, and those permitted with conditional use permits shall be conducted entirely within a completely enclosed building.

B. No permitted use shall have a floor area open to the public, including display, service and sales, greater than four thousand (4,000) square feet.

C. No accessory use shall have a floor area (excluding garage) exceeding four thousand (4,000) square feet.

D. No use shall be allowed unless connected to public or central water and sewer services.

E. No construction of any type of dwelling unit shall be allowed as a principal permitted use. However, any dwelling unit legally existing in the C-1 District at the time of adoption of these Zoning Regulations, or any amendment thereto, shall not be classified as a nonconforming use.

Section 5, Bulk and Intensity of Use Restrictions.

A. Maximum structure height:

1. Principal building: Thirty (30) feet.


B. Minimum yard requirements:

1. Lot frontage: Seventy (70) feet.

2. Front yard: Thirty (30) feet.

3. Side yard: Six (6) feet.

4. Rear yard: Twenty-five (25) feet.

5. Lots without public or central water and sewer service must have 100 feet of road frontage.

6. Maximum structural coverage of lot (including accessory buildings): thirty-five (35) percent.
Area Measurements

<table>
<thead>
<tr>
<th></th>
<th>Minimum Frontage</th>
<th>Front Yard Setback</th>
<th>Side Yard</th>
<th>Both Side Yards</th>
<th>Rear Yard</th>
<th>Maximum Lot Coverage (all structures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal structure served by public or central water and sewer systems</td>
<td>70 ft.</td>
<td>30 feet</td>
<td>6 feet</td>
<td>12 feet</td>
<td>25 feet</td>
<td>35 percent</td>
</tr>
<tr>
<td>Principal structure not served by public or central water and sewer systems</td>
<td>100 ft.</td>
<td>30 feet</td>
<td>6 feet</td>
<td>12 feet</td>
<td>25 feet</td>
<td>35 percent</td>
</tr>
</tbody>
</table>

Section 6, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.

Section 7, Open Space Requirements.

A. Minimum open space:
   1. Not less than forty (40) percent of the total lot area shall be devoted to open space including required yards and buffer yards.
   2. Open space shall not include areas covered by structures, parking areas, driveways and internal streets.

B. Maximum impervious surface. The combined area occupied by all permitted and accessory structures, paved parking areas and any other surfaces which reduce and prevent absorption shall not exceed sixty (60) percent of the total area.

Section 8, Design Requirements.

A. A site plan, showing the overall concept of the proposed use must be submitted and approved. At a minimum, the site plan must include the following:
   1. A legal description or a survey done by a Registered Land Surveyor.
   2. All dimensions of proposed building, accessory uses, drives, and parking areas.
   3. The surrounding land use and zoning classification.

B. A landscaping plan, meeting all requirements in effect in the Zoning Regulations at the time of application for permits.

Article 16, Page 4
C. All structures in the C-1 Zoning District shall be constructed in a complementary nature of the most restrictive residential Zoning District abutting the property.

1. All materials, surface textures and colors should be compatible with the residential Zoning District it is intended to complement.

2. If no residential development abuts the property, materials and colors shall be similar to the closest residential development to the proposed site.

3. The following criteria will be considered in determining compatibility:
   a. Roof lines;
   b. Scale;
   c. Orientation; and
   d. Proportion of surrounding development.

4. Design review shall be performed as part of site plan review.

D. Refuse disposal areas shall be landscaped and screened in accordance to landscape plans.

E. Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view.

F. Lighting shall be designed to reflect away from adjacent residential areas.
ARTICLE 17, C-2, GENERAL COMMERCIAL DISTRICT.

Statement of Intent:

A. This Zoning District is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and service facilities serving a larger community trade area.

B. All uses in the C-2 General Commercial District shall be connected to public or central water and sewer services.

Section 1, Principal Permitted Uses.

A. Any use permitted and as regulated in the C-1 Commercial District except as is modified in this Section.

B. Automobile, truck, trailer, farm implement, boat sales and marine supply establishments for display, hire, sales and repair, including sales lots,

   1. Provided all operations, other than display and sales, shall be conducted within a completely enclosed building, and

   2. Buildings used for repair work shall be not less than one hundred (100) feet from any R District.

C. Banks and finance companies, including drive-in type, department and variety stores, specialty shops, discount stores, studios, including commercial broadcasting schools.

D. Bar, restaurant, cocktail lounge, liquor store, billiard parlor, pool hall, bowling alley and similar enterprises, provided that:

   1. Such use is conducted within a completely enclosed building(s), and

   2. Such building(s) shall not be less than two hundred (200) feet from any R District.

E. Travel trailer parks and campgrounds

   1. Subject to the provisions of Article 4, and

   2. provided any travel trailer or recreational vehicle is distant at least one hundred (100) feet from any R District.
F. Drive-in eating and drinking establishments, summer gardens and road houses, including entertaining and dancing, providing the principal building is distant at least two hundred (200) feet from any R District.

G. Indoor theaters.

H. Self-service laundry and dry cleaning shops, interior decorating and paper hanging shops.

I. Hotels and motels, subject to the provisions of Article 4.

J. Carpenter shops, electrical, plumbing and heating shops, printing, publishing, or lithographing shops, funeral homes or mortuaries, or furniture upholstering shops,

1. Provided that any use shall be conducted within a completely enclosed building, and

2. Shall be a distance of one hundred (100) feet of any R District.

K. Pet shops, animal hospitals, veterinary clinics, or kennels,

1. Provided any structure or premises used for such purposes shall be distant at least fifty (50) feet from any R District, and

2. Provided further, that all animals shall be kept indoors.

L. Skating rinks, dance halls, arcades, sheet metal and sign painting shops, bakeries, laundries, commercial greenhouses; but not within one hundred (100) feet of an R District.

M. Bottlers of soft drinks and milk, or distribution stations, providing a building used for such processing and distribution shall be at least one hundred (100) feet from an R District.

N. The following uses, when conducted wholly within a completely enclosed building, or when conducted within an area enclosed on all sides with a solid wall or uniformly painted solid board fence, not less than six (6) feet high. In any circumstance, such use may not take place within two hundred (200) feet of any R District or one hundred (100) feet of any dwelling unit.

1. Building material sales yards, not including concrete mixing.

2. Contractor's equipment storage yards or plants, or storage and rental of equipment commonly used by contractors.
3. Trucking and motor freight stations or terminals.

4. Warehousing and storage.

5. Retail lumber yards, including mill work only when incidental.

6. Storage and sale of grain, livestock feed or fuel; provided dust is effectively controlled during all operations.

7. Carting, express or hauling establishments, including storage of vehicles.

8. Stone or monument works not employing power driven tools; or if employing such tools, then only within a completely enclosed building.

9. The storage of no more than five (5) vehicles involved in a wrecking or towing business.

O. Any other use which is determined by the County Commission to be of the same general character as the above permitted uses, but not including any use that is permitted in an M-1 District. Except for uses and processes prohibited in this Article or in an M-1 District, the manufacturing, compounding, processing, packaging and assembling of products such as:

1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except fish or meat products, sauerkraut, vinegar, yeast and the rendering and refining of fats or oils.

2. Products from the following previously prepared material: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, sheet metal yards (except where presses over twenty (20) tons rated capacity are employed).

3. Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.

4. Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.

5. Mechanical and electric appliances, instruments and devices, television sets, radios, phonographs.

6. Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.
7. Laboratories - experimental, film, or testing, provided no operation shall be conducted or equipment used which would create hazards, noxious, or offensive conditions.

P. Adult Entertainment Establishments and Uses as regulated in Article 4, Section 30.

Section 2, Accessory Uses.

A. Exterior, directional and other such signs incidental to the permitted use, provided that such signs comply with existing sign regulations at the time any building or occupancy permits are received.

B. Any other accessory use or structure, not otherwise prohibited, customarily accessory and incidental to principal permitted use.


A. Drive-in theaters, commercial baseball fields, swimming pools, golf driving ranges, livery stables and riding academies, amusement parks, massage parlors, health care, night clubs, or recreational uses including water slides, race tracks or similar uses, companionship services.

B. A combination commercial and residential structure. The dwelling unit, if separate, must remain on the same property and may not be subdivided independent of each other.

C. Requirements and limitations regarding conditional use permits shall be based on the following conditions:

1. Size of the structure, amount of traffic generated and number of employees associated with the use.

2. Impact of the use on the character of the surrounding neighborhood.

3. Impact of the use on the surrounding natural environment.

4. Operating hours of proposed use.

5. Any other conditions deemed necessary by the Planning & Zoning Commission.

Section 4, Use Limitations.
A. No use shall be allowed unless connected to public or central water and sewer services.

B. No uses shall be allowed which are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, glare, vibration, refuse matter or water-carried waste.

C. No construction of any type of dwelling unit shall be allowed as a principal permitted use. Any dwelling unit legally existing in the C-2 District on the effective date of these Zoning Regulations shall not be classified as a nonconforming use.

Section 5, Bulk and Intensity of Use Restrictions.

A. Maximum structure height: According to the provisions of Article 4, Section 18.
   1. Principal building: Forty-five (45) feet
   2. Accessory building: Twenty-five (25) feet

B. Minimum Yard Requirements:
   1. Front yard: Fifty (50) feet,
   2. Side yard: none, unless adjacent to a more restrictive Zoning District; then twenty-five (25) feet.
   3. Rear yard: Ten (10) feet, unless adjacent to a more restrictive Zoning District, then twenty-five (25) feet.
   4. Maximum structural coverage of lot (including accessory buildings): Forty-five (45) percent.

(See chart below)

<table>
<thead>
<tr>
<th>Structure(s) served by public or central water and sewer systems</th>
<th>Minimum Lot Width</th>
<th>Front Yard Setback</th>
<th>Side Yards</th>
<th>Rear Yard</th>
<th>Maximum Lot Coverage (all structures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>30 feet</td>
<td>None, unless adjacent to more restrictive Zoning District, then 25 feet</td>
<td>10 feet, unless adjacent to more restrictive Zoning District, then 25 feet</td>
<td>45 percent</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Structure(s) not served by public or central water and sewer systems</th>
<th>Minimum Lot Width</th>
<th>Front Yard Setback</th>
<th>Side Yards</th>
<th>Rear Yard</th>
<th>Maximum Lot Coverage (all structures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 ft.</td>
<td>30 feet</td>
<td>None, unless adjacent to more restrictive Zoning District, then 25 feet</td>
<td>10 feet, unless adjacent to more restrictive Zoning District, then 25 feet</td>
<td>45 percent</td>
<td></td>
</tr>
</tbody>
</table>

Section 6, Road or Street Setback.

Article 17, Page 5
No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.

Section 7, Open space requirements.

A. Minimum open space:
   1. Not less than thirty (30) percent of the total lot area shall be devoted to open space, including required yards and buffer yards.
   2. Open space shall not include areas covered by:
      a. structures,
      b. parking areas,
      c. driveways and
      d. internal streets.

B. Maximum impervious surface. The combined area occupied by all permitted and accessory structures, paved parking areas, and any other surfaces that reduce and prevent absorption, shall not exceed seventy (70) percent of the total area.

Section 8, Design requirements.

A. A site plan, showing the overall concept of the proposed use must be submitted and approved. At a minimum, the site plan should include the following:
   1. A legal description or a survey done by a Registered Land Surveyor.
   2. All dimensions of proposed building, accessory uses, drives, and parking areas.
   3. The surrounding land use and zoning classification.

B. A landscaping plan, meeting all requirements in effect in the Zoning Regulations at the time of application for permits.

C. Refuse disposal areas shall be landscaped and screened in accordance to landscape plans.

D. Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All
such equipment shall be screened from public view.

E. Lighting shall be designed to reflect away from adjacent residential areas.
ARTICLE 18, C-3, RURAL COMMERCIAL DISTRICT.

Statement of Intent.

A. This Zoning District is intended to provide for commercial operations in areas not served by public or central water and sewer.

B. Uses in this Zoning District shall be limited to those which serve a local area or neighborhood, and
   1. Do not create more than one thousand five hundred (1500) gallons per day of wastewater,
   2. Do not require water suppressions systems beyond what the site can supply,
   3. Are in a completely enclosed structure, and
   4. Create no objectionable noise, glare, or odor hazards.

Section 1, Principal Permitted Uses.

A. Any local retail business or service establishment, including grocery, fruit or vegetable store; drug store; barber or beauty shop; hardware store; food locker or other uses:
   1. Not requiring any pretreatment of waste water, and
   2. Not creating more than one thousand five hundred (1500) gallons of waste water per day.

B. Business and professional offices, provided that they retain the character of the neighborhood.

C. Public utilities, essential services, and other uses according to the provisions of Article 4, Section 27.

D. Billboards, outdoor advertising signs and structures,
   1. Subject to the provisions of the laws of the State of Missouri, and
   2. All current Zoning Regulations.
Section 2, Accessory Uses.

A. Exterior, directional and other such signs incidental to the permitted use, provided that such signs comply with existing sign regulations at the time any building or occupancy permit is received.

B. A single-family residential unit with the following conditions:
   1. The residence is occupied by the owner and operator or a full-time employee of the principal permitted use.
   2. The structures, if separate, must remain on the same property and may not be subdivided independent of each other.

C. Any other accessory use or structure, not otherwise prohibited, customarily accessory and incidental to principal permitted use.


A. The following uses will be allowed with the authorization of a conditional use permit by the Planning & Zoning Commission.
   1. Gas stations or service stations.
   2. Convenience stores with gas pumps.
   3. Mini-storage units.
   4. Retail establishments located within a completely enclosed building not specifically permitted but in conformance with the Statement of Intent.
   5. Public utility structures or uses subject to the provisions set by the Planning & Zoning Commission.
   6. Any use permitted and as regulated in the C-2 General Commercial District.

B. Requirements and limitations regarding conditional use permits shall be based on the following conditions:
   1. Size of the structure, amount of traffic generated and number of employees associated with the use.
   2. Impact of the use on the character of the surrounding neighborhood.
3. Impact of the use on the surrounding natural environment.
4. Operating hours of proposed use.
5. Any other conditions deemed necessary by the Planning & Zoning Commission.

Section 4, Use Limitations.

A. No uses that exceed one thousand five hundred (1500) gallons of wastewater per day or require pretreatment are allowed.
B. No uses that require a water suppression system greater than can be supplied from an on-site water system.
C. All activities and permitted uses except off-street parking and loading facilities, and those permitted with conditional use permits shall be conducted entirely within a completely enclosed building.
D. No accessory use shall have a floor area (excluding garage) exceeding seventy-five (75) percent of the permitted use of the lot.

Section 5, Restrictions on Bulk and Intensity of Use.

A. Maximum structure height:
   1. Principal building: Thirty (30) feet.
B. Maximum structural coverage (including accessory buildings): Thirty-five (35) percent.
C. Minimum yard requirements:
   1. Lot frontage: One-hundred (100) feet.
   2. Front yard: Fifty (50) feet
   3. Side yard: Twenty-five (25) feet
   4. Rear yard: Fifty (50) feet.
Area Measurements

<table>
<thead>
<tr>
<th>Minimum Lot Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Depth</th>
<th>Rear Yard Depth</th>
<th>Maximum Lot Coverage (all structures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 ft.</td>
<td>50 feet</td>
<td>25 feet</td>
<td>50 feet</td>
<td>35 percent</td>
</tr>
</tbody>
</table>

Section 6, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.

Section 7, Open space requirements.

A. Minimum open space:

1. Not less than forty (40) percent of the total lot area shall be devoted to open space including required yards and buffer yards.

2. Open space shall not include:
   a. areas covered by structures,
   b. parking areas,
   c. driveways and
d. internal streets.

3. At a minimum, fifty (50) percent of the front yard setback must remain in open space.

B. Maximum impervious surface:

1. Surfaces that reduce and prevent absorption shall not exceed sixty (60) percent of the total area, including but not limited to surfaces covered by:
   a. all permitted structures,
   b. all accessory structures,
   c. paved parking areas, and
d. any other surfaces that reduce and prevent absorption.
Section 8, Design Requirements.

A. A site plan, showing the overall concept of the proposed use must be submitted and approved. At a minimum, the site plan must include the following:

1. A legal description or a survey done by a Registered Land Surveyor.

2. The type of structure to be built.

3. The classification of the business

4. All dimensions of proposed building(s), accessory uses, drives, and parking areas.

5. The surrounding land use and zoning classification.

B. A landscape plan, meeting all requirements in effect in the Zoning Regulations at the time of application for permits.

C. Refuse disposal areas shall be landscaped and screened in accordance to landscape plans.

D. Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view.

E. Lighting shall be designed to reflect away from adjacent residential areas.
ARTICLE 19, M-1, LIGHT MANUFACTURING OR INDUSTRIAL DISTRICT

Statement of Intent.

This Zoning District is designed to accommodate those manufacturing establishments that are either:

A. free of objectionable influences in their operation and appearance, or

B. that can readily obviate or control any objectionable features that may otherwise result from the manufacturing processes by installation of appropriate abatement devices.

Section 1, Principal Permitted Uses.

A. Any use permitted and as regulated in the C-2 District, except as is modified in this Section.

B. Except for uses and processes prohibited in these Zoning Regulations, the manufacturing, compounding, processing, packaging and assembling of products such as:

1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except fish or meat products, sauerkraut, vinegar, yeast and the rendering and refining of fats or oils.

2. Products from the following previously prepared material: Bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, sheet metal yards (except where presses over twenty (20) tons rated capacity are employed).

3. Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.

4. Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.

5. Mechanical and electric appliances, instruments and devices, television sets, radios, phonographs.

6. Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.
7. Laboratories. Experimental, film, or testing laboratories, provided no operation shall be conducted or equipment used that would create hazards, noxious, or offensive conditions.

C. The following uses, provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits, within five hundred (500) feet of any R District:

1. Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise producing machine operated tools.

2. Foundry, casting lightweight, non-ferrous metal or electric foundry, not causing noxious fumes or odors.

3. Carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

4. Ice manufacturing and cold storage plant; creamery and bottling plant.

D. Public utilities, essential services, and other uses according to the provisions of Article 4, Section 27.

E. The following uses, when located not less than two hundred (200) feet from any R District:

1. Inflammable liquids, underground storage only.

2. Building materials sales yards, including concrete mixing, lumber yards, including mill work, open yards for storage and sale of feed and/or fuel.

F. Any other use that is determined by the County Commission, to be of the same general character as the above permitted uses but not including any uses that are first permitted in the M-2 District.

G. Adult entertainment establishments and uses as regulated in Article 4, Section 30.

Section 2, Accessory Uses.

A. Any uses and structures customarily accessory and incidental to a principal permitted use, except for uses not otherwise permitted in an M-1 District.
Section 3, Conditional Uses Requiring Authorization by Planning & Zoning Commission

A. Livestock confinement operation in conformance with Article 4, Section 28.

B. When authorized by the Planning & Zoning Commission, any use permitted in the M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District, subject to such conditions and requirements as may in the opinion of the Planning & Zoning Commission, be necessary to protect adjacent property and prevent conditions of which may become objectionable or offensive.

Section 4, Required Conditions.

A. All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building, provided that uses specified in Section 1 (E) (2) of this Article shall not be subject to this provision.

B. No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall be within one hundred (100) feet of any R District, and any space used for loading or unloading commercial vehicles in connection with such operation shall not be within one hundred (100) feet of any R District.

Section 5, Prohibited Uses.

A. Any use that is first permitted in the M-2 District.

B. No use shall be permitted or authorized to be established or maintained that, when conducted in compliance with the provisions of these Zoning Regulations and any additional conditions or requirements prescribed by the Board of Adjustment, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or waste.

C. Dwelling and residence of any kind, including hotels, motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-1 District on the effective date of these Zoning Regulations, or any amendment thereto, shall not be classified as a non-conforming use as defined in Article 1, Section 5.

D. Any use that produces more than one thousand five hundred (1,500) gallons of wastewater per day without being connected to a public or central sewer system.
Section 6, Area Requirements.

A. Dwellings or residential parts of non-residential buildings are not permitted in an M-1 District.

B. Existing dwellings or residential parts of existing nonresidential buildings without connection to a public or central sewer services may not be subdivided on lot(s) less than three (3) acres.

C. The following minimum area measurements shall be observed:

**Minimum Area Measurements**

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Minimum Lot Area</th>
<th>Lot Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Widths</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-residential (not served by public or central sewer)</td>
<td>None</td>
<td>100 feet</td>
<td>50 feet</td>
<td>None, except where adjoining A or R districts, then not less than 100 feet each side</td>
<td>50 feet</td>
</tr>
<tr>
<td>Non-residential (served by public or central sewer)</td>
<td>None</td>
<td>50 feet</td>
<td>50 feet</td>
<td>None, except where adjoining A or R districts, then not less than 100 feet each side</td>
<td>50 feet</td>
</tr>
<tr>
<td>Residential dwelling (existing)</td>
<td>3 acres</td>
<td>150 feet</td>
<td>40 feet</td>
<td>25 feet each side</td>
<td>50 feet</td>
</tr>
<tr>
<td>Residential dwelling (new)</td>
<td>New residential construction not permitted</td>
<td>New residential construction not permitted</td>
<td>New residential construction not permitted</td>
<td>New residential construction not permitted</td>
<td>50 feet</td>
</tr>
</tbody>
</table>

Section 7, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 20, M-2, GENERAL MANUFACTURING OR INDUSTRIAL DISTRICT

Statement of Intent.

A. This Zoning District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the M-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls.

B. Certain offensive uses permitted in this Zoning District must observe greater setback and yard requirements when adjacent to residential areas.

Section 1, Principal Permitted Uses.

A. Any use permitted in an M-1 District or permitted in certain parts subject to Board of Adjustment authorization or this is not prohibited in the M-2 District by this Article or by any other law or order.

B. Any of the following uses, when located not less than three hundred (300) feet from any R District, and not less than one hundred (100) feet from any other Zoning District, except an A-1 District or an M-1 District.

1. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.

2. Automobile assembly.

3. Bleaching, cleaning and dyeing of large scale production.

4. Boiler shops, machine shops, structure steel fabricating shops, railway care or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty (20) tons rated capacity.

5. Brewing or distilling of liquors.


7. Bulk station.

8. Candle or sperm oil manufacturing.

9. Coal yards.

10. Cooperage works.
11. Dextrine, starch or glucose manufacturing.
12. Disinfectant, insecticide or poison manufacturing.
14. Enameling, lacquering or japanning.
15. Emery cloth or sandpaper manufacturing.
17. Flour or grain mill.
18. Forge or foundry works.
19. Gas generation or storage for illumination or heating.
20. Grain drying or poultry feed manufacturing, from refuse, mash or grain.
21. Hair or hair products manufacturing.
22. Lime or lime products manufacturing.
23. Linoleum, oil cloth or oiled goods manufacturing.
25. Meat packing; but not stockyards or slaughterhouses.
26. Oil, paint, shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine.
27. Paper and pulp manufacturing.
29. Pickle, sauerkraut or sausage manufacturing.
31. Poultry slaughterhouse, including packing and storage for wholesale.
32. Printing ink manufacturing.
33. Radium extraction.
34. Sandblasting or cutting.
35. Sawmill, the manufacture of excelsior, wood fiber or sawdust products.
36. Shoe blacking or polish or stove polish manufacturing.
37. Soap manufacturing.
38. Steam power plant, except where necessary to a permitted principal use.
39. Sugar refining.
40. Tar distillation or manufacturing.
41. Vinegar manufacturing.
42. Wire or rod drawing-nut, screw or bolt manufacturing.
43. Yeast manufacturing.
44. Boat dock and boat lift manufacturing

C. Any other use that is determined by the County Commission to be of the same general character of the above permitted uses.

D. Adult entertainment establishments and uses as regulated in Article 4, Section 30.

Section 2, Conditional Uses Requiring Authorization by Planning & Zoning Commission.

A. Livestock confinement operations in conformation with Article 4, Section 28.

B. Sewage disposal plants.

C. Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clippings, including sorting, refining, bailing, wood pulling and scouring.

D. Any other use that in the opinion of the Planning & Zoning Commission is of a similar character to these specified.
E. Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any R District, and not less than two hundred (200) feet from any other Zoning District except an M-1 District.

1. Ammonia, chlorine, or bleaching powder manufacturing.

2. Animal black, lamp black, bone black or graphite manufacturing.

3. Celluloid or pyroxylin manufacturing, or explosive or inflammable cellulose or pyroxylin products manufacturing or storage.

3. Cement, lime gypsum or plaster of paris manufacturing.


5. Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacturing of gas.

6. Explosives manufacture or storage for small arms ammunition.

7. Fertilizer, compost manufacture or storage.

8. Fish curing, smoking or packing, fish oil manufacturing or refining.

9. Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage, salvage yards.

10. Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal or offal.

11. Petroleum or inflammable liquids production, refining and storage above ground.

12. Rubber, caoutchouc or gutta percha manufacture and treatment from crude or scrap material.

13. Slaughtering of animals or stockyards.

14. Smelting of ferrous or non-ferrous ores.

15. Storage, curing or tanning of raw, green or salted hides and skins.

16. Sulphurous, sulfuric, nitric, picric, carbolic or hydrochloric or other corrosive acid manufacture.
17. Any other use that in the opinion of the Planning & Zoning Commission is of a similar character to those specified above.

Section 3, Accessory Uses.

A. Accessory uses and structures permitted and as regulated in the M-1 District except as is modified by this Section.

B. Other uses and structures customarily accessory and incidental to a permitted principal use, except of a type that is permitted only subject to Board of Adjustment authorization.

C. Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board of Adjustment, subject to such conditions and requirements as may, in the opinion of the Board of Adjustment, be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.

Section 4, Required Conditions.

A. The requirement that certain business, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted under Article 19 in the M-1 District.

1. Any such use may be conducted in the M-2 District within or without a building or enclosure, subject to any applicable distance limitations set forth in Article 19.

B. All junk or salvage yards shall be enclosed by a solid board fence or wall not less than ten (10) feet high of new material and well maintained.

Section 5, Prohibited Uses

A. Dwellings and residences of any kind,

1. Including hotels, motels, mobile home parks, schools, hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use;

2. Provided, however, that any of the aforesaid uses legally existing in the M-2 District on the effective date of these Zoning Regulations, or any amendment thereto, shall not be classified as a non-conforming use as defined in Article 1 Section 5.

B. No use shall be permitted or authorized to be established or maintained that, when conducted in compliance with the provisions of these Zoning Regulations and any additional conditions or requirements prescribed by the Board of Adjustment, is or may
become hazardous, noxious or offensive due to the emission of odor, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

C. Any use that produces more than one thousand five hundred (1500) gallons of wastewater per day without being connected to a public or central sewer system.

section 6, area requirements.

A. Dwellings or residential parts of non-residential buildings are not permitted in an M-2 District.

B. Existing dwellings or residential parts of existing nonresidential buildings without public or central sewer service may not be subdivided on lot(s) less than three (3) acres.

C. The following minimum area measurements shall be observed:

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>Lot Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Widths</th>
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</tr>
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<tbody>
<tr>
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</tr>
</tbody>
</table>
ARTICLE 21, FLOOD DAMAGE PREVENTION

See FEMA regulations. A copy of the FEMA regulations is available for review in the Stone County Planning & Zoning Office. The FEMA website is www.fema.gov.
ARTICLE 22, PA, PLOT ASSIGNMENT DISTRICT.

Statement of Intent.

A. This Zoning District is intended to provide for the establishment of particular plots of land having specific use assignments.

B. The PA District is calculated to promote flexibility and more inventive design than is generally possible under customary zoning regulations.

C. It is hereby intended to permit PA Districts upon application and upon approval of site and use plans.

1. Suitability of such tracts for a PA District designation shall be determined by and shall be made according to the provisions of the Comprehensive Development Plan, and

2. designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers,

3. To promote health and the general welfare,

4. To provide adequate light and air, to prevent the overcrowding of land,

5. To avoid undue concentration of population,

6. To preserve features of historical significance,

7. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, other public requirements,

8. With a reasonable consideration being given to, among other things, the character of the Zoning District and its peculiar suitability for particular uses, and

9. with a view to conserving the land throughout the County.

D. In a PA District, the regulations that are imposed are intended to accomplish the same purposes as do zoning regulations and other applicable regulations in Zoning Districts that are developed on a lot-by-lot basis, rather than on a unified basis.

E. Nothing in this Section shall be construed to prevent an applicant from submitting, at his option, a subdivision plat or site plan for simultaneous review with the PA Development Plans.
Section 1, General Procedures.

A. Pre-Application Conference.

1. A Pre-Application Conference is an informal procedure to assist the applicant in meeting requirements and to provide a preview of the proposed PA District's conceptual layout.

2. To obtain further information in connection with the preparation of the PA District application, each applicant shall confer with representatives from the Planning & Zoning Department and any other pertinent agency.

B. The Preliminary Plan shall be prepared in compliance with the directives of this Section. The owners of a tract of land located in any Zoning District containing no less than five (5) acres may apply for a PA District and submit for the Planning & Zoning Commission’s review, a preliminary plan for the use and development of such tract of land for a PA District project.

1. In accepting such a plan for review, the Planning & Zoning Commission must be satisfied that the proponents of the PA District project intend to complete it within a reasonable time as determined by the Planning & Zoning Commission.

2. Such plan shall be prepared by a registered engineer or architect and shall contain, at a minimum, the following information:

   a. A legal description of the proposed PA District project with total number of acres in the project and the number of acres allocated for each respective land use for the proposed PA District.

   b. A written report describing the overall concept of the plan (including supporting graphics); at a minimum the plan shall include the following information:

      (1) The total land area, expressed in acres and as a percentage of the total area at full development to be devoted to various land uses and intensities.

      (2) The approximate total number of dwelling units proposed by type of structure and approximate number of bedrooms for multi-family units.

      (3) Square footage devoted to non-residential uses.
(4) The gross and net residential density within the project and within each component of the Zoning District. Flood area and open space ratios, and other data relating to intensity of development.

(5) The proposed number of off-street parking and loading spaces for each use.

(6) A generalized description of water service, sanitary sewerage, utilities, management of storm water runoff, maintenance of common areas, and other essential services.

3. A PA District site plan illustrating the requested use allocations and their respective location within the Zoning District. The plan shall include, at a minimum, the following:

   a. A general land use plan with a description of the type, location, and nature of each land use allocation within the Zoning District.

   b. A circulation plan which illustrates both external and internal traffic ways, including proposed and existing right-of-ways, pedestrian travel ways, and other transportation improvements.

   c. A generalized landscape plan including buffers, perimeter treatments, and berming, and screening of adjacent properties.

   d. A sign plan that coordinates the size, location, and illumination of signs proposed within the Zoning District.

4. A PA District improvement plan including potential problems and proposed solutions to:

   a. Wastewater disposal.

   b. Storm water disposal and/or interior drainage.

   c. Water supply and supplier.

   d. Electrical supply and supplier.

   e. Soils and geological conditions.

   f. Topography.
C. A final PA District development plan will be required only if the Planning & Zoning Commission determines that a final and more detailed development plan is required to adequately safeguard the public interest.

Section 2, Uses Permitted.

A. A PA District shall specify both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses that are to be permitted, and may include or exclude uses from the PA District or include uses with conditions as appropriate to achieve the intent of these provisions.

B. In making its determination of the uses to be permitted within PA District, the Planning & Zoning Commission may consider:

1. The compatibility and relationship of permitted uses adjoining or in proximity to the PA District,
   a. the appropriateness of permitted uses for the area in general,
   b. their overall impact on the community, and
   c. the consistency of the permitted uses with the Comprehensive Plan and other adopted plans and policies.

Section 3, Regulations.

A. The Development Plan shall contain provision to regulate the intensity of development within the PA District. Such provisions may apply to the project as a whole or to subareas within the project as appropriate.

B. The following regulations shall apply to PA Districts:

1. For non-residential development, the intensity of development may be regulated:
   a. by specifying maximum square footage or gross leasable area,
   b. by specifying setbacks, height and bulk restrictions, or
   c. by a combination of such restrictions for the project as a whole or for components or subareas within the project.
2. In addition, non-residential Development Plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial and other non-residential activities.

3. Standards and restrictions necessary to achieve the intent of this Article may be imposed.

4. In making its determination regarding the intensity of development and appropriate performance standards, the PA District may consider

   a. the character and scale of similar developments,

   b. the character and scale of surrounding development, and the area in general,

   c. the real or anticipated impact on public facilities and services, and

   d. consistency with the Comprehensive Plan and other adopted plans and policies.

5. Maximum Number of Dwelling Units equals the entire area of the property (exclusive of all road right-of-ways to be utilized for residential purposes) divided by the maximum density permitted within the Zoning District(s), as shown by the table below:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Residential Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 Agriculture</td>
<td>1 dwelling unit/5 acres</td>
</tr>
<tr>
<td>A-R Agriculture Residence</td>
<td>1 dwelling unit/3 acres</td>
</tr>
<tr>
<td>R-1 Suburban Residence</td>
<td>4 dwelling units/acre</td>
</tr>
<tr>
<td>R-2 One-and Two-Family Residence</td>
<td>8 dwelling units/acre</td>
</tr>
<tr>
<td>R-3 Multi-family Residence</td>
<td>15 dwelling units/acre</td>
</tr>
<tr>
<td>R-4 Multi-family Residence</td>
<td>22 dwelling units/acre</td>
</tr>
</tbody>
</table>

   a. The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this Article.

   b. The Development Plan shall specify distribution of residential density for the project as a whole or for subareas within the project as appropriate.
6. In making its determination regarding the distribution of residential densities, the Planning & Zoning Commission may consider:
   a. the compatibility of residential densities with other uses within the Zoning District as well as outside the Zoning District,
   b. the impact of residential densities on public facilities and services, and
   c. the consistency with the Comprehensive Plan and other adopted plans and policies.

C. The PA District design shall specify:

1. Conditions, restrictions and standards relating to the timely provisions of necessary public facilities as appropriate.

2. The Planning & Zoning Commission may impose conditions, restrictions and standards as appropriate to achieve the intent of these regulations.

3. In making its determination regarding such conditions, restrictions and standards, the Planning & Zoning Commission may consider
   a. the adequacy of existing facilities,
   b. the timely provision of adequate facilities,
   c. the impact of the proposed development on existing and/or planned facilities and
   d. the overall cost to the community.
   e. Approved water and sewer systems shall be required.

4. The PA District design shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate.
   a. The Planning & Zoning Commission may impose such access standards and restrictions as necessary to protect the integrity and function of the County's thoroughfare system and to otherwise achieve the intent of these regulations.
   b. In making its determination regarding such access standards and restrictions, the Planning & Zoning Commission may consider
(1) The classification and function of the thoroughfare system, existing and projected traffic volumes,

(2) The condition and design of the affected thoroughfares,

(3) The effect of the proposed development on traffic flow and circulation patterns and

(4) The consistency with the Comprehensive Plan and other adopted plans and policies.

5. Unless specifically modified by the PA District design, the off-street parking and loading requirements contained within the zoning regulations shall apply.

   a. Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking will be less due to:

      (1) Design and/or occupancy characteristics of the project, and/or

      (2) The availability of public transportation.

6. Unless specifically modified by the PA District design, the sign regulations contained within the zoning regulations shall apply.

   a. Modifications to the sign regulations shall be approved only if the general intent of the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.

7. The PA District shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve any appropriate transition between land uses and densities.

   a. The Planning & Zoning Commission may impose such standards and requirements for perimeter treatment it deems necessary:

      (1) To protect adjoining properties from adverse effects, and
(2) To achieve an appropriate transition of land uses and densities.

Section 4, Determination.

A. Upon determination by the Planning & Zoning Director that the proposed PA District development plan, as reviewed during the pre-application conference, appears to conform to the requirements of this Article and all other applicable requirements of these Zoning Regulations, the applicant shall prepare and submit a development plan which shall incorporate any changes or modifications required or suggested by the Planning & Zoning Commission, and, if necessary, an application for a change of zoning.

1. The Planning & Zoning Commission shall hold a public hearing on the proposed PA District. If the PA District design is found to comply with the requirements set forth in this Article and other applicable provisions of these Zoning Regulations, the Planning & Zoning Commission shall submit said plan with the required application by the proponents of the necessary change in classification of the site of the proposed PA District together with its report and recommendation to the County Commission.

2. The County Commission may modify the plan consistent with the intent and meaning of these Zoning Regulations and may rezone the property to the classification permitting the proposed PA District in substantial conformity with the final plan as approved by it.

3. After the PA District design has been approved by the County Commission, and in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, loading areas, entrances, heights or yards may be requested by the proponents and provided such requests conform to the standards established by the final PA District design and these Zoning Regulations, such adjustments or rearrangements may be authorized by the County Commission upon recommendation by the Planning & Zoning Commission.

4. Minor adjustments to the final PA District design shall be an administrative function of the Planning & Zoning Director. Preliminary and final plats will be required after Development Plan approval. Procedure will be the same as for a Planned Unit Development.

5. After the final PA District design has been approved by the County Commission, and in the course of carrying out this plan, if the proponents deviate from the approved final PA District design without proper authority, the project's development shall be stopped and the matter referred to the County Commission for subsequent review.
Section 5, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 23, CONSERVATION DEVELOPMENT DISTRICT

Statement of Intent.

This Zoning District is intended to encourage residential development in the rural areas of Stone County to conserve open space and by doing so promote the following:

A. Efficient use of the land while preserving agricultural land, significant stands of trees, open space, historical features, vistas, drainage systems, sinkhole watershed, and other significant environmental or cultural items on a case by case basis.

B. Housing located and grouped to promote efficiency and viable open space, and reduce impervious surface area.

C. Housing with access to parks, trails, greenways, and other open areas for recreation.

D. Economic viability of farms and farmland.

E. Open space for private or public use for recreation or agriculture production.

F. Preservation of historic areas or landscapes as well as the rural image of the County.

G. Diversity of housing sizes and styles in the County.

H. Preservation of the County’s cultural history.

Section 1, Principal Permitted Uses.

A. Single family detached dwelling on parcels of a minimum size of two (2) acres, as determined by a soils profile conducted by a registered soil scientist, that will have room for planned improvements, an on-site waste water disposal system and a replacement location for the soil absorption field, unless otherwise approved during platting.

B. The open space portion of the development can be used for one or more of the following:

1. Conservation of significant natural or cultural features and views.

2. Agricultural uses that will support the conservation of open space.


4. Recreational trails for non-motorized uses.
5. Recreational uses for the property owners, as regulated by the property owners’ association.
   a. Trails
   b. Picnicking
   c. Gardens
   d. Passive areas for use
   e. Ball fields
   f. Playgrounds
   g. Tennis, basketball and other courts
   h. Swimming pools
   i. Community building
   j. Stables and equestrian trails and facilities
   k. Rifle, skeet, trap, and pistol ranges, and similar uses.

6. Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.

Section 2, Accessory Uses. Accessory uses may include buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:

A. Uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses.

B. Home occupations as listed in Article 4, Section 21.

C. Temporary real estate and small announcement signs.

D. Temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work.

E. Swimming pool incidental to a single family dwelling, provided the pool will not hamper the use or location of the on-site waste water system.
F. Day care homes, if not more than six (6) children are kept, in addition to the
caregiver’s own children.

G. Accessory apartments.

Section 3, Development Standards

A. Residential requirements

1. Single family detached structures

2. The residential lot shall be a minimum of two (2) acres and shall be large
   enough to accommodate an onsite disposal system and a replacement system. The
   area requirements will be based on soils and size of the structure.

3. Setbacks will follow the R-1 Suburban Residence District guidelines.

4. Accessory buildings will follow location guidelines as shown in the R-1
   residential regulations.

5. Maximum lot coverage will be thirty-five (35) percent and maximum
   height of all structures will be thirty-five (35) feet.

6. The property owners’ association will provide for maintenance of the on-
   site waste water system within the context of their covenants. Covenants must
   receive the discretionary approval of the County Commission.

B. Minimum required acreage - 20 acres

C. Development considerations

1. Community commons

2. Residential and/or open space siting
   a. Open space shall be arranged so that large contiguous areas of
      open space can be formed.
   b. Impact on natural, environmental, and historical areas is to be
      minimized by the location of residential development.

3. Protection of scenic views.

4. Minimize the impact on mature stands of trees.
5. Protect historic buildings, views or landscapes.

6. Avoid prime farm land with residential development.

7. Roads will not be extended through open space; however, open space accessory parking and structures can be located in the open space.

8. Variance to design standards will be considered and may be approved as the Conservation Development is approved.

Section 4, Submittal Requirements

A. A completed change of zoning application will be required for an open space development.

B. In addition, a conservation development report and site plan shall be required and shall include the following items. (The development report and site plan must be prepared by a land development professional that is qualified by their education and experience to do site plan work.)

1. Ten foot contour lines.

2. Rock outcrops

3. Slopes of more than fifteen (15) percent

4. Soil.

5. Water features and flood plains

6. Sinkholes, caves and springs

7. Land cover

8. Visual or historical resources

9. Special environmental considerations

10. Existing buildings or improvements

11. Identify the maximum number of five (5) acre tracts that could be developed

12. Site design to show the open space, lots, roads, and storm water facilities
Stone County Zoning Regulations
Amendments current through July 2020

13. Phasing, if any

14. Location map

15. Conservation easement

C. No open space development will be considered approved until all hearings are complete and the conservation easements are recorded permanently preserving the open space. The requirement for a conservation easement may be waived by the Planning & Zoning Commission if the development’s property owners’ association retains ownership of the open space.

Section 5, Road or Street Setback.

No structure may be erected closer than 25 feet from the nearest road or street right-of-way boundary.
ARTICLE 24, ROAD, STREET, COMMON OPEN SPACE AND COMMON IMPROVEMENT REGULATIONS

Section 1, General Provisions. The provisions of this Article shall apply to all developments in which the following features are held in common ownership by a property owners’ association or by persons or entities owning property within a development.

A. All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons owning property within a development, where such lands are not dedicated to or conveyed for public use whether or not such lands are required by the provisions of this Article, and

B. All private streets, driveways, parking facilities and buildings or portions thereof, as may be provided for the common use, benefit and/or enjoyment of the occupants of the development; whether or not such improvements are required by the provisions of this Article.

Section 2, Condominium Property Act.

All lands and improvements as set forth in Section 1 above shall be established and maintained according to the provisions of the Condominium Property Act, Chapter 448 of the Revised Statutes of Missouri, or subsequent amendments, except where the Planning & Zoning Commission determines that the provisions of this Article can otherwise be satisfied.

Section 3, Subdivision Approval Required.

All subdivision of property containing common open space and common improvements shall originally be classified as a major subdivision and subject to review according to the provisions of the Subdivision Regulations. Amendments or revisions to an improved subdivision plat containing a common open space and common improvements may be classified as a minor subdivision according to the provisions of the County's Subdivision Regulations.

Section 4, Property Owner's Association.

Roads, streets, common open space and common improvements shall be protected by legal arrangements, satisfactory to the Planning & Zoning Commission and County Commission sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify:

A. ownership of the common open space and common improvements;

B. method of maintenance,
C. responsibility for maintenance; maintenance taxes and insurance coverage in form and amount determined by the Planning & Zoning Commission;

D. compulsory membership and compulsory assessment provisions;

E. guarantees that any association formed to own and maintain common open space, and common improvements will not be dissolved without the consent of the County; and

F. any other specifications deemed necessary by the Planning & Zoning Commission and the County Commission.

Section 5, Covenants, Rules and By-laws.

The County Commission shall review and discretionarily approve the restrictive covenants, rules and bylaws of the lot or unit ownership, as prepared according to the provisions of this Article and Chapter 448 of the Revised Statutes of Missouri. This approval shall be obtained before any final plat is recorded or final site plan approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.

Section 6, Maintenance of Roads, Streets, Common Open Space and Common Improvements.

A. If the Planning & Zoning Commission and the County Commission determine that the public interest requires assurance concerning adequate maintenance of common open space areas and improvements, the Planning & Zoning Commission and County Commission may require that the restrictive covenants, rules and by-laws creating the lot or unit ownership shall provide that if the lot or unit owners establish and maintain such roads, streets, common open space, improvements, or any successor lot or unit owners, shall at any time after establishment of the development fail to maintain the roads, streets, common open space/improvements in reasonable order and condition according to the provisions of the approved plans,

1. The County may serve notice in writing upon such lot or unit owners.

2. The notice shall describe how the lot or unit ownership has failed to maintain the common open space/improvements in reasonable condition, and shall require that such deficiencies of maintenance be remedied within thirty (30) days thereof, and

3. Hearing shall be held within twenty (20) days of notice.

B. At such hearing the County Commission may modify the terms of the original notice concerning the deficiencies and may grant an extension of time to remedy these deficiencies.
C. If said deficiencies are not corrected, the County may enter upon said common open space and maintain the same for one (1) year in order to preserve the taxable values of the properties within the development and to prevent the common open space/improvement from becoming a public nuisance.

D. Said entry and maintenance shall not grant the public any rights to use the common open space/improvements unless the owners voluntarily dedicate the same to the public and such dedication is accepted by the County.

E. Before the expiration of said one (1) year period and upon its initiative or upon the request of the lot or unit owners theretofore responsible for the maintenance of the common open space/improvements, the County Commission shall call a public hearing upon notice in writing to such organization or to owners of the lot or unit ownership. At said hearing, the lot or unit owners shall show cause why such maintenance by the County shall not, at the election of the County Commission, continue for a succeeding one (1) year period.

F. If the County Commission determines that said lot or unit ownership is ready and able to maintain the common open space/improvements in reasonable condition, the County shall cease to maintain the common open space/improvements at the end of said one (1) year period or at any earlier date prescribed by the County Commission.

G. If the County Commission determines that such organization is not ready and able to maintain the common open space/improvements in a reasonable condition, the County Commission may, at its discretion, continue to maintain the common open space and/or improvements during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

H. The rules and bylaws creating the lot or unit ownership shall further provide that the County’s cost of maintenance, including cost of insurance, shall be assessed ratably against the individual properties within the development that have a right of enjoyment of the common open space and/or improvements. This assessment:

1. Shall become a charge on said properties,

2. The charges shall be due and payable by the owners of said properties within thirty (30) days after the receipt of same.

3. The assessments shall constitute a lien against all properties within the lot or unit ownership.
Section 7, Maintenance Responsibility

A. Except as provided in Section 6, the County shall not be responsible for the maintenance of any common open space/improvements required by this Article.

B. Initial maintenance of the common open space/improvements within a development shall be the responsibility of the developer.

1. The restrictive covenants, rules and bylaws of the lot or unit ownership may prescribe a method for transfer of maintenance responsibility to a duly constituted property owner's association.

2. In the event no method for transfer or maintenance responsibility is prescribed, the developer shall retain this responsibility until fifty (50) percent of the development has been sold to the lot or unit owners or other clients.

3. When at least fifty (50) percent of the development has been sold, the established lot or unit ownership, comprised of the development's lot or unit owners shall be deeded the common open space/improvements and such owners shall become fully responsible for its maintenance and upkeep.

C. The maintenance responsibilities of the developer listed in Section 4 shall be specifically indicated in a letter of agreement between the developer and the County. The developer shall submit said letter to the Planning & Zoning Commission at the time of final plat review.
ARTICLE 25, BOAT DOCK PARKING LOTS.

Statement of Intent.

This Article provides standards for boat dock parking lots in areas intended for use by boat dock slip owners and guests for short periods of time while owners and guests are using the boat dock, and to identify areas suitable for boat dock parking. Boat dock parking lots require a Conditional Use Permit and may be allowed in any zoning district.

Section 1, Definitions.

A. **Private boat dock** means a boat dock with one owner and a maximum of two (2) slips.

B. **Community boat dock** means a boat dock with at least two (2) and a maximum of twenty (20) slip owners.

Section 2, Use.

Boat dock parking lots shall be used only for short-term parking of motor vehicles while the drivers and passengers are using the boat dock. Long-term parking, parking of trailers, or storage of any item, are not allowed.

Section 3, Boat docks in existence on the effective date of this Article.

A. A private boat dock in existence on the effective date of this Article will not be required to have a parking area, provided the boat dock owner’s property is located within two hundred (200) feet of the dock.

B. Expansion or relocation of any boat dock in existence on the effective date of this Article shall cause the boat dock to be subject to these Regulations.

Section 4, Development and Maintenance of Boat Dock Parking Areas.

A. Applications.

1. A separate boat dock parking lot application shall be made for each boat dock.

2. Each application is limited to a maximum of 14 spaces per parking lot.

3. Each application must be accompanied by a site plan, drawn to scale, and stamped or sealed by a registered civil engineer.

4. The applicant’s engineer must certify that access roads and parking lots are designed to control erosion and storm water runoff.
5. Applications must be accompanied by proof that access roads, internal aisles, and parking lots will be maintained in perpetuity to control erosion and storm water runoff.

6. All applications for boat dock parking lot permits shall be reviewed by the Planning & Zoning Commission.

B. Setbacks.

1. No access road, internal aisle, parking space, curb, turnaround, or retaining wall may be closer than five (5) feet to the United States Army Corps of Engineers Fee Take Line.

2. No access road, access drive, internal aisle, parking space, curb, turnaround, or retaining wall may be closer than twenty-five (25) feet from any structure.

3. No access road, internal aisle, parking space, curb, turnaround, or retaining wall may be closer than ten (10) feet from any property line (except a United States Army Corps of Engineers Fee Take Line).

C. Access Road.

1. An access road must be provided, with recorded perpetual easement for access, to all slip owners and future owners.

2. There shall be adequate provisions for ingress and egress to all parking spaces.

3. Each parking lot shall have an access road not less than twenty (20) feet in width, and a driving surface of not less than fifteen (15) feet in width, leading to the parking lot, in such manner as to secure the most appropriate development of the property.

4. Access road easement must be a minimum of twenty (20) feet in width with a driving surface of at least fifteen (15) feet in width.

5. Access road right-of-way shall be no closer than ten (10) feet from any property line and twenty-five (25) feet from any structure.

6. Access road grade shall not exceed seventeen percent (17%).

D. Location and configuration of boat dock parking lots.
1. No boat dock parking lot may be located further than two hundred (200) feet from the boat dock serviced by the lot.

2. No boat dock parking lot may contain more than fourteen (14) parking spaces.

3. A boat dock parking lot must have at least twenty (20) feet buffer between its outer boundaries and the outer boundaries of any other parking lot.

4. Each boat dock parking lot must have a walking path at least six (6) feet wide from the parking lot to the United States Army Corps of Engineers Fee Take Line.

5. All walking paths, even those on private property, must conform to design standards of the United States Army Corps of Engineers, and must be surfaced by wood chips or other material deemed suitable by the Planning & Zoning Department’s engineer.

6. Boat dock parking lots shall have one (1) parking space for each three (3) boat dock slips.

7. Each parking space shall have an area not less than two hundred (200) square feet (20 feet x 10 feet) exclusive of internal aisles, and shall be of usable shape and condition.

8. Each internal aisle must be a minimum of fifteen (15) feet wide, for ingress, egress, and maneuvering.

9. An access road may be used as the internal aisle for a one-sided boat dock parking lot, so long as the access road’s driving surface is at least a minimum of fifteen (15) feet in width.

10. An internal aisle may be reduced to twelve (12) feet with angled parking, and either:
    a. one-way traffic (entrance at one end and exit at the other), or
    b. a turnaround at the end of the lot deemed adequate by the Planning & Zoning Department’s engineer.

11. Boat Dock Parking shall not create a substandard lot. (See Article 3, Section 14)
ARTICLE 26, ENFORCEMENT

Section 1. Enforcement by Planning & Zoning Director.

A. The Planning & Zoning Director is charged with the enforcement of the Zoning Regulations and Subdivision Regulations.

B. All departments, officials and public employees of Stone County, vested with the duty of authority to issue permits or licenses shall conform to the provisions of these Zoning Regulations and shall issue no permit or license for any use, building or purpose, in conflict with the provisions of these Zoning Regulations; any permit or license issued in conflict with the provisions of these Zoning Regulations shall be null and void.

Section 2, Filing Plans.

A. Every application for a building permit or zoning change shall be in accordance with Article 3, Section 17.

B. In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sewerage by means of public or central sewers, the application shall be accompanied by a Certificate of Approval by the Health Department of Stone County of the proposed method of water supply and/or disposal of sanitary wastes.

Section 3, Building Permit

A. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a building permit shall have been issued by the Planning & Zoning Director.

1. Such building permit shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of these Zoning Regulations.

2. It shall be the duty of the Planning & Zoning Director, to issue a building permit, provided he or she is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste, conform with all the requirements of these Zoning Regulations.

B. No permit for excavation or construction shall be issued by the Planning & Zoning Director unless the plans, specifications and the intended use conform to the provisions of these Zoning Regulations.

C. The Planning & Zoning Director shall act upon each application on which he or she is authorized to act by the provisions of these Zoning Regulations within thirty (30)
days after the application is filed, in full compliance with the applicable requirements as specified under this Article.

1. Planning & Zoning Director shall either issue a building permit within said thirty (30) day period or shall notify the applicant in writing of the refusal of such Certificate and the reasons therefor.

2. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a building permit unless the applicant consents to an extension of time.

D. Under written request from the owner or tenant, the Planning & Zoning Director shall issue a building permit for any building or premises existing at the time of enactment of these Zoning Regulations, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms to the provisions of these Zoning Regulations.

Section 4, Fees. For all building permits a fee shall be charged, as determined by the County Commission.

Section 5, Violations and Penalties. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of these Zoning Regulations, or any amendment or supplement thereto, adopted by the County Commission.

A. Any person or entity violating any of the provisions of these Zoning Regulations, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars ($1000.00).

B. Each and every day during which such illegal location, erection and/or construction may be deemed a separate offense.

Section 6, Violations – Remedies. In case any building 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 these Zoning Regulations or any amendment or supplement thereto, the Planning & Zoning Director, or any adjacent or neighboring property owner who would be specially damaged 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 unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
ARTICLE 27, BOARD OF ADJUSTMENT

Section 1, Members and General Provisions.

A. The Board of Adjustment members and appointment procedure.

1. The Board of Adjustment shall consist of five residents of the county, but not more than two shall be residents of the incorporated area of the county, and none shall be a member of the county planning & zoning commission.

2. The membership of the first board appointed shall serve respectively, one for one year, one for two years, one for three years, and two for four years.

3. Thereafter members shall be appointed for terms of four years each.

4. Members shall be removable for cause by the county commission upon written charges and after public hearings.

5. Vacancies shall be filled by the county commission for the unexpired term of any member whose term becomes vacant.

B. The Board of Adjustment shall elect its own chairman.

C. The Board of Adjustment shall adopt rules of procedure consistent with the provisions of the Zoning Regulations and the provisions of Sections 64.800 to 64.895 of the Revised Missouri Statutes.

D. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

E. All meetings of the Board of Adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the Planning & Zoning Director, and shall be a public record.

F. Appeals to the Board of Adjustment may be taken by any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the Planning & Zoning Director, the administrative officer, in administering a county zoning ordinance.

G. Appeals to the Board of Adjustment shall be taken within a period of not more than three months, and in the manner provided by the rules of the Board of Adjustment. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property.
H. The Board of Adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the county zoning regulations;

2. To hear and decide all matters referred to it or which it is required to determine under these Zoning Regulations;

3. Where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.845 to 64.880 of the Revised Statutes of Missouri 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 zone plan as embodied in the zoning regulations and map.

I. In exercising the above powers, the Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may take such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

J. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment or of the county commission, respectively, under the provisions of sections 64.845 to 64.880 of the Revised Statutes of Missouri, or board, commission or other public official, may present to the Circuit Court of Stone County, Missouri, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom.

1. Upon the presentation of the petition the court shall allow a writ of certiorari directed to the Board of Adjustment or the county commission, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case.

2. The Circuit Court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the circuit court in civil cases.
E. Three (3) members of the Board of Adjustment shall constitute a quorum to hold meetings. Less than a majority of the Board of Adjustment may meet and recess the meeting for the purpose of obtaining a quorum.

Section 2, Meetings.

A. All meetings of the Board of Adjustment shall be open to the public.

1. Public notices of such meeting shall be given in at least one (1) publication in a newspaper of general circulation in the County at least fifteen (15) days before the date of the meeting.

2. The notice shall state:

   a. the time and place of the hearing,

   b. the official docket of the Board of Adjustment, and

   c. the place where the specific requests will be accessible for examination by interested parties.

3. Minutes shall be filed in the Office of the Planning & Zoning Director and shall be a public record.

Section 3, Appeals

A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any order or decision of the Planning & Zoning Director in administering county’s zoning regulations.

B. Appeals to the Board of Adjustment may be taken by any person aggrieved or by a public officer, department, board or bureau affected by any order or decision of the Planning & Zoning Commission in administering the county’s zoning regulations.

C. The appeal shall be taken within a period of not more than three (3) months and in the manner provided by the rules of the Board of Adjustment.

D. The appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer or entity from whom the appeal is taken shall certify to the Board of Adjustment that the grounds of appeal would, in his, her, or its opinion, jeopardize life or property or be detrimental to life or property.
Section 4, Authority. The Board of Adjustment shall have the following powers and it shall be its duty to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Planning & Zoning Director or the Planning & Zoning Commission in the enforcement of the County Zoning Regulations.

A. To hear and decide all matters referred to it or upon which it is required to pass under the county’s zoning regulations.

B. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such order, which difficulties or hardship constitute an unreasonable deprivation of use as distinguished from merely granting a privilege, the Board of Adjustment may vary or modify the application of any of these Zoning Regulations so that the intended purpose of these Zoning Regulations shall be strictly observed, public safety and welfare secured and substantial justice done.

Section 5, Application, Appeals, Hearings and Decisions of the Board of Adjustment.

A. Applications for Board of Adjustment Decision. When and By Whom Taken

1. An application, in cases in which the Board of Adjustment has original jurisdiction under the provisions of these Zoning Regulations, may be filed by any property owner, including a tenant, or by a governmental officer, department, board or bureau.

2. Such application shall be filed with the Planning & Zoning Director, who shall transmit same to the Board of Adjustment.

B. Appeals to Board of Adjustment.

1. When and By Whom Taken. An appeal to the Board of Adjustment may be taken by any owner, lessee or tenant of lands, or by a public officer, department, board or bureau, affected by a decision of the Planning & Zoning Director or the Planning & Zoning Commission in administering a County Zoning Regulation.

2. Such appeals shall be taken within a period of not more than three (3) months, and in the manner provided by the rules of the Board of Adjustment.

3. The Planning & Zoning Director shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed was taken.
C. Hearings.

1. The Board of Adjustment shall fix a reasonable time for the hearing of the application or appeal.

2. Each application or appeal shall be accompanied by a check, payable to Stone County Planning & Zoning, or a cash payment in an amount to be determined by the County Commission, such amount to apply toward the cost of publishing and/or posting and mailing the notices of the hearing or hearings.

3. At the hearing any person may appear in person or by attorney.

D. Decisions of the Board of Adjustment.

1. The Board of Adjustment shall decide all applications and appeals within thirty (30) days after the final hearing thereof.

2. The decision of the Board of Adjustment shall be transmitted to the applicant or appellant, and to the Planning & Zoning Director and observed by the applicant or appellant, and the applicant or appellant shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board of Adjustment.

3. A decision of the Board of Adjustment shall not become final until the expiration of five (5) days from the date of such decision is made, unless the Board of Adjustment shall specify a different period of time, not to exceed thirty days.

Section 6, Stay of Proceedings.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Planning & Zoning Director or the Planning & Zoning Commission, from whom the appeal is taken, shall certify to the Board of Adjustment that by reasons of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property.

Section 7, Powers of the Board of Adjustment

A. The Board of Adjustment shall have the power to hear and decide, according to the provisions of the provisions of these Zoning Regulations, applications that are properly filed in the manner provided in these Zoning Regulations, for:

1. Special exceptions,

2. Interpretation of the Zoning Map, or
3. For decisions upon other special questions on which these Zoning Regulations provide that the Board of Adjustment shall decide.

B. In considering an application for a special exception or interpretation of the zoning map, the Board of Adjustment shall give due regard to the nature and conditions of all adjacent uses and structures;

C. In authorizing a special exception, the Board of Adjustment may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those expressly stipulated in these Zoning Regulations for the particular special exception as the Board of Adjustment may deem necessary for the protection of adjacent properties and the public interest.

Section 8, Special Exceptions.

A. In addition to permitting the special exceptions specified in these Zoning Regulations, the Board of Adjustment shall have the power to permit the following special exceptions:

1. **Nonconforming Uses.** The substitution of a nonconforming use existing at the time of enactment of these Zoning Regulations by another nonconforming use, if no structural alterations, except those required by law or resolution, are made provided, however, that

   a. in an R District, no change shall be authorized to any use that is not a permitted use or a conditional use in any R District and

   b. in a C District, no change shall be authorized to any use that is not a permitted use or a conditional use in any C District.

2. The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot, provided that:

   a. such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming, and

   b. that such extension is necessary and incidental to such existing nonconforming use provided that

      (1) The value of such extension shall not exceed in all one-third (1/3) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use,

      (2) That such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises, and
(3) Provided further that such extension shall in any case be undertaken within five (5) years of the enactment of these Zoning Regulations.

c. Provided, however, that the Board of Adjustment shall not authorize any extension or enlargement that would result in extending the useful life of a nonconforming building, or that would result in violation of the provisions of these Zoning Regulations with respect to any adjoining premises.

Section 9, Extension of Use on Border of Zoning District.

The extension of a use or building into a more restricted Zoning District immediately adjacent thereto, but not more than twenty-five (25) feet beyond the dividing line of the two (2) Zoning Districts, under such conditions as will safeguard development in the more restricted Zoning District.

Section 10, Conditional Industrial Uses.

A. Permitting in such parts of any M-2 District as are more than six hundred (600) feet distant from any R District and more than two hundred (200) feet from every other Zoning District except an M-1 District,

1. Any of the industries or uses listed in Article 18 and permitted in any M-1 District as an accessory use,

2. Any use permitted in an M-2 District as a principal use, as specified in Article 17.

B. In doing so, the Board of Adjustment may require the installation, operation and maintenance in connection with the proposed use of such devices or such methods of operation as may, in the opinion of the Board of Adjustment, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water carried waste, noise, vibration or similar objectionable features, and

C. May impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties as will tend to prevent or reduce the harm that might otherwise result from the proposed use of surrounding properties and neighborhoods.
Section 11, Temporary Structures and Uses.

A. Any use designated as temporary such as fairs, carnivals, festivals, re-enactments, outdoor concerts and other uses requiring retail sales must have a permit to be allowed in any Zoning District. Seasonal uses such as Christmas tree stands, fireworks stands, and roadside provide stands are exempt.

1. Activities conducted as fund raising events for non-profit organizations such as churches, libraries and museums do not require a permit so long as they do not exceed six (6) events per calendar year and each event shall not exceed a period of three (3) consecutive days.

2. The Board of Adjustment shall have the authority to allow any use proposed, finding that such use is not inappropriate for neighborhood or for adjacent properties. The Board of Adjustment may make requirements, limitations or conditions with respect to the location, construction, maintenance and operation deemed reasonably necessary for the protection of the neighborhood or adjacent properties.

3. No permit shall be granted for a period exceeding six (6) days except to promote seasonal sales or to allow a reasonable period in which to erect and take down temporary structures.

4. A site plan must be submitted with all applications showing temporary structures, parking facilities and drives, emergency access easements and any applicable setbacks.

5. Garage sales do not require a use permit.

B. Outdoor events must include provisions for public safety, ensurance of sanitary conditions, and adequate site design to accommodate vehicles, pedestrians, and temporary structures. At a minimum an applicant must include:

1. Provisions for adequate parking facilities,

2. Estimates of the expected attendance for adequate restroom and wastewater disposal facilities,

3. Access easements for ambulance and other emergency services to the entire festival area,

4. A litter control plan showing location of all trash receptacles,

5. Arrangements must be made for policing during and after the hours of the event, and
6. Provisions must be made for any temporary street closure with the proper County office.

Section 12, Interpretation of Zoning Map.

A. Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot line as shown on the zoning map, the Board of Adjustment, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of these Zoning Regulations.

B. In case of any question(s) as to the location of any boundary line between Zoning Districts, a request for interpretation of the zoning map may be made to the Board of Adjustment and a determination shall be made by said Board of Adjustment.

Section 13, Administrative Review and Variances.

A. Administrative Review. The Board of Adjustment shall have the power to hear and decide appeals, filed as is provided in these Zoning Regulations, where it is alleged by the appellant that there is an error in any order, requirements, decisions, grant or refusal made by the Planning & Zoning Director or the Planning & Zoning Commission in the provisions of these Zoning Regulations.

B. Variances

1. The Board of Adjustment shall have the power to authorize upon appeal in specific cases, filed as is provided in these Zoning Regulations, such variances from the provisions of requirements of these Zoning Regulations, as will not be contrary to the public interest; but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of these Zoning Regulations would cause undue and unnecessary hardship.

2. Where, by reasons of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of these Zoning Regulations, or by reasons of exceptional topographic conditions, or other extraordinary situation or condition on such piece of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of these Zoning Regulations would involve practical difficulty or would cause unnecessary hardship to carry out the spirit and purpose of these Zoning Regulations. The Board of Adjustment shall have the power to authorize a variance from the terms of these Zoning Regulations, so as to relieve such hardship and so that the spirit and purpose of these Zoning Regulations shall be observed and substantial justice done.

3. In authorizing a variance, the Board of Adjustment may:
a. attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of these Zoning Regulations and in the public interest.

b. require a guarantee or bond that the conditions attached are being and will be complied with, secured by:

   (1) a performance bond or surety bond issued by an insurance company licensed pursuant to the laws of the State of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The bond shall be written on terms acceptable to the County Commission provided by a surety company authorized to do business in Missouri.

   (2) a cash bond,

   (5) cash that shall be deposited and held by the County,

   (6) a certified check that shall be cashed and the proceeds deposited and held by County, or

   (7) an irrevocable standby letter of credit issued by a Federal Home Loan Bank with offices in Missouri, possessing the highest rating issued by at least one nationally recognized statistical rating agency. The letter of credit shall be written on terms acceptable to the County Commission, and shall contain an assurance that the letter of credit will be automatically renewed or replaced by the issuing bank upon expiration, until such time as the letter of credit is released by the County.

4. No variance from the provisions or requirements of these Zoning Regulations shall be authorized by the Board of Adjustment unless the Board of Adjustment finds that all the following facts and conditions exist:

   a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property that do not apply generally to other properties or classes of uses in the same Zoning Districts.
b. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.

c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of these Zoning Regulations or the public interest.

5. No grant of a variance shall be authorized unless the Board of Adjustment specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought, one or the other in combination is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

Section 14, General.

In exercising its power, the Board of Adjustment may in conformity with the provisions of statute and of these Zoning Regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as sought to be made, and to that end shall have all the power of the office from whom the appeal is taken.

Section 15, Appeal from Decision by the Board of Adjustment.

Appeals from any decision of the Board of Adjustment shall be to the Circuit Court of Stone County, Missouri.
ARTICLE 28, ZONING DISTRICT CHANGES AND REGULATIONS

Section 1, Zoning District Changes.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Commission may by order, after receiving a recommendation and report from the Planning & Zoning Commission, and subject to the procedure provided in this Article, amend, supplement, or change the Zoning District boundaries now or hereafter established by these Zoning Regulations.

A. It shall be the duty of the Planning & Zoning Commission to submit its recommendations to the County Commission regarding all applications or proposals for district changes.

B. A Zoning District change may be initiated by passing a resolution therefor by the Planning & Zoning Commission, on its own initiative, or by an application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by said resolution.

Section 2, Procedure for Change of Zoning District Boundary or Change of Zoning Classification of Property

A. By Owner or Lessee of Property.

Applications for any change of Zoning District boundary or change of zoning classification of property shall be submitted to the Planning & Zoning Director upon forms prescribed by the Planning & Zoning Director, and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning & Zoning Commission or the Planning & Zoning Director, so as to assure the fullest practicable presentation of facts for the permanent record.

1. Each application shall be signed by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application.

2. The application shall be submitted at least thirty (30) days before the public hearing date to be held by the Planning & Zoning Commission.

3. The application must provide names and addresses of the owners of all properties lying within the area sought to be changed and within one thousand (1,000) feet of any part of the premises the zoning classification of which is proposed to be changed.
B. By Planning & Zoning Commission.

The Planning & Zoning Commission may by motion or resolution propose a change of Zoning District boundaries or change of zoning classification of property.

C. Before making a recommendation to the County Commission concerning a proposed zoning change, the Planning & Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by at least one (1) publication in a newspaper of general circulation in the county at least fifteen (15) days before the hearing.

1. A notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in at least two (2) conspicuous places on the premises the zoning classification of which is proposed to be changed.

2. The notice shall state the place or places and time at which the proposed change to the Zoning District, including text and maps, may be examined.

D. Within twenty-five days after the public hearing, the Planning & Zoning Commission shall recommend to the County Commission the approval, denial, or modification of the proposed change of Zoning District boundary or change of zoning classification of property. The County Commission may specify issues to be considered, or questions to be answered, by the Planning & Zoning Commission.

E. The County Commission may refer them back to the Planning & Zoning Commission for additional public hearing. In such cases, within twenty-five days after the additional public hearing the Planning & Zoning Commission shall recommend to the County Commission the approval, denial, or modification of the proposed change of Zoning District boundary or change of zoning classification of property.

F. The County Commission may approve, deny, or modify the recommendation of the Planning & Zoning Commission.

G. In case of written protest against any proposed change or amendment, signed and acknowledged by the owners of thirty percent of the frontage within one thousand feet to the right or 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 the municipality, made by resolution of the city council or board of trustees thereof, and filed with the county clerk, the amendment may not be passed except by the favorable vote of two-thirds of all the members of the county commission.

H. Any person adversely affected by an order of the County Commission adopting, amending or rescinding a Zoning District change may appeal to the Circuit Court of
Stone County on the grounds that said County Commission failed to comply with the law in adopting, amending, rescinding, publishing or distributing such Zoning District change, or that the change, as adopted or amended by said County Commission is unreasonable or unlawful.

I. Each application for zoning change, except those initiated by the Planning & Zoning Commission, shall be accompanied by payment in an amount to be determined by the County Commission, to cover the cost of application review, publishing, posting and/or mailing the notices of the hearing or hearings required by the foregoing provisions.

Section 3, Zoning Regulation Amendments. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Commission may by order, after receiving a recommendation and report from the County Planning & Zoning Commission, and subject to the procedure provided in this Article, amend, supplement or change the Zoning Regulations.

A. It shall be the duty of the Planning & Zoning Commission to submit its recommendations to the County Commission regarding all proposals for amendments to the zoning regulations.

B. An amendment, supplement or change of the text of these Zoning Regulations may be initiated by:

1. by the Planning & Zoning Commission, on its own initiative, through motion or resolution

2. by a written petition to the County Commission. The County Commission may approve the petition and send the proposal to the Planning & Zoning Commission for hearing, or it may deny the petition.

C. It shall be the duty of the Planning & Zoning Commission, in the interest of public necessity and good zoning practice, to conduct a review of the Zoning Regulations from time to time, and report its findings and recommendations to the County Commission.

Section 4, Procedure for Change

A. Before submitting its recommendations on a proposed amendment to the County Commission, the Planning & Zoning Commission shall hold at least one (1) public hearing thereon.

1. Notice of the hearing shall be given at least fifteen (15) days in advance thereof by at least one (1) publication in a newspaper of general circulation in the County.
2. The notice shall state the place and time of the hearing and the place and time at which the proposed amendment to these Zoning Regulations may be examined.

B. The County Planning & Zoning Commission, after consideration of the proposed amendment shall, within a reasonable time after the conclusion of such public hearing or hearings, recommend the approval or denial of the proposed amendment or the approval of some modification thereof to the County Commission.

C. If the proposed amendment is adopted by the County Commission, an attested copy shall be certified to the County Clerk and a copy shall be recorded in the office of the Recorder of Deeds.

D. Any person adversely affected by an order of the County Commission adopting, amending or rescinding a regulation, may appeal to the Circuit Court of Stone County.

Section 5, Limitation on Applications for Rezoning. No application for rezoning of any tract, lot or parcel of land within the unincorporated area of The County, other than an application initiated by the Planning & Zoning Commission as set forth in Section 1(a) of this Article,

A. shall be filed or allowed before the expiration of four (4) months from the time that the County Commission shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel of ground,

B. unless the application previously acted upon was initiated by the Planning & Zoning Commission, or

C. unless during said four (4) months interval property adjoining or abutting the lot, tract or parcel of land or within one thousand (1,000) feet, as provided in Section 2(c) of this Article, of the lot, tract or parcel of land shall have been rezoned by the County Commission.
ARTICLE 29, VALIDITY, CONFLICTS, COORDINATION, AND EFFECTIVE DATE

Section 1, Severability. If any article, section, subsection, paragraph, sentence, phrase or portion of the Comprehensive Development Plan, Zoning Regulations, Zoning Order, Subdivision Regulations, or Zoning Map are for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Zoning Regulations.

Section 2, Conflicts with Subdivision Regulations or Procedures Manual. If the provisions in the Zoning Ordinance conflicts with the Subdivision Regulations or the Procedures Manual, the provisions in the Zoning Ordinance shall prevail. Special Uses in old Zoning Regulations and Procedures Manual are now Conditional Uses under new Zoning Regulations.

Section 3, Amendments to Procedures Manual.

A. Definitions.

Board of Commissioners means the County Commission of Stone County, Missouri

Board of Zoning Adjustment means the Board of Adjustment


County Engineer means an Engineer retained by the Planning & Zoning Director to perform the tasks allotted in the Procedures Manual for a County Engineer.

B. Composition of Planning & Zoning Commission.

1. The current Planning & Zoning Commission is comprised of 19 members. The County has 21 Townships, one of which is Ruth B City Township is entirely comprised of the City of Kimberling City.

2. So long as Ruth B City Township is entirely comprised of the City of Kimberling City, no member will be appointed for that Township.

3. The County Commission will increase the number of members of the Planning & Zoning Commission to 20 members, and will appoint a member for Sunset Cove Township.

C. Recording Secretary. Concerning operations of the Planning & Zoning Commission, reference to appointment of a Recording Secretary is deleted. The Planning & Zoning Director shall appoint one or more staff members to ensure that the functions to be performed by the Recording Secretary are performed.
D. Quorum. The definition of a quorum is changed to mean a majority of Planning & Zoning Commission members.

E. Board of Adjustment.

1. Recording Secretary. Concerning operations of the Board of Adjustment, reference to appointment of a Recording Secretary is deleted. The Planning & Zoning Director shall appoint one or more staff members to ensure that the functions to be performed by the Recording Secretary are performed.

2. Quorum. The definition of a quorum is changed to a majority of Board of Adjustment members.

Section 4, Effective Date. These Zoning Regulations are enacted on July 27 2009, and shall be in force and effect in all unincorporated portions of the County on and after 12:01 a.m. on August 5, 2009.
ZONING REGULATIONS,
EFFECTIVE AUGUST 5 2009.

ZONING REGULATIONS, FIRST AMENDMENTS,
EFFECTIVE OCTOBER 27 2009:

1. **Article 4, Special Provisions**
   **Section 2, Off Street Parking**
   **Paragraph F**
   **Subparagraph 3**

   Planning & Zoning Commission recommendation: Remove Article 4, Section 2, Paragraph F, Subparagraph 3, and re-number accordingly.

   County Commission action: Remove Article 4, Section 2, Paragraph F, Subparagraph 3, and re-number accordingly.

   Before the amendment, Article 4, Section 2, Paragraph F, Subparagraph 3, read:

   *Surfacing. Any off-street parking area shall be surfaced with an asphaltic or Portland cement binder pavement to provide durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an M District, if more than two hundred (200) feet distant from any R District, except that a dustless surface shall be provided in any case.*

**Article 4, Special Provisions**
**Section 2, Off Street Parking**
**Paragraph G**

Planning & Zoning Commission recommendation: Remove Article 4, Section 2, Paragraph G, and re-number accordingly.

County Commission action: Remove Article 4, Section 2, Paragraph G, and re-number accordingly.

Before the amendment, Article 4, Section 2, Paragraph G read:

*No motor vehicle or trailer shall be parked in the required front yard of a lot or tract of land in any R District or a lot or tract of land used for residential purposes in any other Zoning District except in a driveway leading to a required off-street parking space for a single-family-detached, single-family semi-detached, duplex or townhouse dwelling unit or mobile home on an individual lot.*
Article 4, Special Provisions  
Section 2, Off Street Parking  
Paragraph I  
Subparagraphs 1 through 5

Planning & Zoning Commission recommendation: Remove Article 4, Section 2, Paragraph I, Subparagraphs 1 through 5; and re-number accordingly.

County Commission action: Remove Article 4, Section 2, Paragraph I, Subparagraphs 1 through 5; and re-number accordingly.

Before the amendment, Article 4, Section 2, Paragraph I, Subparagraphs 1 through 5 read:

1. Large Commercial Motor Vehicles, Large Commercial Trailers and Commercial Vehicles.

In all districts the parking of large commercial motor vehicles, large commercial trailers and commercial vehicles shall require an off-street parking area with an access drive that is designed and constructed in a manner to be used by said vehicles.

1. This shall include an access on public right-of-way that is forty (40) to sixty (60) feet wide with a minimum of thirty (30) foot radius, and constructed in compliance with Stone County Highway Design Standards for commercial drives. If the access is on Missouri Department of Transportation rights-of-ways then the construction must be in compliance with Missouri Department of Transportation Design Standards.

2. The driveway extending from the access on public right-of-way shall be constructed using the same criteria as the access.

3. Adequate parking area for the vehicles will be provided using the location requirements and screening requirements as used for automobile parking spaces.

4. The parking area may be gravel provided that the gravel area is keep free of debris, potholes, puddles, or ruts and does not create a dusting on the surrounding area. If these items cannot be complied with then the parking area must be protected with a surface similar to the driveway and access drive that is non gravel.

5. Large commercial motor vehicles, large commercial trailers or commercial vehicle parking requirements may be waived if only one vehicle is in use on the site that is titled or leased to the owner, leaser, or renter of the parking area, or the vehicles and/or trailer are part of an agricultural operation on which the vehicles are used to transport materials produced or grown on the property in question. If the vehicles and/or trailer in question are not titled or leased...
2. Article 4, Special Provisions  
Section 5, Travel Trailer Parks, Recreational Vehicle Parks  
Paragraph A

Planning & Zoning Commission recommendation: Remove “and to insure compliance therewith, a zoning certificate shall be required”.

County Commission action: Remove “and to insure compliance therewith, a zoning certificate shall be required”.

Before the amendment, Article 4, Section 5, Paragraph A read:

One (1) travel trailer or recreational vehicle may be stored in a driveway leading to a required off-street parking space for a single-family detached, single-family semi-detached, duplex or townhouse dwelling unit or mobile home on an individual lot or stored in an enclosed garage or other accessory building, or parked in a rear yard, provided that no living quarters shall be maintained or any business conducted in connection therewith while such travel trailer or recreational vehicle is parked or stored, and to insure compliance therewith, a zoning certificate shall be required.

3. Article 4, Special Provisions  
Section 19, Stationary Vehicles

Planning & Zoning Commission recommendation: Remove “other than those areas so designated by proper zoning; replace with: “in any UR-1, R-1, R-2, R-3, or R-4 District”.

County Commission action: Remove “other than those areas so designated by proper zoning; replace with: “in any UR-1, R-1, R-2, R-3, or R-4 District”.

Before the amendment, Article 4, Section 19, read:

It shall be considered unlawful to place, assemble, park, store or display car hulks, junk vehicles, antique cars or any other form of immobilized contrivance in a stationary position for more than forty-eight (48) hours on any property other than those areas so designated by proper zoning.
4. **Article 4, Special Provisions**  
**Section 20, Mobile Homes**  
**Paragraphs B, C & D**

Planning & Zoning Commission recommendation: Remove Article 4, Section 20, Paragraphs B, C, & D; replace with:

“B. No mobile home shall be placed in any R-3, R-4, UR-1, R-1, or R-2 District except with an approved Conditional Use Permit from the Board of Adjustment.”

County Commission action: Remove Article 4, Section 20, Paragraphs B, C & D; replace with:

“B. No mobile home shall be placed in any R-3, R-4, UR-1, R-1, or R-2 District except with an approved Conditional Use Permit from the Board of Adjustment.”

Before the amendment, Article 4, Section 20, Paragraphs B, C, & D read:

- **B.** No mobile home shall be located, erected, secured and/or altered to serve as a non-residential use, including but not limited to uses such as a storage unit, tool house, private garage or wash house, in any Zoning District.

- **C.** No mobile home shall be placed in any Zoning District, other than in an MH-1 District or an A-1 District, except in a previously approved mobile home park or mobile home subdivision.

- **D.** No mobile home shall be located, erected, secured and/or altered to serve as a guest house, servant's quarters, den or parsonage in any Zoning District unless otherwise provided for in these Zoning Regulations.

5. **Article 4, Special Provisions**  
**Section 21, Home Occupations**  
**Paragraph B**  
**Subparagraph 5**

Planning & Zoning Commission recommendation: Remove Article 4, Section 21, Paragraph B, Subparagraph 5, and re-number accordingly.

County Commission action: Remove Article 4, Section 21, Paragraph B, Subparagraph 5, and re-number accordingly.

Before the amendment, Article 4, Section 21, Paragraph B, Subparagraph 5 read:

*Two (2) commercial vehicles associated with an Agricultural home occupation may be parked on the property. Storage shall be in an appropriate manner. Additional screening may be required for vehicles over one (1) ton or vehicles*
6. **Article 4, Special Provisions**

**New Section 31, Repair and Maintenance of Structures.**

Planning & Zoning Commission recommendation: Add a new Section 31:

“Section 64.865 of the Missouri Revised Statutes requires a permit for repair or a structure in such a manner as to prolong the life of the structure. However, it has never been the intent of the County in these Zoning Regulations to require applications or permits for repair or maintenance of structures. Therefore, if any person requests a repair or maintenance permit, the Planning & Zoning Director shall issue a waiver of the necessity for such a permit, and shall not charge a fee therefor.

County Commission action: Refer to Planning & Zoning Commission for further consideration.

7. **Article 5, A-1 Agriculture District:**

**Section, Statement of Intent**

**Paragraph B, Sub- Paragraph 1-a**

Planning & Zoning Commission recommendation: Remove “Less than ten (10) acres” and replace with “3.5 acres or larger”.

County Commission action: Remove “Less than ten (10) acres” and replace with “3.5 acres or larger”.

8. **Article 6, A-R Agriculture-Residence District**

**Section, Statement of Intent**

**Paragraph D**

Planning & Zoning Commission recommendation: Remove Article 6, Statement of Intent, Paragraph D and re-number accordingly.

County Commission action: Remove Article 6, Statement of Intent, Paragraph D and re-number accordingly.

Before the amendment, Article 6, Statement of Intent, Paragraph D read:

*Only three (3) parcels may be created by Administrative (minor) Subdivision from the parent tract rezoned from another District. Other parcels may be created by platting as regulated by the Stone County Subdivision Regulations.*
9. **Article 6, A-R, Agriculture-Residential District**  
   **Section 4, Specific Prohibitions**  
   **Paragraph B**

   Planning & Zoning Commission recommendation: Remove Article 6, Section 4, Paragraph B and re-number accordingly.

   County Commission action: Remove Article 6, Section 4, Paragraph B and re-number accordingly.

   Before the amendment, Article 6, Section 4, Paragraph B read:

   *Removal of trees, forests, woods or other significant stands of foliage and cover unless by an approved plan.*

10. **Article 7, RR-1, Rural Residential District**  
    **Section, Statement of Intent**  
    **Paragraph A**

    Planning & Zoning Commission recommendation: Remove “three” and replace with “3.5”.

    County Commission action: Remove “three” and replace with “3.5”.

11. **Article 7, RR-1, Rural Residential District**  
    **Section, Statement of Intent**  
    **Paragraph D**

    Planning & Zoning Commission recommendation: Remove Article 7, Statement of Intent, Paragraph D.

    County Commission action: Remove Article 7, Statement of Intent, Paragraph D.

    Before the amendment, Article 7, Statement of Intent, Paragraph D read:

    *Only three (3) parcels may be created by Administrative (minor) Subdivision from the parent tract rezoned to this zoning classification. Other parcels may be created by platting as regulated by the Stone County Subdivision Regulations.*

12. **Article 7, RR-1, Rural Residential District**  
    **Section 5, Specific Prohibitions**  
    **Paragraph B**

    Planning & Zoning Commission recommendation: Remove Article 7, Section 5, Paragraph B and re-number accordingly.

    County Commission action: Remove Article 7, Section 5, Paragraph B and re-number accordingly.
Before the amendment, Article 7, Section 5, Paragraph B read:

*Removal of trees, forests, woods or other significant stands of foliage and cover unless by an approved plan.*

13. **Article 4, Special Provisions**  
**Section 25, Short-Term Rental**  
**Paragraph A**  
**Subparagraph 7**

Planning & Zoning Commission recommendation: Remove Article 4, Section 25, Paragraph A, Subparagraph 7 and re-number accordingly.

County Commission action: Remove Article 4, Section 25, Paragraph A, Subparagraph 7 and re-number accordingly.

Before the amendment, Section 25, Paragraph A, Subparagraph 7 read:

*The residence is served by a public or central sewer system.*

14. **Article 5, A-1 Agriculture District**  
**Section 2, Accessory Uses**  
**Paragraph A**  
**Sub-Paragraph 6**

Planning & Zoning Commission recommendation: Remove Article 5, Section 2, Paragraph A, Subparagraph 6 and re-number accordingly.

County Commission action: Remove Article 5, Section 2, Paragraph A, Subparagraph 6 and re-number accordingly.

Before the amendment, Article 5, Section 2, Paragraph A, Subparagraph 6 read:

*The storage of no more than two (2) trucks of two and a half (2½) tons or a maximum of three (3) axles (whichever is smaller) and two (2) backhoes with trailers. Storage shall be within a completely enclosed building. Other similar equipment may be approved by the Board of Adjustment.*

15. **Article 9, UR-1, Urban Residence District**  
**Section 3, Conditional Uses**  
**Paragraph I**  
**New Subparagraph 2c**

Planning & Zoning Commission recommendation: Insert new Subparagraph:

“Placement of a mobile home in any UR-1 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the
time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.”

County Commission action: Insert new Subparagraph:

“Placement of a mobile home in any UR-1 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.”

16. Article 10, R-1, Suburban Residence District
Section 3, Conditional Uses
Paragraph G
New Subparagraph 12

Planning & Zoning Commission recommendation: Insert new Subparagraph:

“Placement of a mobile home in any R-1 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.”

County Commission action: Insert new Subparagraph:

“Placement of a mobile home in any R-1 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.”

17. Article 11, R-2, One-Family and Two-Family Residence District
Section 3, Conditional Uses
New Paragraph D

Planning & Zoning Commission recommendation: Insert new Paragraph:

“Placement of a mobile home in any R-2 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify.
Approval shall not be given if there is a prohibitive covenant or deed restriction.”

County Commission action: Insert new Paragraph:

“Placement of a mobile home in any R-2 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.”

ZONING REGULATIONS, SECOND AMENDMENTS, EFFECTIVE OCTOBER 27, 2009:

1. Article 1, Title, Intent, Definitions Section 5, Definitions

Planning & Zoning Commission recommendation: Following the language:

“Bed & Breakfast facility. If the B&B has hired staff for cleaning and cooking, the facility is no longer a B&B, but is a Hotel”,

add the language:

“Does not apply to the private quarters of the owners.”

County Commission action: Following the language”

“Bed & Breakfast facility. If the B&B has hired staff for cleaning and cooking, the facility is no longer a B&B, but is a Hotel”,

add the language:

“Does not apply to the private quarters of the owners.”

2. Uniformly use the term “Height and Area Regulations” throughout the Zoning Regulations.

Planning & Zoning Commission recommendation: Uniformly use the term “Height and Area Regulations” in:

Article 10, Section 4
Article 11, Section 4
Article 12, Section 4
Article 13, Section 4
Article 14, Section 7
Article 15, Section 5
County Commission action: Uniformly use the term “Height and Area Regulations” in:

- Article 10, Section 4
- Article 11, Section 4
- Article 12, Section 4
- Article 13, Section 4
- Article 14, Section 7
- Article 15, Section 5

3. **Article 2, Districts and Boundaries Thereof**

Planning & Zoning Commission recommendation: Add to each section heading, the following section descriptions:

- Section 1 District Divisions
- Section 2 Boundaries Established By Zoning Map
- Section 3 District Boundaries Intended to Follow Property Line
- Section 4 District Boundary Line and Other District Requirements
- Section 5 District Boundary Line Questions Determined by Board of Adjustment
- Section 6 Vacation of Public Way Expands Adjacent Districts
- Section 7 Disincorporation of Territory Reverts to A-1
- Section 8 F-1 Flood Plain Overlay District

County Commission action: Add to each section heading, the following section descriptions:

- Section 1 District Divisions
- Section 2 Boundaries Established By Zoning Map
- Section 3 District Boundaries Intended to Follow Property Line
- Section 4 District Boundary Line and Other District Requirements
- Section 5 District Boundary Line Questions Determined by Board of Adjustment
- Section 6 Vacation of Public Way Expands Adjacent Districts
- Section 7 Disincorporation of Territory Reverts to A-1
- Section 8 F-1 Flood Plain Overlay District

4. **Article 6, A-R, Agriculture – Residence District**

**Section 6, Area and Height Requirements**

Planning & Zoning Commission recommendation: Change Area Requirement to 3.5 acres.

County Commission action: Change Area Requirement to 3.5 acres.
Article 10, Suburban Residence District  
Section 4, Height Regulations

Planning & Zoning Commission recommendation: Change Area Requirement to 3.5 acres.

County Commission action: Change Area Requirement to 3.5 acres.

5. Article 25, Boat Dock Parking Lots  
Section 4, Administration  
Subsection C  
Paragraph 3

Planning & Zoning Commission recommendation: Change (30) feet to (20) feet.

County Commission action: Change (30) feet to (20) feet.

6. Article 25, Boat Dock Parking Lots  
Section 4, Administration  
Subsection D  
Paragraph 7

Planning & Zoning Commission recommendation: Change “one hundred sixty-six and one-half” to “two hundred”.

County Commission action: Change “one hundred sixty-six and one-half” to “two hundred”.

7. Article 22, PA – Plot Assignment District  
Section 3, Development Standards  
Subsection B  
Paragraph 5

Planning & Zoning Commission recommendation: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

County Commission action: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

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ZONING REGULATIONS, THIRD AMENDMENTS, EFFECTIVE APRIL 15 2010:

1. **Article 6, A-R Agricultural-Residential District**  
   **Section 4, Specific Prohibitions**  
   **Paragraph A**

   Planning & Zoning Commission recommendation: Change “the creation or ponds or damming” to “the creation of ponds by damming”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 6, Section 4, Paragraph A read:

   "The filling or drainage of marsh or wetlands, removal of topsoil, stripping of natural vegetative cover, the creation of ponds or damming or relocating of any water course shall not be permitted unless allowed according to the provisions of federal and state regulations."

2. **Article 7, RR-1 Rural Residence District**  
   **Section 5, Specific Prohibitions**  
   **Paragraph A**

   Planning & Zoning Commission recommendation: Change “the creation or ponds or damming” to “the creation of ponds by damming”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 7, Section 5, Paragraph A read:

   "The filling or drainage of marsh or wetlands, removal of topsoil, stripping of natural vegetative cover, the creation of ponds or damming or relocating of any water course shall not be permitted unless allowed according to the provisions of federal and state regulations."

3. **Article 4, Special Provisions**  
   **Section 2, Off-Street Parking Space**  
   **Paragraph B**  
   **Subparagraph 1**

   Planning & Zoning Commission recommendation: Change “one hundred sixty-six and one-half” to “two hundred” in this Article and Section. This change shall also be made in all other articles where this reference might be found.

   County Commission action: Accept the recommendation. This change shall also be made in all other articles where this reference might be found.
4. **Article 7, RR-1 Rural Residence District**  
   **Section 2, Accessory Uses**  
   **Paragraph G**

   Planning & Zoning Commission recommendation: Remove Section 2, Paragraph G, Household pets as regulated in Article 4, Section 3, Household Pets, Animals, and Fowls.

   County Commission action: Accept the recommendation.

5. **Article 20, M-2 – General Manufacturing or Industrial District**  
   **Section 3, Conditional Uses Requiring Authorization by Board of Adjustment**  
   **Paragraph D**

   Planning & Zoning Commission recommendation: Remove Section 3, Paragraph D, Household pets as regulated in Article 4, Section 3, Household Pets, Animals, and Fowls. This change shall also be made in all other articles where this reference might be found.

   County Commission action: Accept the recommendation. This change shall also be made in all other articles where this reference might be found.

   **Article 20, M-2 General Manufacturing or Industrial District**  
   **Section 1, Principal Permitted Uses**  
   **Paragraph B**

   Planning & Zoning Commission recommendation: Add “A-1”, to read “except an A-1 or M-1 District”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 20, Section 1, Paragraph B read:

   > Any of the following uses, when located not less than three hundred (300) feet from any R District, and not less than one hundred (100) feet from any other Zoning District, except an M-1 District.

6. **Article 22, PA – Plot Assignment District**  
   **Section 1, General Procedures**  
   **Paragraph B**  
   **Subparagraph 1**

   Planning & Zoning Commission recommendation: County Counselor recommended deletion. The Planning & Zoning Commission recommends no change.
County Commission action: Accept the recommendation. No change is made.

7. Article 3, General Provisions
   Section 2, Continuing Existing Uses

Planning & Zoning Commission recommendation: Rewrite the paragraph in entirety to read:

Any use, building, or structure existing at the time of the enactment of these zoning regulations may be continued, even though such use, building, or structure may not conform to the provisions of the zoning regulations for the zoning district in which it is located.

County Commission action: Accept the recommendation.

Before the amendment, Article 3, Section 2 read:

Except as specified in these Zoning Regulations, any use, building or structure existing at the time of the enactment of these Zoning Regulations may be continued, even though such use, building or structure may not conform to the provisions of the Zoning Regulations for the Zoning District in which it is located. This Section does not apply to Adult Entertainment Facilities (see Article 4, Section 31) or to Short-term rentals (see Article 3, Section 8).

8. Article 3, General Provisions
   Section 8, Non-Conforming Uses or Buildings
   Paragraph F

Planning & Zoning Commission recommendation: Delete the second sentence (“In cases of short-term rentals . . .”) and replace with:

Whenever the Director has knowledge that a property has not been used in a non-conforming manner for a period of one year, the Director shall notify the owner and user of the non-conforming use building that they shall show cause to maintain current use to the next appropriate meeting of the Planning & Zoning Commission. The Planning & Zoning Commission shall, upon review, make recommendation to the County Commission whether to retain the non-conforming use or to re-zone as appropriate.

County Commission action: Accept the recommendation.

Before the amendment, Article 3, Section 8, Paragraph F read:

Discontinuance. No building, structure, or premises where a nonconforming use has ceased for one (1) year or more shall again be put to a nonconforming use. In cases of short-term rentals of what would otherwise be single-family dwellings, no building, structure, or premises where a nonconforming use has ceased for ninety (90) days or more shall again be put to a nonconforming use.
1. Article 1, Title, Intent, Definitions
   Section 5, Definitions

   Planning & Zoning Commission recommendation: Correct definitions that are out of order, alphabetically. “Sewer, public” should follow “Sewer, central” and “Shared premise” should follow “Sewer, public”.

   County Commission action: Accept the recommendation. All definitions in Article 1, Section 5 shall be alphabetized.

2. Article 1, Title, Intent, Definitions
   Section 5, Definitions

   Planning & Zoning Commission recommendation: Add the following definitions for “Building Permit” and “Permit”:

   **Building permit** means a document issued by the Planning & Zoning Director, or by staff subordinate to the authority of the Director, authorizing the holder to take actions authorized by the permit.

   This definition will follow “Building, nonconforming” and precede “Building, principal” in the definitions.

   **Permit** means a document issued by the Planning & Zoning Director, or by staff subordinate to the authority of the Director, authorizing the holder to take actions authorized by the permit.

   This definition will follow “Permanent habitation” and precede “Permitted use” in the definitions.

   County Commission action: Accept the recommendation. All definitions in Article 1, Section 5 shall be alphabetized.

3. Article 3, General Provisions
   Section 17, Pending Applications for Building Permits

   Planning & Zoning Commission recommendation: Change title from “Pending Applications for Building Permits” to “Building Permits”, and add the following language:
Building Permits:

A. A building permit is not required for repair or maintenance of a structure, unless the repair or maintenance changes the elevation of the structure or the surface space occupied by the structure.

B. Building Permits: Unless a building permit shall first have been obtained from the Office of the Planning and Zoning Director, or by staff subordinate to the authority of the Director:

   (1) The construction, moving, or reconstruction of any structure shall not be commenced; and,

   (2) The improvement of land preliminary to any use of such land shall not be commenced.

Any building permit issued in conflict with the provisions of these regulations shall be null and void.

C. Application for Building Permit: Every application for a building permit shall include at least the following:

   (1) A site plan, in such form as may, from time to time, be prescribed by the Planning and Zoning Director, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, the structure lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Planning and Zoning Director for the proper enforcement of these regulations.

D. Issuance of Building Permit: A building permit shall be either issued or refused by the Planning and Zoning Director within ten days after the receipt of an application or within such further period as may be agreed to by the applicant. No building permit shall be issued unless all the zoning requirements of these regulations are met.

E. Period of Validity: A building permit shall become null and void six months after the date on which it is issued unless within such six-month period construction, structure,
moving, or reconstruction of a structure is commenced or a use is commenced.

F. Violation and Penalty: The owner or agent of a structure or premises in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire structure or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, structure or premises in or upon which violation has been committed or shall exist, shall be guilty of a misdemeanor.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said structure or land.

G. Nothing in these Zoning Regulations shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of these Zoning Regulations, the construction of which, conforming with such plans, shall have been started before the effective date of these Zoning Regulations and completion thereof carried on in a normal manner within the subsequent six (6) months period, and not discontinued until after the completion, except for reasons beyond the control of the builder.

The existing Section 17 will become Section 17, Paragraph G.

County Commission action: Accept the recommendation.

Before the amendment, Article 3, Section 17 read:

Nothing in these Zoning Regulations shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of these Zoning Regulations, the construction of which, conforming with such plans, shall have been started before the effective date of these Zoning Regulations and completion thereof carried on in a normal manner within the subsequent six (6) months period, and...
not discontinued until after the completion, except for reasons beyond the control of the builder.

4. **Article 27, Board of Adjustment**  
   **Section 5**  
   **Paragraph C**  
   **Subparagraph 2**

   Planning & Zoning Commission recommendation: Change “Payable to the Treasurer of Stone County” to “payable to Stone County Planning & Zoning”.

   County Commission action: Accept the recommendation

   Before the amendment, Article 27, Section 5, paragraph C, subparagraph 2 read:

   *Each application or appeal shall be accompanied by a check, payable to the Treasurer of Stone County, or a cash payment in an amount to be determined by the County Commission, such amount to apply toward the cost of publishing and/or posting and mailing the notices of the hearing or hearings.*

5. **Article 12, R-3, Multi-Family Residence District**  
   **Section 1, Principal Permitted Uses**  
   **Paragraph D, Short-Term Rentals**

   Planning & Zoning Commission recommendation: Reference to “Article 1, Section 3” should be changed to “Article 1, Section 5”; and reference to “Article 4, Section 26” should be changed to “Article 4, Section 25”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 1, Section 1, paragraph D read:

   *Short-term rentals of residences as defined in Article 1, Section 3, provided that the requirements and limitations of Article 4, Section 26 are adhered to.*

6. **Article 24, Common Open Space and Common Improvement Regulations**

   Planning & Zoning Commission recommendation: Add “Road, Street” to the title, to read: “Road, Street, Common Open Space and Common Improvement Regulations”.

   County Commission action: Accept the recommendation.
7. **Article 24, Common Open Space and Common Improvement Regulations**  
   **Section 4, Property Owners’ Association**

Planning & Zoning Commission recommendation: Remove “If” and add “Roads, Streets” at the beginning of the paragraph, and remove “are not dedicated to and accepted for public use, they”.

County Commission action: Accept the recommendation.

Before the amendment, Article 24, Section 4 read:

> If common open space and common improvements are not dedicated to and accepted for public use, they shall be protected by legal arrangements, satisfactory to the Planning & Zoning Commission and County Commission sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify:

A. ownership of the common open space and common improvements;

B. method of maintenance,

C. responsibility for maintenance; maintenance taxes and insurance coverage in form and amount determined by the Planning & Zoning Commission;

D. compulsory membership and compulsory assessment provisions;

E. guarantees that any association formed to own and maintain common open space, and common improvements will not be dissolved without the consent of the County; and

F. any other specifications deemed necessary by the Planning & Zoning Commission and the County Commission.

8. **Article 24, Common Open Space and Common Improvement Regulations**  
   **Section 6, Maintenance of Common Open Space and Common Improvements**


County Commission action: Accept the recommendation.
9. **Article 24, Common Open Space and Common Improvement Regulations**  
   **Section 6, Maintenance of Common Open Space and Common Improvements**  
   **Paragraph A**

   Planning & Zoning Commission recommendation: Amend Paragraph A to read:

   If the Planning & Zoning Commission and the County Commission determines that the public interest requires assurance concerning adequate maintenance of common open space areas and improvements, the Planning & Zoning Commission and County Commission may require that the restrictive covenants, rules and by-laws creating the unit ownership shall provide that if the unit owners establish and maintain such roads, streets, common open space, improvements, or any successor lot or unit owners, shall at any time after establishment of the development fail to maintain the roads, streets, common open space/improvements in reasonable order and condition according to the provisions of the approved plans,

   County Commission action: Accept the recommendation, and add *streets, roads* before *common open space and improvements* and *lot or before unit*.

Before the amendment, Article 24, Section 6, Paragraph A read:

*If the Planning & Zoning Commission and the County Commission determines that the public interest requires assurance concerning adequate maintenance of common open space areas and improvements, the Planning & Zoning Commission and County Commission may require that the restrictive covenants, rules and by-laws creating the unit ownership shall provide that if the unit owners establish and maintain such common open space, improvements, or any successor unit owners, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition according to the provisions of the approved plans,*

1. **The County may serve notice in writing upon such unit owners.**
2. **The notice shall describe how the unit ownership has failed to maintain the common open space/improvements in reasonable condition, and shall require that such deficiencies of maintenance be remedied within thirty (30) days thereof, and**
3. **Hearing shall be held within twenty (20) days of notice.**
1. Article 4, Special Provisions
   Section 14, Conditional Uses
   Paragraph A

   Planning & Zoning Commission recommendation: Remove “after receiving a report and recommendation from the Planning & Zoning Commission,”

   County Commission action: Accept the recommendation.

   Before the amendment, Article 4, Section 14, Paragraph A read:

   *The Board of Adjustment, after receiving a report and recommendation from the Planning & Zoning Commission, shall have authority to allow any conditional use permitted in a particular Zoning District:*

2. Article 1, Title, Intent, Definitions
   Section 5, Definitions

   Planning & Zoning Commission recommendation: Add the following definition: “Frontage means a portion of a site that fronts directly on a public or private street or right of way.”

   County Commission action: Accept the recommendation.

3. Article 1, Title, Intent, Definitions
   Section 5, Definitions

   Planning & Zoning Commission recommendation: Amend the definition of Mobile home park, by inserting “mobile homes and/or” between “placement of and manufactured homes”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 1, Section 5, Mobile home park read:

   *Mobile home park means a site containing spaces with required improvements and utilities that are rented or leased for the long-term placement of manufactured homes and that may include services and facilities for the residents. Mobile Home Park sites must be platted according to the provisions of the Subdivision Regulations.*
4. Article 1, Title, Intent, Definitions
   Section 5, Definitions

   Planning & Zoning Commission recommendation: Add the following definition: “Motor home see Travel trailer”.

   County Commission action: Accept the recommendation.

5. Article 1, Title, Intent, Definitions
   Section 5, Definitions

   Planning & Zoning Commission recommendation: Amend definition of “parking space” by removing the word “permanently” and replace with “prepared”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 1, Section 5, Parking space read:

   Parking space means a permanently surfaced area of not less than two hundred (200) square feet, either within a structure or in the open exclusive of driveways or access drives for the parking of motor vehicles.

6. Article 1, Title, Intent, Definitions
   Section 5, Definitions

   Planning & Zoning Commission recommendation: Add the following definition: “Recreational vehicle, see Travel trailer”.

   County Commission action: Accept the recommendation.

7. Article 1, Title, Intent, Definitions
   Section 5, Definitions

   Planning & Zoning Commission recommendation: Amend definition of “Watercourse” by substituting “dominant” for “dominate”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 1, Section 5, Watercourse read:

   Watercourse means land that has conformation so as to give to surface water flowing from one tract of land to another tract of land, a fixed and determinate course so as to uniformly discharge it upon the servient tract at a fixed and definite point. It shall include but shall not be limited to ravines, swales, sinkholes or depressions of greater or less depth extending from one tract and so situated as to gather up the surface water flowing upon the dominate tract and to conduct along a definite course to a definite point of discharge upon the servient tract. It shall not be deemed to be important that the force of water flowing from one tract of land to another has not been sufficient to wear out a
channel or canal having definite well-marked sides or banks. If the surface water, in fact, uniformly or habitually flows over a given course, having reasonable limits as to the width of the line of its flow, it shall be considered to have a definite course.

ZONING REGULATIONS, SIXTH AMENDMENTS, EFFECTIVE APRIL 15 2010:

1. Article 2, Districts and District Boundaries
   Section 8, F-1, Flood Plain Overlay District

   Planning & Zoning Commission recommendation: Add “or AE” to make the section read as follows: “The Floodplain Overlay District shall encompass those areas identified on the Flood Insurance Rate Maps (FIRM) for Stone County as numbered and unnumbered A or AE zones”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 2, Section 8, F-1, Flood Plain Overlay District, read:

   The Floodplain Overlay District shall encompass those areas identified on the Flood Insurance Rate Maps (FIRM) for Stone County as numbered and unnumbered A zones.

2. Article 4, Special Provisions
   Section 5, Travel Trailer Parks or Recreational Vehicle Parks (RV Parks)
   Paragraph K, Utilities

   Planning & Zoning Commission recommendation: Replace the word “unit” with “space”, and “units” with “spaces”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 2, Section 5, Travel Trailer Parks or Recreational Vehicle Parks (RV Parks), Paragraph K, Utilities, read:

   Each travel trailer or recreational vehicle unit shall be equipped with an electric outlet. A sanitary sewer and water system shall be installed according to the provisions of this Article and any other applicable County specifications. Travel trailer or recreational vehicle units not directly connected with the water and sewer system shall be located no more than two hundred (200) feet from a community utility building providing separate toilet and shower facilities for each gender.
3. **Article 4, Special Provisions**  
**Section 6, Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs**  
**Paragraph C, General Provisions**  
**Subparagraph 4.a**

Planning & Zoning Commission recommendation: Remove subparagraph 4a and renumber accordingly.

County Commission action: Accept the recommendation.

Before the amendment, Article 4, Section 6, Paragraph C, read:

4. All sign structures shall be constructed according to the provisions of any applicable County regulations.
   a. Engineering plans stamped or sealed by a registered civil engineer shall accompany any sign permit applications.

4. **Article 4, Special Provisions**  
**Section 6, Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs**  
**Paragraph I, Sign Permits**  
**Subparagraph 1**

Planning & Zoning Commission recommendation: Remove Section I, Subparagraph 1 and renumber accordingly.

County Commission action: Accept the recommendation.

Before the amendment, Section I, Sub-Paragraph 1, read:

1. **Sign Permits.** All off-premise signs are required to have a building permit. Information required for the issuance of a building permit includes:
   1. A set of engineering plans stamped or sealed by a registered civil engineer shall

5. **Article 4, Special Provisions**  
**Section 6, Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs**  
**Paragraph H, Lighting of Signs**

Planning & Zoning Commission recommendation: Insert “light” before “beams or rays”.

County Commission action: Accept the recommendation.

Before the amendment, Article 4, Section 6, Paragraph H, read:

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Signs must be effectively shielded to prevent beams or rays from being directed toward any public right-of-way, dwelling unit or any R District.

6. Article 4, Special Provisions
   Section 23, Sediment and Erosion Control
   Paragraph E, Standards
   Subparagraphs 3a and 4

   Planning & Zoning Commission recommendation: Remove “Refer to Appendix A” and replace with “Refer to Paragraph H, Vegetative Establishment Requirements Chart”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 4, Section 23, Paragraph E, Subparagraph 3.a read:

   Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed. (Refer to Appendix A.)

   Before the amendment, Article 4, Section 23, Paragraph E, Subparagraph 4 read:

   When grading operations are completed or suspended for more than thirty (30) days between permanent grass seeding periods, temporary cover shall be provided. (Refer to Appendix A.)

7. Article 4, Special Provisions
   Section 24, Sinkhole Use Standards
   Paragraph A, Placing Substances and Objects in Sinkholes
   Subparagraph 1.a

   Planning & Zoning Commission recommendation: Replace “precludes” with “includes”.

   County Commission action: Accept the recommendation.

   Before the amendment, Article 24, Paragraph A, Subparagraph 1.a read:

   This specifically precludes any trash, garbage, or refuse material.

8. Article 5, A-1, Agriculture District
   Section 3, Conditional Uses Requiring Authorization by Board of Adjustment
   Paragraph J

   Planning & Zoning Commission recommendation: Add “FAA Regulations” following “Missouri State Statutes”.

   County Commission action: Accept the recommendation.
Before the amendment, Article 25, Section 3, Paragraph J read:

*Airports and landing fields, subject to the provisions of the Missouri State Statutes.*

9. **Article 15, O-2, General Office District**  
**Section 4, Prohibited Uses**  
**Paragraph A**  
**Subparagraph 4**


County Commission action: Accept the recommendation.

10. **Article 18, C-3, Rural Commercial District**  
**Section 4, Use Limitations**  
**Paragraph E**

Planning & Zoning Commission recommendation: Remove Paragraph E, “Construction of any type of dwelling unit shall not be allowed as a permitted use,” and renumber accordingly.

County Commission action: Accept the recommendation.


17. **Article 27, M-1, Board of Adjustment**  
**Section 11, Temporary Uses and Structures**  
**Paragraph A**  
**Subparagraph 5**

Planning & Zoning Commission recommendation: Place a period after “permit” and delete the remainder of the paragraph.

County Commission action: Accept the recommendation.

Before the amendment, Article 27, Section 11, Paragraph A, Subparagraph 5 read:

*Garage sales do not require a conditional use permit and are regulated as described in Article 4, Section 23 of the Zoning Regulations.*

18. **Article 27, M-1, Board of Adjustment**  
**Section 14, General**  
**Paragraph B**

Planning & Zoning Commission recommendation: Delete paragraph B.

County Commission action: Accept the recommendation.

*Schedule of Amendments One through Thirteen, Page 26*
Before the amendment, Article 27, Section 14, Paragraph B, read:

_The Board of Adjustment shall issue conditional use permits only after receiving a report or recommendation from the Planning & Zoning Commission._


20, 21. **Article 26, M-2, Enforcement**

**Section 2, Filing Plans**

**Paragraph A**

Planning & Zoning Commission recommendation: Replace “zoning certificate” with “building permit” and revise the paragraph to read “Every application for a building permit or zoning change shall be in accordance with Article 3, Section 17”. Remove Subparagraphs A.1, A.2, A.3, A.4, and A.5 in their entirety.

County Commission action: Accept the recommendations.

Before the amendment, Article 26, Section 2, Filing Plans, Paragraph A read:

_Every application for a zoning certificate or change shall be_

1. **Accompanied by plans in duplicate,**

2. **Drawn to scale in black line or blueprint, showing**
   
   a. _the actual shape and dimensions of the lot to be changed in its use, in whole or in part;_
   
   b. _the location, size and height of any building or structure to be erected or altered;_
   
   c. _the existing and intended use of each building or structure or part thereof;_
   
   d. _the number of families or housekeeping units the building is designed to accommodate; and,_
   
   e. _when no buildings are involved,_

   (1) _The location of the present use and proposed use to be made on the lot, and_

   (2) _Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of these Zoning Regulations._

3. **One (1) copy of such plans may be returned to the owner when such plans have been approved by the Planning & Zoning Director, together with such Zoning Certificate as may be granted._
4. All dimensions shown on the plans relating to the location and size of the lot to be built upon shall be based on actual survey.

5. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

22. Article 26, Enforcement
Section 3, Zoning Permit
Paragraphs A and C
Subparagraphs D and E

and

Article 26, Enforcement
Section 4, Fees

Planning & Zoning Commission recommendation: Change “Zoning Permit” to “Building Permit” in the section title and in Paragraphs A, A.2, C.1, C.2, and in Section 4, change “zoning certificate” to “building permit” in Paragraph D and remove paragraph E entirely.

County Commission action: Accept the recommendation.

Before the amendment, Article 20, Section 3, Zoning Permit, read:

A. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning permit shall have been issued by the Planning & Zoning Director.

1. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of these Zoning Regulations.

2. It shall be the duty of the Planning & Zoning Director to issue a zoning permit, provided he or she is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste, conform with all the requirements of these Zoning Regulations.

B. No permit for excavation or construction shall be issued by the Planning & Zoning Director unless the plans, specifications and the intended use conform to the provisions of these Zoning Regulations.

C. The Planning & Zoning Director shall act upon each application on which he or she is authorized to act by the provisions of these Zoning Regulations within thirty (30) days after the application is filed, in full compliance with the applicable requirements as specified under this Article.

1. Planning & Zoning Director shall either issue a Zoning permit within said thirty (30) day period or shall notify the applicant in writing of the refusal of such Certificate and the reasons therefor.

2. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a zoning permit.
unless the applicant consents to an extension of time.

D. Under written request from the owner or tenant, the Planning & Zoning Director shall issue a zoning certificate for any building or premises existing at the time of enactment of these Zoning Regulations, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms to the provisions of these Zoning Regulations.

E. A zoning permit shall not be required for platted subdivisions in the R-1 District.

Before the amendment, Article 26, Section 4 read:

For all zoning permit a fee shall be charged, as determined by the County Commission.

23. **Article 21, Flood Damage Prevention**

Planning & Zoning Commission recommendation: Remove the body of this article and state: “See FEMA regulations. A copy of the FEMA regulations is available for review in the Stone County Planning & Zoning Office. The FEMA website is www.fema.gov.”

County Commission action: Accept the recommendation.

24. **Article 22, PA, Plot Assignment District**  
Section 3, Regulations  
Subparagraph B.5

Planning & Zoning Commission recommendation: Remove “in effect for the property at the time of PA District application” from the paragraph.

County Commission action: Accept the recommendation.

Before the amendment, Article 22, Section 3, Subparagraph B.5, read:

Maximum Number of Dwelling Units equals the entire area of the property (exclusive of all road right-of-ways to be utilized for residential purposes) divided by the maximum density permitted within the Zoning District(s) in effect for the property at the time of PA District application, as shown by the table below:

25. **Article 1, Title, Intent, Definitions**  
Section 5, Definitions

Planning & Zoning Commission recommendation: Define “farm animals” as follows: “Farm animals means livestock species including, but not limited to, swine, cattle, poultry, sheep, goats, horses, mules, asses, and donkeys.” “Farm animals” will follow “family” and precede “flood plain” in definitions.
County Commission action: Accept the recommendation.

26. Planning & Zoning Commission recommendation: Allow the Planning & Zoning Director and staff to make grammatical, numerical, and typographical error corrections as long as the meaning of the regulation is not modified or altered.

County Commission action: Accept the recommendation.

27. Article 4, Special Provisions
   Section 31, Wild or Exotic Animals (new)

Planning & Zoning Commission recommendation: Create a new Section 31, Wild or Exotic Animals, as follows:

Wild or exotic animals are subject to federal regulation. Zoos, sanctuaries and similar display or exhibition facilities, dealers, research facilities, or other businesses which contain wild or exotic animals or non-human primates, regulated by the US Department of Agriculture’s (USDA) Animal Plant Health Inspection Service (APHIS) under the Animal Welfare Act of 1966 (as amended), shall not be located in any district except those zoned for commercial use. Additionally, such animals shall not be housed, caged or otherwise located within 1,000 feet of any dwelling, or any residential district (RR-1, MH-1, UR-1, R-1, R-2, R-3, R-4), or within 2,500 feet of any church, school or daycare center. Wild animals include those of native or foreign origin which are not normally domesticated as household pets. Exotic animals are those not native to the United States, or introduced from abroad. This term specifically includes animals such as, but not limited to, tigers, lions, leopards, elephants, camels, antelope, anteaters, kangaroos, water buffalo and species of foreign domestic cattle. Non-human primates include high order, non-human mammals including, but not limited to, monkeys, orangutans, apes, and similar primates.

County Commission action: Accept the recommendation.

ZONING REGULATIONS, SEVENTH AMENDMENTS,
EFFECTIVE JUNE 20 2010:

1. Article 20, M-2, General Manufacturing or Industrial District
   Section 1, Principal Permitted Uses
   Paragraph B

Planning & Zoning Commission recommendation: Create Subparagraph B.44 by adding the following: “44. Boat dock and boat lift manufacturing”.

County Commission action: Accept the recommendation.
2. **Article 19, M-1, Light Manufacturing or Industrial District**  
   **Section 1, Principal Permitted Uses**  
   **Paragraph F**

   Planning & Zoning Commission recommendation: Strike “, or that are prohibited in said Zoning District under Article 23”.

   County Commission action: Accept the recommendation.

   Before the amendment, read Paragraph F read

   *Any other use that is determined by the County Commission, to be of the same general character as the above permitted uses but not including any uses that are first permitted in the M-2 District, or that are prohibited in said Zoning District under Article 23.*

3. **Article 19, M-1, Light Manufacturing or Industrial District**  
   **Section 3, Conditional Uses Requiring BOA Authorization**  
   **Paragraph B**

   Planning & Zoning Commission recommendation: remove “subject to Article 23”.

   County Commission action: Accept the recommendation.

   Before the amendment Paragraph B read:

   *When authorized by the Board of Adjustment, subject to Article 23, any use permitted in the M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District, subject to such conditions and requirements as may in the opinion of the Board of Adjustment, be necessary to protect adjacent property and prevent conditions of which may become objectionable or offensive.*

4. **Article 19, M-1, Light Manufacturing or Industrial District**  
   **Section 5, Prohibited Uses**  
   **Paragraph A**

   Planning & Zoning Commission recommendation: remove “or that is prohibited in said Zoning District under Article 18”.

   County Commission action: Accept the recommendation.

   Before the amendment, read Paragraph A read

   *Any use that is first permitted in the M-2 District, or that is prohibited in said Zoning District under Article 18.*
5. **Article 20, M-2, General Manufacturing or Industrial District**  
**Section 2, Conditional Uses Requiring BOA Authorization**  
**Paragraph A**

Planning & Zoning Commission recommendation: insert “confinement” between “livestock” and “operations”, and to correct the section number to read “Article 4, Section 28”.

County Commission action: Accept the recommendation.

Before the amendment, read Paragraph A read

*Livestock operations in conformation with Article 4, Section 31.*

6. **Article 20, M-2, General Manufacturing or Industrial District**  
**Section 2, Conditional Uses Requiring BOA Authorization**  
**Paragraph E**

Planning & Zoning Commission recommendation: delete “; and unless authorized by the Board of Adjustment as provided in Article 23 subject to such conditions and requirements as may in the opinion of the Board of Adjustment be necessary to protect adjacent property and prevent conditions that may become noxious or offensive”

County Commission action: Accept the recommendation.

Before the amendment, read Paragraph E read

*Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any R District, and not less than two hundred (200) feet from any other Zoning District except an M-1 District; and unless authorized by the Board of Adjustment as provided in Article 23 subject to such conditions and requirements as may in the opinion of the Board of Adjustment be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.*

7. **Article 20, M-2, General Manufacturing or Industrial District**  
**Section 3, Accessory Uses**  
**Paragraph C**

Planning & Zoning Commission recommendation: delete “as provided by Article 23”

County Commission action: Accept the recommendation.

Before the amendment, read Paragraph C read

*Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board of Adjustment as provided by*
Article 23, subject to such conditions and requirements as may, in the opinion of the Board of Adjustment, be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.

8. **Article 4, Special Provisions**  
**Section 25, Short-Term Rentals**  
**Paragraph A**

Planning & Zoning Commission recommendation: delete “R-3”

County Commission action: Accept the recommendation.

Before the amendment, read Paragraph C read

> Short-term rentals of residences, as defined in Article 1, Section 3, may be Conditional Uses in the RR-1, R-2, and R-3 Zoning Districts, provided that the following requirements and limitations are adhered to:

9. **Article 10, R-1, Suburban Residence District**  
**Section 3, Conditional Use Requiring Board of Adjustment Authorization**  
**Paragraph H**

Planning & Zoning Commission recommendation: delete Section H.

County Commission action: Accept the recommendation.

Before the amendment, read Paragraph H read

> Boat dock parking lots.

**ZONING REGULATIONS, EIGHTH AMENDMENT, EFFECTIVE JUNE 20 2010:**

1. **Article 4, Special Provisions**  
**Section 2, Off-Street Parking Spaces**  
**Paragraph A, Required Automobile Parking Spaces**

Planning & Zoning Commission recommendation: Insert “except agriculture” after “or any other use”.

County Commission action: Accept the recommendation.

Before the amendment, read Paragraph A read

> In all Zoning Districts, in connection with every industrial, business, institutional, recreational, residential, or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles according to the provisions of the provisions of these Zoning Regulations.
OMITTED FROM SECOND AMENDMENTS
Adopted on October 27, 2009
Corrected by Order dated January 28, 2010:

1. Article 22, PA – Plot Assignment District
   Section 3, Development Standards
   Subsection B
   Paragraph 5

   Planning & Zoning Commission recommendation: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

   County Commission action: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

2. Article 22, Conservation Development District
   Section 3, Development Standards
   Subsection B
   Paragraph 5

   Planning & Zoning Commission recommendation: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

   County Commission action: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

3. Article 22, PA – Plot Assignment District
   Section 3, Development Standards
   Subsection B
   Paragraph 5

   Planning & Zoning Commission recommendation: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

   County Commission action: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

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ZONING REGULATIONS, NINTH AMENDMENTS,
EFFECTIVE APRIL 19 2011:

1. Article 3, General Provisions
   Section 3, Agriculture

   Planning & Zoning Commission recommendation: Remove the paragraph and replace with the following:

   Nothing contained in these Zoning Regulations shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, except dwellings. No building permit shall be required for any such use.

   County Commission decision: Accept the recommendation.

   Before the amendment, the paragraph read:

   Nothing contained in these Zoning Regulations, which are located in A-1, A-R and RR-1 shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, except dwellings.

2. Article 3, General Provisions
   Section 11, Accessory Buildings in Residential Districts (R Districts)
   Paragraph A

   Planning & Zoning Commission recommendation: Insert or side in the second sentence, so that the paragraph reads:

   An accessory building may be erected detached from the principal building, or it may be connected therewith by a breezeway or similar structure. No accessory building shall be erected in any required yard or court, except a rear or side yard, and shall not occupy more than thirty-five (35) percent of a required rear or side yard. Accessory buildings shall be distant at least ten (10) feet from any dwelling situated on the same lot, unless an integral part thereof, at least ten (10) feet from any other accessory building, and at least ten (10) feet from all lot lines of adjoining lots which are in an R District.

   County Commission decision: Accept the recommendation.

   Before the amendment, the paragraph read:

   An accessory building may be erected detached from the principal building, or it may be connected therewith by a breezeway or similar structure. No accessory
building shall be erected in any required yard or court, except a rear yard, and shall not occupy more than thirty-five (35) percent of a required rear yard. Accessory buildings shall be distant at least ten (10) feet from any dwelling situated on the same lot, unless an integral part thereof, at least ten (10) feet from any other accessory building, and at least ten (10) feet from all lot lines of adjoining lots which are in an R District.

3. ‘Blanket’ Amendment


County Commission decision: Accept the recommendation, so that conditional use discretionary issues are first heard by the Planning & Zoning Commission.

Amendments were made to:

- Article 3, Section 18, paragraph B
- Article 4, Section 2, paragraph G
- Article 4, Section 3, first paragraph, paragraphs C, G, H, I
- Article 4, Section 6, paragraph B.1.a
- Article 4, Section 8, paragraphs B, D
- Article 4, Section 9, first paragraph, paragraphs A, C, D, E, F (eliminated)
- Article 4, Section 14, paragraphs A, A.3
- Article 4, Section 15
- Article 4, Section 17, paragraph B
- Article 5, Section 3, title, paragraphs B.2,
- Article 5, Section 4, paragraph C
- Article 6, Section 3, title, paragraph C
- Article 8, Section 3, title, paragraph B
- Article 9, Section 3, title, paragraphs G, H, I.5, I.6, I.10
- Article 9, Section 7, paragraph C
- Article 9, Section 8, paragraphs B, C
- Article 10, Section 3, title, paragraphs E, F, G.5, G.6, G.10
- Article 12, Section 3, title, paragraph E,
- Article 13, Section 3, title
- Article 14, Section 3, title
- Article 15, Section 3, title
- Article 17, Section 3, title, paragraphs A, A.6.e
- Article 17, Section 3, title, paragraph C.5
- Article 18, Section 3, title, paragraphs A, A.5, B.5
- Article 24, Section 2
- Article 27, Section 7, paragraph A.1 (eliminated), B, C
- Article 27, Section 8, title, paragraph A

4. Article 25, Boat Dock Parking

Statement of Intent

Planning & Zoning Commission recommendation: Add the following language to the Statement of Intent: Boat dock parking lots require a Conditional Use Permit and may be allowed in any zoning district. The Statement of Intent will read:
This Article provides standards for boat dock parking lots in areas intended for use by boat dock slip owners and guests for short periods of time while owners and guests are using the boat dock, and to identify areas suitable for boat dock parking. Boat dock parking lots require a Conditional Use Permit and may be allowed in any zoning district.

County Commission decision: Accept the recommendation.

Before the amendment, the paragraph read:

This Article provides standards for boat dock parking lots in areas intended for use by boat dock slip owners and guests for short periods of time while owners and guests are using the boat dock, and to identify areas suitable for boat dock parking.

ZONING REGULATIONS, TENTH AMENDMENTS, EFFECTIVE APRIL 19 2011:

1. Article 4, Special Provisions
   Section 25, Short-Term Rentals
   Paragraph A

   Planning & Zoning Commission recommendation: Add R-1 districts to the zoning districts listed, so that the paragraph reads:

   Short-term rentals of residences, as defined in Article 1, Section 5, may be Conditional Uses in the RR-1, R-1, and R-2 Zoning Districts, provided that the following requirements and limitations are adhered to:

   County Commission decision: Accept the recommendation.

   Before the amendment, the paragraph read:

   Short-term rentals of residences, as defined in Article 1, Section 5, may be Conditional Uses in the RR-1 and R-2 Zoning Districts, provided that the following requirements and limitations are adhered to:

2. Article 10, R-1, Suburban Residence District
   Section 3, Conditional Use Requiring Authorization by Planning & Zoning Commission
   Paragraph J

   Planning & Zoning Commission recommendation: Add new paragraph J:

   Short-term rentals of residences as defined in Article 1, Section 5, provided that the requirements and limitations of Article 4, Section 25 are adhered to. The Planning & Zoning Commission may prescribe a specific

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3. Article 10, R-1, Suburban Residence District  
Section 4, Height and Area Regulations  
Paragraph J

Planning & Zoning Commission recommendation: Add new paragraph J:

Change Side Yard Width for single-family dwelling with public or central sewer and water supply from 6 feet to 10 feet in the Area Measurements Chart.

County Commission decision: Accept the recommendation.

ZONING REGULATIONS, ELEVENTH AMENDMENTS,  
EFFECTIVE MAY 24 2011:

1. Article 27, Board of Adjustment  
Section 11, Temporary Structures and Uses  
Paragraph A

Planning & Zoning Commission recommendation: Amend to read:

Any use designated as temporary such as fairs, carnivals, festivals, re-enactments, outdoor concerts and other uses requiring retail sales must have a permit to be allowed in any Zoning District. Seasonal uses such as Christmas tree stands, fireworks stands, and roadside provide stands are exempt.

County Commission decision: Accept the recommendation.

Before the amendment, paragraph A read:

Any use designated as temporary such as neighborhood block parties, fairs, and festivals, re-enactments, or outdoor concerts including seasonal uses such as fireworks stands, Christmas tree sales, roadside produce stands, not including those agricultural products grown on-site, but including other uses requiring retail sales must have a permit to be allowed in any Agricultural or Residential Zoning District.
2. **Article 4, Special Provisions**  
   **Section 14, Conditional Uses**  
   **Paragraph A**  
   **Subparagraph 4**

   Planning & Zoning Commission recommendation: Add the following subparagraph:

   4. An engineer’s review of the site plans for a conditional use permit may be required.

   County Commission decision: Accept the recommendation.

**ZONING REGULATIONS, TWELFTH AMENDMENTS, EFFECTIVE MAY 1 2012:**

1. **Article 27, Board of Adjustment**  
   **Section 1, Members and General Provisions**  
   **Paragraph A**, The Board of Adjustment members and appointment procedure.  
   **Subparagraph 1**

   Planning & Zoning Commission recommendation: Amend to read

   The Board of Adjustment shall consist of five residents of the county, but not more than two shall be residents of the incorporated area of the county, and not more than one shall be a member of the county planning & zoning commission.

   County Commission action: Approved

   Before the amendment, subparagraph 1 read:

   *The Board of Adjustment shall consist of five residents of the county, but not more than two shall be residents of the incorporated area of the county, and none shall be a member of the county planning & zoning commission.*

**ZONING REGULATIONS, THIRTEENTH AMENDMENTS, EFFECTIVE MAY 1 2012:**

1. **Article 4, Special Provisions**  
   **Section 18, Height Limits**  
   **Paragraph B**  
   **Subparagraph 4**

   Planning & Zoning Commission recommendation: remove Subparagraphs 4a and 4b, 4c will remain and become 4a with changes to read as follows:
Fences, walls and hedges exceeding eight (8) feet but not greater than ten (10) feet in height in rear or side yards shall be permitted upon approval of a conditional use permit according to the provisions of Article 27, Section 8.

County Commission action: Approved

Before the amendment, Subparagraph 4 read:

4. Fences, walls, and hedges may be located in required yards as follows:

a. If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, they may be located in any yard or court.

b. If not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot, abutting in the rear the side lot line of another lot in an R District, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.

c. Fences exceeding eight (8) feet but not greater than ten (10) feet in height in rear or side yards shall be permitted upon approval of a conditional use permit according to the provisions of Article 27, Section 8.

2. Article 10, R-1, Suburban Residence District
   Section 3, Conditional Use Requiring Planning & Zoning Commission Authorization
   Paragraph G
   Subparagraph 12

Planning & Zoning Commission recommendation: add the following as subparagraph 12a:

Replacement of an existing mobile home with one of newer manufacture shall not require a Conditional Use Permit, provided there are no prohibitive deed restrictions or covenants.

County Commission action: Approved
3. **Article 11, R-2, One-Family and Two-Family Residence District**  
   **Section 3, Conditional Use Requiring Planning & Zoning Commission Authorization**  
   **Paragraph D**  
   **Subparagraph 1**

   Planning & Zoning Commission recommendation: add the following as Subparagraph 1:

   *Replacement of an existing mobile home with one of newer manufacture shall not require a Conditional Use Permit, provided there are no prohibitive deed restrictions or covenants.*

   County Commission action: Approved

4. **Article 17, C-2, General Commercial District**  
   **Section 3, Conditional Uses Requiring Planning & Zoning Commission Authorization**  
   **Paragraph B**

   Planning & Zoning Commission recommendation: remove the existing Paragraph B and Subparagraphs 1 and 2 and replace with the following:

   *A combination commercial and residential structure. The dwelling unit, if separate, must remain on the same property and may not be subdivided independent of each other.*

   County Commission action: Approved

   *Before the amendment, Paragraph B read:*  

   *A single dwelling unit with the following conditions:*  

   1. The residence is occupied by the owner and operator or full-time employee of the principal permitted use.  
   2. The structures, if separate, must remain on the same property and may not be subdivided independent of each other.

5. **Article 4, Special Provisions**  
   **Section 25, Short-Term Rentals**  
   **Paragraph A**

   Planning & Zoning Commission recommendation: add A-1, Agriculture District and A-R, Agricultural-Residence District to the zoning districts listed in Paragraph A.

   County Commission action: Approved

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6. **Article 1, Title, Intent, Definitions**
   **Section 5, Definitions**

   Planning & Zoning Commission recommendation: add the following to Definitions:

   **Campground** means any tract of land, subject to these regulations, that is used or offered on a fee-basis as a location for two (2) or more user-owned and erected tents, and providing primarily overnight or short-term accommodations.

   **Tent** means a shelter consisting of sheets of fabric or other material draped over, attached to a frame of poles, or attached to a supporting rope. Smaller tents may be free-standing or attached to the ground, large tents are usually anchored using ropes tied to stakes or pegs. County Commission action: Approved

   County Commission action: Approved

7. **Article 4, Special Provisions**
   **Section 5, Travel Trailer Parks or Recreational Vehicle Parks (RV Parks)**

   Planning & Zoning Commission recommendation: modify the title to read as follows:

   *Section 5, Travel Trailer Parks, Recreational Vehicle Parks (RV Parks) and Campgrounds*

   County Commission action: Approved
8. Article 4, Special Provisions
Section 5, Travel Trailer Parks or Recreational Vehicle Parks (RV Parks)
Paragraph N

Planning & Zoning Commission recommendation: add the following as Paragraph N:

Campgrounds. All campgrounds shall comply with all provisions of this section except where modified below. Campgrounds without these minimal facilities, so-called “primitive campgrounds” shall not be operated on a fee-basis.

1. Campsites. Each tent location (campsite) shall be specifically designated and have a distinct boundary to distinguish it from other campsites.

2. Sewer. Toilet facilities must be accessible to all campsites. This may be provided through a public or central facility located no further than 500 feet from any campsite. A vault toilet system, similar to those found in federal campgrounds, may be used in lieu of a sewer system with running water and a septic tank.

3. Potable water. Water must be provided for use by all campsites through a public or central (well) water system approved by the Missouri Department of Natural Resources. This may be provided through a central facility no further than 500 feet from any campsite.

4. Cooking facilities. Each campsite shall have a prepared location in which to build campfires. This may consist of a circle of rocks or bricks, metal enclosure, metal grate, concrete pad or simply a hole (pit).

5. Trash & garbage. Garbage cans or a dumpster must be provided for the placement of refuse.

6. Other requirements. Except for the foregoing, travel trailer park requirements specified in Paragraph J, Subparagraph 2 of this section may be waived for campgrounds by the County Commission and/or Director of Planning and Zoning.

County Commission action: Approved
9. **Article 17, C-2, General Commercial District**  
   **Section 1, Principal Permitted Uses**  
   **Paragraph E**

   Planning & Zoning Commission recommendation: modify the title of Paragraph E to read:

   *Travel trailer parks and campgrounds*