SECTION 1. TITLE, PURPOSE AND INTENT

A. Title. These regulations shall be referred to as the "Zoning Ordinance."

B. Purpose and Intent. The County Commission of Boone County, Missouri has determined that these regulations are necessary for the purpose of promoting the health, safety, morals, comfort, or general welfare, and conserving the values of property throughout the County, and lessening or avoiding undue congestion in the public streets or highways; in securing safety from fire and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; all in accordance with a comprehensive plan.

(1) These regulations are a part of the Boone County planning and zoning program and are to be considered along with the County's Comprehensive Plan, Point Rating System, and Subdivision Regulations. These Zoning Regulations are in accordance with the Comprehensive Plan for Boone County which was in effect at the time of the adoption of these regulations. Said Comprehensive Plan includes planning goals and objectives, estimate of population growth, land use surveys, a land use plan, plans for major thoroughfares, other transportation facilities, community facilities, public services and utilities, and a public works program.

(2) A planning goal of Boone County is to reduce urban sprawl through the use of the Point Rating System, County Subdivision Regulations, and this Zoning Ordinance. Paramount among the County's objectives are (a) to preserve good agricultural land, (b) to insure that new, urban developments will not seriously interfere with accepted farming practices on adjacent land, (c) to make maximum use of existing facilities and to reduce the need for new and/or expanded facilities, and (d) to discourage development in areas where:

- desired services cannot be provided in a cost effective manner; and

- the safety of citizens could be jeopardized due to the fact that the area is not readily accessible to fire protection, law enforcement and ambulance services.

(3) Need for public services and facilities in both size and location depends upon the character and intensity of land use. Regulation of the use of land is thus fundamental to a
coordinated optimum physical development of the community. The land use regulations are intended to be the foundation of the entire process of improvements of the physical environment.

(4) The zoning district map reflects the probable development in the future and does not, in all districts, reflect a present land use.

(5) It is not the intent of the Zoning Regulations to influence the assessment of the value of properties.

C. Jurisdictional Area. These regulations apply to all unincorporated lands within Boone County.

D. Authority. These regulations are adopted pursuant to the provisions of SECTIONS 64.850 and 64.885, Revised Statutes of Missouri, 1978.

(1) The provisions of these regulations shall not be exercised so as to impose regulations or to require permits with respect to land used or to be used for the raising of crops, pasture, orchards livestock or forestry, within the context of agriculture as defined by these regulations, or with respect to the erection, maintenance, repair, alteration or extension of farm buildings or farm structures.

SECTION 2. DEFINITIONS

For the purpose of this ordinance certain items are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied"; the word "lot" includes the word "plot" or "parcel"; and the word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as individual. Any word not herein defined shall be as defined in any recognized standard English Dictionary.

Accessory Building: A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Accessory Use: A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Adult Cabaret: A building or a portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is
distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein.

**Agricultural or Farming Activity:** An agricultural activity shall be defined as the cultivating of the soil, producing of crops and the raising of animals for food or fiber and including horticulture, beekeeping, aquaculture, silviculture and forestry. Concentrated animal feeding operations must conform to the Missouri Department of Natural Resource's regulations pertaining to waste water management and order control. The raising and keeping of horses for any purpose other than the production of food and fiber is not considered agricultural activity.

**Agricultural Structure:** Any structure used exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities.

**Animal Training Facility:** A building and/or land where animals, other than those owned by the owner or leaseholder of the property, on which the use is occurring, are trained.

**Alley:** A public right-of-way which affords only a secondary means of access to abutting property.

**Allowed Uses:** See Uses

**Apartment:** See Dwelling Unit.

**Automobile Service Station:** Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils, or accessories, or for servicing or lubrication motor vehicles or installing or repairing parts and accessories; but not including the repairing or replacing of motors, bodies, or fenders of motor vehicles or painting motor vehicles, public garages and the open storage of rental vehicles or trailers.

**Bar or Tavern:** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises. It shall not mean a premises wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than fifty percent (50%) of the gross receipts.

**Basement:** A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purposes of height regulation if subdivided and used for dwelling purposes other than by janitor employed on the premises.

**Bed and Breakfast:** A dwelling unit that has been converted or built for and is intended to provide overnight lodging to the public for compensation, and which is open to overnight guests in not more than five guest bedrooms, and is not a rooming or boarding house and is the primary residence of the owner or operator.
Billboard: Any sign that is greater than 120 square feet in area.

Board: Means Board of Adjustment established in Section 15.

Boarding House or Rooming House: A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

Building, Height of: The vertical distance from the average grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.

Buildable Width: The width of the lot left to be built upon after the side yards are provided.

Calendar Week: A seven-day period beginning on Sunday and running through Saturday.

Cellar: That part of a building having more than one-half of its height below the average grade of the adjoining ground.

Clinic: An establishment where patients are not lodged overnight but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

Club or Lodge: Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purpose, including fraternal organizations, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Conditional Use: A use allowed in a zoning district after a permit is granted by the County Commission according to provisions of Section 15.

Condominium Development: A development in which individual ownership in fee is restricted to that which is within the walls or designated bounds of a unit, and collective ownership applies to all other land and facilities beyond the individual units. A residential structure in a condominium development is: (1) a unit, (2) a two family dwelling if the structure contains two dwelling units, or (3) a multiple dwelling if the structure contains three or more dwelling units.

Commission: Means County Planning and Zoning Commission of Boone County.

County Commission: Means County Commission of Boone County.
Development Complex: A commercial or industrial development consisting of two or more buildings or one building containing or designed to contain more than one business.

Director and Director of Planning: The individual designated to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said ordinance.

District: Means a part of the county wherein regulations of this ordinance are uniform.

Doublewide: A modular building or manufactured home that is designed and manufactured in a factory to function as a single complete self-contained unit by the assembly, on a site, of two or more manufactured component pieces whether or not any additional site built additions have been added to the unit.

Driveway: A roadway giving vehicular access from a street or alley to abutting property and may also provide for vehicular circulation on the abutting property.

Dwelling: Any building or portion thereof which is designed and used exclusively for residential purposes.

Dwelling, Accessory: A second dwelling, in addition to the primary dwelling, that is on a tract of land which is greater than 20-acres in area.

Dwelling, Multiple-Family: A building designed for or occupied exclusively by three or more families.

Dwelling, Primary: Any dwelling other than an accessory dwelling.

Dwelling, Single-Family: A building designed for or occupied by one family. This definition shall include any home in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two additional persons acting as house-parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing therein. This definition shall also include any private residence licensed by the division of family services or department of mental health or other governmental agency, to provide foster care to one or more but less than seven children who are unrelated to either foster parent by blood, marriage or adoption.

Dwelling, Single-Family Attached: A building designed so that each unit has an independent means of egress; is separated from adjoining units by a 2-hour fire separation assembly that extends from ground to roof; no unit is above or below another unit; each unit has separate heating systems and each unit has separate utility meters and separate sewer service.

Dwelling, Two-Family: A building designed for or occupied exclusively by two families.
**Dwelling, Unit:** One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single person or a family as defined herein.

**Equine Boarding Facility:** A building and/or land where equine, other than those owned by the owner or leaseholder of the property where the use is occurring, are boarded and/or trained.

**Equine Ranch:** A building and/or land used for the purpose of keeping and/or training equine provided, all of the animals are owned by the owner of the property on which the use is occurring. If the property is leased, all of the animals must be owned by the leaseholder of the property on which the use is occurring.

**Family:** Two or more persons related by blood, marriage, adoption, or not more than four persons not related by blood, marriage, or adoption, occupying a dwelling unit as an individual housekeeping organization.

**Frontage:** All the property on one side of a street or highway, between two intersecting streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, but not including property more than 400 feet distant on either side of a proposed building or structure.

**Garage, Private:** A detached accessory or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

**Garage Public:** A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.

**Grade:** The average level of the finished surface of the ground adjacent to the exterior walls of the building.

**Guest Ranch:** A recreational facility where lodging and horses for riding are furnished for compensation.

**Home Occupation:** Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate, not more than three square feet in area, or no display that will indicate from the exterior that the building is being utilized in whole or part for any purpose other than that of a dwelling; there is no commodity sold upon the premises except that prepared on the premises; no person is employed other than a member of the immediate family residing on the premises; and
no mechanical equipment is used except such as is customary for purely domestic household purposes.

**Hospital**: An establishment providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured. Hospital includes sanitariums.

**Hotel**: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined.

**Hours of Operation, Daytime**:  
- April through October, 6:00 A.M. to 9:00 P.M. Central Daylight Time  
- November through March, 6:00 A.M. to 7:00 P.M. Central Standard Time  
Daytime hours of operation may be further limited as a specific condition to a conditional use permit or a planned development.

**Hours of Operation, Nighttime**: Any hours other than Daytime Hours of Operation and may be further limited as a specific condition of a conditional use permit or planned development.

**Incidental**: A use dependent on and subordinate to the principal use of the parcel.

**Institution**: A nonprofit establishment for public use.

**Junk Vehicle**: Any unlicensed or disabled vehicle.

**Kennel**: An establishment where small animals are boarded for compensation or where dogs are bred, raised or sold on a commercial scale or where two or more breeding females are kept or bred.

**Kennel, Hobby**: A kennel that is not a commercial operation.

**Landscaped Area**: An area that is permanently devoted and maintained to the growing of shrubbery, grass and plant material.

**Litter**: The word litter means and includes garbage, trash, junk, branches, cans, inoperative machinery and appliances, or other waste materials.

**Loading Space**: A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 420 square feet, minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance for at least 14.5 feet.
Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by this ordinance, and having its principal frontage upon a road or street.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot, Depth: The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot having a frontage on two non-intersecting roads, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot of Record: A lot or parcel of land that was legally created in compliance with the land use regulations in effect at the time the instrument creating the parcel was recorded with the Boone County Recorded or Deeds.

Lot, Width: The width of a lot measured at the building line.

Manufactured Home: A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act.

Mobile Home: A one family dwelling unit of vehicular, portable design having a length of not less than 32 feet and a width of not less than 8 feet, built on a chassis and designed to be moved from one site to another and to be used without a permanent foundation.

Mobile Home Park: A parcel of land which is developed for the placement of two or more mobile homes.

Mobile Home Subdivision: A subdivision containing any lot or lots that are less than 5-acres that are intended for the placement of one mobile home per lot and where individual lots can be sold and/or owned independently from other lots contained within the development. For purposes of the floodplain management regulations, a mobile home subdivision is a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Modular Building: A prefabricated building having over 1,000 square feet of floor area, manufactured in whole or in part off the site, and transported to a site.

Motel, Motor Court, Motor Lodge, Or Tourist Court: Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the
lot, and designed, used or intended wholly or in part for the accommodation of automobile transients.

**Nonconforming Use:** A use which lawfully occupied a building or land or portion thereof, at the time these regulations became effective, that has been lawfully continued and that does not now conform with the use regulations for the district in which it is located and for which a Certificate of Occupancy for Nonconforming Use has been issued by the Board of Adjustment.

**Nursery School:** Any land, building, structure or premises used for educational instruction and/or supplemental parental care for four or more children, either on an hourly or daily basis, with or without compensation.

**Nursing Home:** A home for the aged or infirm in which three 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 the sick or injured.

**Open Space:** Any parcel or area of land not covered by water, structures, hard surfacing, parking lots and other impervious surfaces except for bicycle or pedestrian pathways. Such areas must be set aside and/or dedicated for active or passive recreation or visual enjoyment. Land covered by water may be included as open space as otherwise provided in these regulations.

**Parent Zoning District:** The unplanned zoning district type from which the possible allowed uses in the planned district are derived. The letter designated zoning district to which the “P” is added to designate the district as planned.

**Park, Public:** A tract of land and/or premises that is owned and operated by a governmental entity and that is open to the general public for recreational purposes.

**Parking Space:** A durably dust-proofed, properly graded for drainage, usable space, enclosed in a main building or in an accessory building, or unenclosed, reserved for the temporary storage of one vehicle, and connected to a street or alley by a surfaced driveway. Each such space shall be not less than nine feet wide and nineteen feet long and be accessible to a vehicle without the necessity of moving any other vehicle.

**Permitted Use:** A principal use of a site allowed as a matter of right in conformance to applicable zoning, building and health or other codes, and not subject to special review or conditions under this ordinance beyond those specifically set forth in the Zoning Regulations.

**Place of Worship:** Any premises used primarily for religious services and study.

**Premises:** A lot together with all buildings and structures thereon.
**Private School:** A place of learning that is not tax supported. This shall include, but not be limited to, business or commercial schools, music or dancing academies, day care homes or centers, private colleges and universities, and private schools having a curriculum equivalent to public elementary or public high schools.

**Reception Facility:** A building, land or premises that is made available for receptions, parties, meetings or other special events.

**Residentially Developed Area:** A recorded, major subdivision where at least twenty-five (25%) percent of the lots have been developed or a recorded subdivision in a residential or transitional zoning district.

**Riding School:** A building and/or land where humans, other than the owner, resident or leaseholder of the property on which the use is occurring, are trained in riding and/or driving and/or handling animals.

**Rooming House:** See Boarding House.

**Salvage or Junk Yard:** Any land or building, or other structure used for the storage, collection, processing or conversion of any worn out, cast off, or discarded metal, paper, glass or other material which is ready for destruction, or has been collected or stored for salvage or conversion to some use. This includes, but is not limited to, such things as automobiles, machinery, farm implements, household appliances and construction material.

**Setback:** the minimum distance required between the property line and a building measured in accordance with the provisions for yards in Section 10.B (11).

**Sexually Oriented Business:** An inclusive term used to describe collectively: adult cabaret, adult motion picture theater, video arcade, bathhouse, massage shop and/or sex shop.

**Sign:** Any medium or device or symbol intended to identify, inform, advertise or that is intended to attract attention to any private or public premises and, said device is placed so as to be seen from any public or quasi-public place with the intent or effect of attracting attention to the subject matter.

- Sign, Backlit: A sign that is composed of one or more transparent or translucent faces and that is illuminated by means of a light source from within or behind the sign that is projected through the sign face(s).
- Sign, Billboard: A freestanding sign that is greater than 120 square feet in area.
- Sign, Double Faced: A sign consisting of two faces that form parallel planes, which are the same size shape and elevation, where the distance between the two sign faces is 18 inches or less.
• Sign, Electronic Message: Any sign that carries a changing message or a message that is capable of being changed by means of an electronic control unit and that is displayed by a system of electric lights

• Sign, Façade: A sign mounted on the exterior wall of a structure with the plane formed by the sign face being parallel to the plane of the wall and projecting no more than 12-inches from the wall. Also known as a wall sign.

• Sign, Freestanding: A self-supporting sign placed on the same parcel as, but away from, the building to which it is related.

• Sign, Noncompliant: Any sign that does not comply with Section 25, Sign Regulations and has not been issued a Certificate of Occupancy for a Nonconforming Use.

• Sign, Nonconforming: Any sign that is in existence on the date of adoption of Section 25, Sign Regulations but that does not comply with the provisions of Section 25, Sign Regulations and for which the Board of Adjustment has issued a Certificate of Occupancy for a Nonconforming Use in accordance with Section 8.

• Sign, Parapet Mounted: A façade or wall sign that is mounted on a parapet.

• Sign, Projecting: A sign that is wholly or partly dependent upon a building for support and projects more than 12-inches from such building.

• Sign, Suspended: A sign hanging down from a marquee, awning, porch or other structural element of a building.

**Singlewide:** A mobile home or manufactured home that is designed and manufactured in a factory to function as a single complete self-contained unit without any additional components or construction, whether or not any site built addition or additional auxiliary components have been added to the structure.

**Specified Anatomical Areas:** (1) Less than completely and opaquely covered: human genitals, pubic region, buttock or female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**Street:** A dedicated and accepted public way which affords the principal means of access to abutting property.

**Street Centerline:** The street centerline is a line halfway between the street right-of-way lines.

**Street Right-of-Way Line:** A dividing line between a lot and a contiguous street.
**Structure**: Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. Structure also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs, whether located on a rock, tree, separate or part of another structure.

**Structural Alteration**: Any change except those required by law members of a building or structure, such as bearing walls, columns, beams or girders, not including openings in bearing walls as permitted by other ordinances.

**Symbol**: Something that represents something else by association, resemblance or convention. A symbol may be either two or three dimensional.

**Tavern**: See Bar or Tavern

**Travel Trailer or Motor Home**: (1) A vehicular, portable structure built on a chassis and designed for temporary occupancy for travel, recreational or vacation use; and when factory equipped for the road, being of any weight, provided its overall length does not exceed 32 feet; (2) A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation; (3) A portable, temporary dwelling to be used for travel, recreational and vacation purposes, constructed as an integral part of a self-propelled vehicle; (4) A canvas, folding structure, mounted on wheels and designed for travel, recreational and vacation use.

**Travel Trailer Park**: A parcel of land which has been improved for the placement of travel trailers for transient use.

**Truck Stop**: A facility for the servicing and repair of trucks and including accessory uses such as a truck wash, sleeping accommodations, restaurant and gift shop.

**Uses, Allowed**: In a planned district, only those uses specifically shown/listed on an approved review plan.

**Uses, Category of**: The subsection of a Zoning District which contains a list of uses allowed in the district such as Permitted Use, Conditional Use or Accessory Use.

**Vehicle**: Automobile, truck, bus, motorcycle, recreational vehicle or other conveyance designed and constructed as a motor-driven vehicle for traveling on the public streets and ways.

**Yard**: An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.
Yard, Front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot, or to the designated street line in cases where the present property line extends to the center line of the abutting street. On corner lots the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.

Yard, Side: A yard between the main building and the side line of the lot and extending from the front plane of the building to the rear plane of the building.

Yard, Rear: A yard extending the full width of the lot between a principal building and the rear lot line.

Yard Width and Depth: The shortest horizontal distance from a lot line to the main building.

SECTION 3. DISTRICTS AND BOUNDARIES

A. Districts. The unincorporated area of Boone County is hereby divided into the following districts:

**AGRICULTURE DISTRICTS**
A-1 Agriculture
A-1P Planned Agriculture 1
A-2 Agriculture
A-2P Planned Agriculture 2

**TRANSITION DISTRICTS**
A-R Agriculture Residential
A-RP Planned Agriculture-Residential

**RESIDENTIAL DISTRICTS**
R-S Single-Family Residential
R-SP Planned Single-Family Residential
R-D Two-Family Residential
R-DP Planned Two-Family Residential
R-M Moderate Density Residential
R-MP Planned Moderate Density Residential

**RECREATION DISTRICT**
REC Recreation
REC-P Planned Recreation

**COMMERCIAL DISTRICT**
C-O Office Commercial
C-N Neighborhood Commercial  
C-G General Commercial  
C-GP Planned Commercial  

**INDUSTRIAL DISTRICTS**  
M-L Light Industrial  
M-LP Planned Industrial  
M-G General Industrial  
M-GP Planned General Industrial  

**OVERLAY DISTRICTS**  
Character Preservation Overlay District  
Airport Approach and Departure District  

B. District’s Minimum Lot Sizes. The following are the minimum lot sizes for the corresponding districts specifically listed below:

**AGRICULTURE DISTRICTS**  
A-1 Agriculture:  
The minimum lot size for any parcel within the A-1 zoning district is ten (10) acres.

A-2 Agriculture:  
The minimum lot size for any parcel within the A-2 zoning district is two and one half (2 & ½) acres.

**TRANSITION DISTRICTS**  
A-R Agriculture-Residential:  
The minimum lot size for any parcel within the A-R zoning district is one half (½) acre.

**RESIDENTIAL DISTRICTS**  
R-S Single-Family Residential:  
The minimum lot size for any parcel within the R-S zoning district is seven thousand (7,000) square feet.

R-D Two-Family Residential:  
The minimum lot size for any parcel within the R-D zoning is seven thousand (7,000) square feet. The minimum lot size for a duplex is ten thousand (10,000) square feet.

R-M Moderate Density Residential:  
The minimum lot size for any parcel within the R-M zoning district is seven thousand (7,000) square feet. The minimum lot size for a duplex is ten thousand (10,000) square feet.
feet. The minimum lot size for a multiple family dwelling is two thousand five hundred (2,500) square feet per dwelling unit.

C. District Boundaries

(1) The boundaries of the districts are shown upon the map attached hereto and made a part hereof, which map is designated as the "District Map." The district map and all notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the district map and all the notations, references and other information shown thereon were fully set forth or described herein, the original of which district map is properly attested and is on file with the County Clerk of Boone County, Missouri.

(2) Whenever any street, alley or other public way is vacated by official action of the County Commission, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

SECTION 4. GENERAL PROVISIONS

A. For non-agricultural activity uses, except as hereinafter provided:

(1) No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.

(2) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the height and area regulations of the district in which the building is located.

(3) The density and yard regulations of this ordinance are minimum regulations for each and every building existing at the effective date of this ordinance and for any building hereafter erected or structurally altered. No land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall be considered a yard or lot area for more than one building.

(4) Any division of land is subject to the Boone County Subdivision Regulations if the resulting lots or tracts contain less than twenty acres.

(5) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on a lot except as otherwise provided in this ordinance.
(6) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off street parking and loading regulations of this ordinance.

(7) Cooperatives, condominiums and all other forms of property ownership do not effect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

(8) A mobile home park will be constructed in accordance with the Boone County Mobile Home Ordinance. Mobile Homes within a Mobile Home Subdivision shall be on a foundation, with its axles and wheels removed.

(9) A manufactured home or mobile home shall be used for residential purposes only as a dwelling. A manufactured home containing a minimum of 650 sq. ft. of floor space shall be permitted in all Districts where Single Family Dwellings are permitted. No manufactured home or mobile home shall be permitted in a recorded subdivision except as a conditional use. It is further provided that:

(a) The manufactured home or mobile home complies with all yard, density and off-street parking requirements of the district in which it is located;

(b) The space beneath the manufactured home or mobile home is enclosed by a foundation or under skirted with a durable material such as fiberglass, plywood or metal, within 90 days of placement on the property;

(c) The manufactured home or mobile home is tied down to withstand wind-loads of 15 pounds per square foot within 30 days of placement on the property and prior to occupancy (except when the ground is frozen);

(d) The manufactured home or mobile home shall be provided with a system to treat the wastewater in accordance with minimum standards of the Missouri Department of Natural Resources or Boone County prior to occupancy of the unit;

(e) The owner or occupant shall obtain a permit for the placement of a manufactured home or mobile home on property pursuant to the provisions of Section 15. D. of these regulations prior to placing a manufactured home on property.

(f) Manufactured homes and mobile homes designed as a single wide unit may not be attached to other single wide units, thus creating a double unit, without first obtaining a conditional use permit.
(g) Manufactured homes and mobile homes designed as a single wide unit may be added on to as long as the site built add-on section is built in accordance with the Boone County Building Code; however, no part of the add-on may be used to meet the one thousand square foot requirement to classify it as a modular building.

(10) In the Agricultural Districts, Transitional District, Residential Districts, Recreation Districts, and in the C-O Commercial Office Districts, and in the C-N Neighborhood Commercial Districts:

(a) The number of junk vehicles permitted on a tract, parcel or lot shall not exceed two, and

(b) Said vehicles must be stored by the owner or occupant of the property, upon which said vehicles are located, in a manner so that said vehicles are not visible from any point of land outside the property.

(11) The dumping or storing of litter shall not be permitted in any district except under the conditions specified in Sub Section 12 of this Section. No person shall throw or deposit litter on any vacant or occupied property whether owned by such person or not. The owner or person in control of any private property shall, at all times, maintain the premises free of litter.

(12) It shall be lawful:

(a) To accumulate or store non-putrescible litter in a sight proof structure or container.

(b) To accumulate or store litter produced as an incident to the otherwise lawful use of the same premises where stored, where such storage is pending removal or proper disposal and does not exceed seven (7) days, provided the litter is placed or stored in a container or otherwise screened from the view of persons upon adjacent property or rights-of-way.

(c) To operate an otherwise lawful, sanitary landfill, building demolition material site, vehicle or machinery repair facility, construction material stockpile, sewage treatment facility, salvage yard, recycling center or junk yard.

(d) To store material to be used in an otherwise lawful agricultural or nursery operation on the premises devoted to such use.
The phrase "otherwise lawful" as used in this Sub Section 12 means in compliance with applicable zoning district regulations and with all rules, regulations, ordinance, Court or Commission Orders, conditions, permits and licenses applicable to the property or activity, whether arising from this Zoning Ordinance or any other ordinance, Court or Commission Order or regulation.

(13) Group homes for the handicapped included under the definition of "Dwelling, Single-Family" as specified above are permitted in all districts that permit residential use. The operator of a group home for the handicapped shall apply for a permit to operate from the Director of Planning and Building Inspection. The application shall include a floor plan showing the layout and emergency exits of the house and will be retained on file and distributed to emergency service personnel. All provisions of the building code relative to handicapped facilities and accessibility shall be complied with prior to occupancy by any handicapped residents. Upon examining the application and plans submitted, the Director shall issue a permit to the operator. Group homes for the handicapped are subject to an annual inspection by the fire marshal.

(14) All kennels shall be constructed and maintained in accordance with the current minimum standards of the United States Department of Agriculture, published in 9 CFR Chapter 1, Subpart A, Sections 3.1 - 3.4 (1-1-85 Edition).

SECTION 5. DISTRICT USE REGULATIONS

A. District Regulations. In the following established districts, a building or premise shall be used only for the following purposes:

(1) A-1 Agriculture District

Permitted Uses:

Agricultural Activity which shall include greenhouses and nurseries  
Equine Boarding Facility for a maximum of six animals on a minimum 10-acre tract  
Equine Ranch on a minimum 10-acre tract  
Farm Dwelling  
Home Occupation  
Public Park  
Bait House  
Place of Worship  
Public school, elementary and high, or private school having a curriculum equivalent to a public, elementary or high school and having no rooms regularly used for housing or sleeping purposes.
Livestock sales barn and stockyard provided that such activity is located at least 2,640 feet from R-S, R-SP, R-D, R-DP, R-M and/or R-MP zoning and from a recorded major subdivision.

Veterinary office or clinic or animal hospital provided, however, if the establishment is in a major recorded subdivision or is within 500 feet of a residentially developed area or an existing R-S, R-SP, R-D, R-DP, R-M or R-MP Zoning District all animals that are treated or cared for shall be kept within a sound-proofed, air conditioned building; no odor shall be perceptible at the boundary of the premises; and the noise outside the building shall not exceed that of average daily traffic measured at the lot line.

Family Day Care Home (maximum of six children) and Group Day Care Home (maximum of ten children) provided that the Day Care Home is (1) in compliance with all state regulations and (2) meets all the criteria for a Home Occupation.

Single-Family Dwelling, on a Lot of Record recorded prior to December 27, 1973 or on a lot having a minimum area of 10 acres.

Conditional Uses:

Kennel or Hobby Kennel
Equine Boarding Facility for more than six animals on a minimum 10-acre tract
Animal Training Facility on a minimum 10-acre tract
Riding School
Airport
Transmission facility
Privately operated outdoor recreational facility
New cemetery, human or animal, or enlargement of existing cemetery
Private family cemetery
Farm implement sales and service, and other agribusiness uses oriented to and exclusively serving the agricultural community
Livestock sales barn and stockyard
Water Tower, sewage lagoon or mechanical treatment plant where not approved under County Subdivision Regulation
Sanitary landfill operated by a public agency
Mobile Home not meeting the provisions of Section 4A. (9) of this ordinance
Rock quarry on a minimum of 40 acres
Permanent asphalt, cement or concrete plant provided the plant is located within the property boundary of a rock quarry producing a minimum average of 1,000 tons of rock per operating day
Portable asphalt, cement or concrete plant used for a specific construction project
Creek or river gravel recovery operation
Bed and Breakfast
Seasonal deer/game processing

(2) **A-1P Planned Agriculture 1 District**

A Planned Residential Development approved in accordance with the provisions of Section 6.

(3) **A-2 Agriculture District**

Permitted Uses:

Any permitted use of the A-1 District, provided however, a Single-Family Dwelling shall, in addition to the provisions of the A-1 District, be permitted on a lot or tract having a minimum area of two and one half acres

Conditional Uses:

Any conditional use of the A-1 District

(4) **A-2P Planned Agriculture 2 District**

A Planned Residential Development approved in accordance with the provisions of Section 6

(5) **A-R Agriculture-Residential District**

Permitted Uses:

Agricultural Activity which shall include greenhouses and nurseries
Equine Boarding Facility for a maximum of six animals on a minimum 20-acre tract
Equine Ranch on a minimum 20-acre tract
Farm Dwelling
Home Occupation
Public Park
Golf course, except miniature course and driving range
Place of Worship
Public School, elementary and high, or private school having a curriculum equivalent to a public elementary or high school and having no rooms regularly used for housing or sleeping purposes.
Family Day Care Home (maximum of six children) and Group Day Care Home maximum of ten children) provided that the Day Care Home is (1) in compliance with all state regulations and (2) meets all the criteria for a Home Occupation.

Single Family Dwelling on a lot having a minimum area of one-half acre, (21,780 s.f.).

Conditional Uses:

- Privately operated outdoor recreational facility
- Enlargement of an existing cemetery
- Equine Boarding Facility for more than six animals on a minimum 20-acre tract
- Animal Training Facility on a minimum 20-acre tract
- Riding School on a minimum 20-acre tract
- Farm implement sales and service, and other agribusiness uses oriented to and exclusively serving the agricultural community
- Veterinary office or clinic or animal hospital provided, however, if the establishment is in a major recorded subdivision or is within 500 feet of a residentially developed area or an existing R-S, R-SP, R-D, R-DP, R-M or R-MP Zoning District all animals that are treated or cared for shall be kept within a sound-proofed, air conditioned building; no odor shall be perceptible at the boundary of the premises; and the noise outside the building shall not exceed that of average daily traffic measured t the lot line.
- Public building erected by any governmental agency
- Hospital, nursing home, and educational, religious and philanthropic institution
- Nursery, pre-kindergarten, kindergarten, play, special and other private schools
- Water Tower, sewage lagoon or mechanical treatment plant where not approved under County Subdivision Regulations
- Mobile Home Subdivision
- Mobile Home not meeting the provisions of Section 4. (9) of this ordinance
- Bed and Breakfast

(6) **A-RP Planned Agriculture Residential**

A Planned Residential Development approved in accordance with the provisions of Section 6.

(7) **R-S Single-Family Residential District**

Permitted Uses:

- Agricultural activity
- Single-family dwelling (minimum lot size; 7,000 square feet)
Family Day Care Home (maximum of six children) Group Day Care Home (maximum of ten children) provided that the Day Care Home is (1) in compliance with all state regulations, and (2) meets all the criteria for a Home Occupation.

Public Park or playground

Place of worship

Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.

Golf course, except miniature course and driving tees (Ranges) operated for commercial purposes

Home Occupation

Conditional Uses:

Privately operated club with swimming pool and/or tennis courts on site of not less than five acres

Public building erected by governmental agency

Hospital, nursing home, retirement center, group home for the handicapped, and educational, philanthropic or religious institution on site of not less than five acres, provided not more than 50 percent of the site area may be occupied by buildings, and provided further, that the building shall be set back from all required yard lines and additional foot for each foot of building height

Nursery, pre-kindergarten, kindergarten, play, special, and other private schools

Waterpower, sewage lagoon or mechanical treatment plant where not approved under County Subdivision Regulations

Two-family Dwelling

Mobile Home Park or Mobile Home Subdivision in accordance with the existing mobile home park ordinance

Mobile Home not meeting the provisions of Section 4. (9) of this ordinance

Bed and Breakfast

(8) **R-SP Planned Single-Family Residential**

A Planned Residential Development approved in accordance with the provisions of Section 6.

(9) **R-D Two-Family Residential District**

Permitted Uses:
Agricultural activity
Any permitted use of the R-S District
Two-family dwelling (minimum lot area per family; 5,000 square feet)

Conditional Uses:

Any conditional use of the R-S District
Three-family dwelling on a lot having a minimum area of 10,000 square feet.

(10) **R-DP Planned Two-Family Residential District**

A Planned Residential Development approved in accordance with the provisions of Section 6.

(11) **R-M Moderate Density Residential District**

Permitted Uses:

Agricultural activity
Any permitted use of the R-D District
Privately operated club with swimming pool and/or tennis courts on site of not less than five acres
Public building erected by any governmental agency except not maintenance or storage buildings
Hospital, nursing home, retirement center, group home for the handicapped, and educational, philanthropic, or religious institution on site of not less than 5 acres provided not more than 50 percent of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines an additional foot for each foot of building height.
Nursery, pre-kindergarten, kindergarten, play special and other private school
Private recreational facility where buildings do not occupy more than ten percent of the site area
Multiple-family dwellings (minimum lot area per family; 2,500 square feet)
Home Occupation
Bed and Breakfast

Conditional Uses:

Privately operated club with swimming pool and/or tennis courts
Private recreational facility
Hospital, nursing home, retirement center, group home for the handicapped, and educational, philanthropic or religious institution on a site of less than 5 acres
Rooming or boarding house
Water tower, mechanical treatment plant or sewage lagoon where not approved under County Subdivision Regulations
Mobile Home Park or Mobile Home Subdivision in accordance with existing mobile home park ordinance
Mobile Home not meeting the provisions of Section 4A. (9) of this ordinance

(12) **R-MP Planned Moderate Density Residential District**

A Planned Residential Development approved in accordance with the provisions of Section 6.

(13) **Rec Recreation District**

Permitted Uses:

- Agricultural activity
- Club and lodge with incidental facilities
- Golf and baseball driving range
- Fishing or fly-casting pond
- Marina
- Golf course, including miniature golf course
- Pitch and putt course
- Skating rink
- Guest ranch and incidental facilities, including stable, corral, swimming pool provided they are located on a site of at least 5 acres
- Swimming pool, swim park
- Tennis court
- Reception Facility
- Other similar recreation uses

Conditional Uses:

- Animal training with incidental facilities
- Shooting preserve
- Skeet, trap shooting, pistol and rifle range
- Incidental retail sales and services accessory to the main use
- Restaurant, cafeteria, and bars when incidental to the recreational uses on the premises
- Drag strip or race track
- Travel trailer park

(14) **REC-P Planned Recreation District**
A Planned Recreational Development approved in accordance with the provisions of Section 6.

(15) **C-O Commercial Office District**

**Permitted Uses:**

- Agricultural activity
- Place of Worship
- Bank or financial institution, drive-in or otherwise
- Office or office building
- Medical, dental and psychiatric offices and out-patient clinics provided that retail sales shall be limited to those items which are professionally adjusted or fitted on the premises
- Automobile parking lot, except no disabled, wrecked or junked motor vehicles shall be permitted
- Public buildings erected by any public agency except no maintenance or storage buildings

**Conditional Uses:**

- Mortuary
- Private School
- Retail Sales and the manufacture of articles to be sold at retail only, on the premises, when such activities are accessory uses to medical and dental offices and clinics provided that the total mechanical power used in manufacturing shall not exceed five (5) horsepower for any one shop and the space devoted to sales or manufacturing shall not exceed thirty (30) percent of the total floor area, and further provided that such manufacturing use shall not be noxious or offensive
- Residential uses when located on the second floor or above

(16) **C-N Neighborhood Commercial District**

**Permitted Uses:**

- Agricultural activity
- Any permitted use of the C-O District
- Dressmaking, tailoring, shoe repair, repair of household appliances and bicycles,
catering, and bakery with sale of bakery products on the premises and other uses of a similar character

Mortuary
Personal service uses, excluding massage parlors, but including barber shop, beauty parlor, photographic or art studio, laundry or dry cleaning receiving station and other uses of a similar character

Photographic or blueprint service shops
Private school
Frozen food locker for individual or family use
Private club or lodge
Retail store provided that in connection with which there shall be no slaughter of animals or poultry, nor commercial fish cleaning and processing on the premises.

Theatre, not including drive-in theatre
Restaurants and cafeterias, not including drive-in or walk-in carry-out establishments

Self-service laundry or cleaning establishment
Shops for custom work, or the manufacture of articles to be sold at retail only, on the premises, provided that in such manufacture the total mechanical power shall not exceed five (5) horsepower for the operation of any one shop, and provided the space occupied by the manufacturing use permitted herein shall not exceed fifty (50) percent of the total floor area of the entire building and further provided that such manufacturing use is not noxious or offensive

Veterinary office or clinic where small animals are treated, cared for or kept within a soundproofed, air conditioned building provided there shall be no odor that shall be perceptible at the boundary of the premises and further provided the noise outside the building shall not exceed that of normal daily traffic measured at the lot line

Bed and Breakfast

Conditional Uses:

Automobile service station
General service and repair establishments, including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering or appliance repair
Bar or tavern
Water tower, mechanical treatment plant or sewage lagoon where not approved under County Subdivision Regulations
Residential uses when located on the second floor or above

(17) C-G General Commercial District
Permitted Uses:

- Agricultural activity
- Any permitted use of the C-N District
- Amusement centers and video arcades
- Automobile service station
- Automobile repair shop
- Bar or tavern
- Billboards and signs in compliance with Section 25
- Bowling alley or billiard parlor
- Display and salesroom
- Farm implements, sale and repair
- Farm store or feed store
- Frozen food locker
- Hotel or Motel
- Laboratory, research, experimental or testing, but not testing combustion engines or explosives
- Radio or television broadcasting station or studio
- Reception Facility
- Rental agency
- Seasonal temporary fireworks stand
- Kennel where animals are kept within a soundproofed, air conditioned building provided there shall be no odor that shall be perceptible at the boundary of the premises and further provided the noise outside the building shall not exceed that of normal daily traffic measured at the lot line
- New or used cars, mobile homes, travel trailer, or boat sales or storage lot
- Dyeing, cleaning, laundry, printing, painting, plumbing, tinsmithing, tire sales and services, upholstering and other general service or repair establishment of similar character. Not more than 10 percent of the lot or tract occupied by such establishment shall be used for the open and unenclosed storage of materials or equipment

Conditional Uses:

- Transmission facility
- Drive-in or walk-in, carry-out establishment, including restaurant and theatre
- Lumberyard and building materials
- Farm feed store with bulk feed and/or bulk fertilizer storage and mixing facilities
- Bottling works
- Collection point for recyclable material
- Wholesale establishment or warehouse (including self-storage mini-warehouse) in a completely enclosed building
Truck stop and associated uses
Railroad spur tracks and truck terminal
Water tower, mechanical treatment plant or sewage lagoon where not approved under County Subdivision Regulations
Travel trailer park
Residential uses when on the second floor or above
Portable concrete plant used for a specific construction project
Permanent fireworks stand or store

(18) **C-GP  Planned Commercial District**

A Planned Commercial Development approved in accordance with the provisions of Section 6

(19) **M-L  Light Industrial District**

Permitted Uses:

Agricultural activity
Any permitted use and any conditional use of the C-G General Commercial District except that no residential uses shall be permitted other than dwellings for resident watchmen and caretakers employed on the premises.
Generally those light manufacturing uses similar to those listed below which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat, or glare, than that which is generally associated with light industries of the types specifically permitted below:

1. Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.

2. Preparation, processing or bottling of food or beverage products; such as, bakery products, candy manufacture, dairy products and ice cream, fruit and vegetable processing and canning and processing of fish, meat and poultry products, but not the slaughtering of poultry or animals

3. Manufacture of textile products; such as, rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, printing and finishing of textiles and fibers into fabric goods
4. Manufacture or assembly of wood products; such as, boxes, furniture, cabinets, baskets, and other wood products of similar nature

5. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.

Photographic processing or blueprinting
Printing and publishing
Recycling center for metal containers having a capacity of less than five gallons and for glass, paper, plastic and aluminum

Wholesale merchandising or storage warehouses and fenced outdoor storage areas (including self-storage mini-warehouses)
Contractor's buildings and storage yards
Forges and blacksmithing
Bus barns or lots
Hatcheries
Monument or marble works
Moving, transfer or storage plants
Veterinary office or clinic, animal hospital, kennels

Conditional Uses:

Manufacture or assembly of metal or fiberglass products; such as, boats, vehicles, farm equipment, auto or machine parts, satellite receivers, nails, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet-metal products, and vitreous enameled products.
Massage Parlor
Sexually Oriented Business

(20) **M-LP  Planned Industrial District**

A Planned Industrial Development approved in accordance with the provisions of Section 6.

(21) **M-G  General Industrial District**

Permitted Uses:

Agricultural activity
Any permitted use and any conditional use of the M-L Light Industrial District
Asphalt plant
Cement or Concrete Plant
   Poultry killing and dressing for commercial purposes
   Stockyard or slaughter of animals

Conditional Uses:
   Acid Manufacture
   Distillation of bones
   Explosive manufacture or storage
   Fat rendering
   Fertilizer manufacture
   Storage of disabled, wrecked, or junked motor vehicles and associated salvage uses
   Sanitary landfill
   Glue manufacture or tankage
   Junk yard or salvage yard
   Wholesale storage of gasoline
   Any industrial use which the Commission determines is of a character similar to those listed above.

(22) M-GP Planned General Industrial District

   A Planned Industrial Development approved in accordance with the provisions of Section 6.

SECTION 6. PLANNED DEVELOPMENTS; RESIDENTIAL, RECREATIONAL, COMMERCIAL, AND INDUSTRIAL.

6.1 The general regulations contained in Sections 6.1 through 6.5 apply to all Planned Residential Developments, Planned Recreation Developments, Planned Commercial Developments, and Planned Industrial Developments.

6.1.1 Purposes. The purposes of Planned Developments are to encourage unified developments, to minimize adverse impacts on the surrounding area and to allow greater flexibility in the design of buildings and building complexes than would otherwise be possible through the strict application of district regulations.

6.1.2 Allowed Uses. The Allowed Uses in a Planned Development are determined as follows:
6.1.2.1 An applicant may request any number of permitted or conditional uses, or combination thereof, from the underlying parent zoning district. Or, when a rezoning is requested along with a planned development, an applicant may request any number of permitted or conditional uses, or combination thereof, of a requested parent zoning district contingent upon approval of the rezoning request.

6.1.3 Change of Allowed Uses. Any change in allowed uses, on a previously approved review plan or final plan shall require submittal of a new review plan and processing in accordance with this Section; such new review plan shall be known as Revised Review Plan and shall be treated as a rezoning request. Such new final plan shall be known as a Revised Final Plan. Revised review plans shall conform to and are subject to all standards and procedures of these regulations with respect to review plans. Revised final plans shall conform to and are subject to all standards and procedures of these regulations with respect to final plans.

6.1.4 Required Plans. Both an approved Preliminary Development Plan, hereinafter referred to as the "Review Plan" and a Final Development Plan, hereinafter referred to as the "Final Plan" are required for all Planned Developments.

6.1.5 Compliance with Subdivision Regulations. In the event the proposed development plan involves the subdivision of land the owner shall follow all applicable procedures, standards and requirements of the Subdivision Regulations of Boone County. In such cases the preliminary plat may be submitted concurrently with the review plan; the final plat may be submitted concurrently with the final plan.

6.1.5.1 When a review plan and a preliminary plat are submitted concurrently, they may be combined on one document provided all necessary information is clearly shown.

6.1.5.2 If the review plan and preliminary plat are not combined on the same document, they must be drawn to the same scale.

6.1.5.3 The Director may require submittal of “detail plans” of all or portions of a proposed review plan if such plans will facilitate review of the proposal.

6.2 Approval Procedures and Standards of Review

6.2.1 Concept Review: Prior to preparing the Review Plan and initiating the approval procedures the property owner or his agent, hereinafter referred to as the "proponent", is required to prepare a graphic proposal, meeting the requirements of Section 6.3, pertaining to the proposed planned development and consult with the Director or his designee in a manner consistent with procedures established by this section. The purpose of this
consultation is to discuss procedural, technical or other requirements necessary to gain approval and to obtain information and advice which could expedite matters, save the owner unnecessary expense and coordinate the plans of the proponent with those of Boone County.

6.2.2 Submission of Review Plan and Rezoning Request. The proponent of a Planned Development shall submit one original, in permanent ink on vellum or double matte polyester film, and 17 paper copies of the Review Plan to the Director.

6.2.3 Rezoning Application Required. The proponent shall submit a request for rezoning along with a request for approval of a Planned Development Review Plan if the proponent’s tract is not already in the appropriate Planned District. For example, if a property is currently zoned R-S and a planned development is proposed for the property a rezoning to R-SP is required.

6.2.4 Conditional Use Permit Not To Be Combined With Rezoning Request. Any allowed use that is listed as a conditional use in the underlying or proposed zoning district requires a conditional use permit in the planned development. The hearings for the planned development and the conditional use shall not be held concurrently. If a specific proposal for the conditional use is made in conjunction with the review plan application the conditional use application shall not be submitted until after the Commission makes a recommendation upon the review plan application.

6.2.5 Staff shall conduct a review of the proposed Review Plan and prepare a report and recommendation for the Commission. The report shall contain the following: (1) A statement indicating whether the information provided is sufficient for a recommendation to be made. (2) An analysis as to whether the information provided on the plan meets the approval criteria and standards contained in these regulations. (3) A recommendation for approval, disapproval or tabling, which may include a list of proposed conditions of approval to allow approval in compliance with these regulations.

6.2.6 Commission Action on the Review Plan. The Commission shall advertise and hold a public hearing on the Review Plan and on any accompanying request for rezoning. The public hearing shall be advertised in accordance with the provisions of Section 15.F of these regulations. The Commission, after the hearing, shall recommend to the County Commission the approval or rejection of the Review Plan, with or without modifications or conditions, and the approval or rejection of any accompanying rezoning request. The Commission’s recommendation shall include a list of allowed uses that may include some or all of the uses proposed by the proponent. Uses not specifically proposed by the proponent upon the initial Review Plan may not be added or approved. Uses not listed in the Commission recommendation are not allowed and must be removed from the Review Plan. The Commission may table action on the request, until the next regularly scheduled business meeting, should it feel that there is insufficient information upon which to base a recommendation.
6.2.7 Any development or property that has been approved as a planned residential development prior to the effective date of these regulations is considered to have been rezoned to a planned district of the corresponding parent zoning district and shall be treated as such for purposes of these regulations.

6.2.8 Any planned development approved prior to the effective date of these regulations is limited to the specific uses approved for the development. Other uses listed in the parent zoning district are not allowed without approval of a revised review plan and revised final plan that complies with these regulations which adds such uses.

6.2.9 General Standards for Approval of a Review Plan. The Commission shall review the proposed development for conformity with the county Master Plan, Major Thoroughfare Plan, subdivision and zoning regulations, the point rating system and other land planning principles. Before recommending approval of a Review Plan the Commission shall determine that:

6.2.9.1 Adequate utilities, access roads and/or other necessary facilities will be provided.

6.2.9.2 Adequate measures will be taken to provide ingress and egress designed to minimize traffic congestion on the public streets.

6.2.9.3 The proposed development is located in an area where infrastructure and services can be provided in a cost-effective manner.

6.2.10 Specific Standards for Approval of a Review Plan. The Commission and/or the County Commission may reject a Plan or may approve a Plan subject to conditions, which may include, but not necessarily be limited to the following:

- Conditions regarding proposed land use
- Deletion of proposed allowed uses
- Layout of the development
- Vehicular and pedestrian circulation
- Adequacy of and impacts to utility systems
- Adequacy of and impacts to public roadways
- Adequacy of and impacts to stormwater drainage systems and drainage ways
- buffer zones
- landscaping
- setbacks
- off-street parking
- lighting
- other factors deemed as being essential to the sound development of the area and for the protection of adjacent areas.
6.2.11 Alteration of a Review Plan, Not Allowed. Once the Commission has made a recommendation, the proponent may not propose alterations to the proposal and Review Plan without further Commission review. This shall not preclude the County Commission from requiring modifications to the Review Plan as specified in Section 6.2.12.

6.2.12 County Commission Action on the Review Plan.

6.2.12.1 After receipt of the Commission's recommendations and after public hearing the County Commission shall approve or reject the Commission’s recommendation on the Review Plan with or without modifications or conditions. The County Commission may continue the hearing to a future date after specifying the date to which the hearing is continued.

6.2.12.2 If the County Commission finds that additional information is required in order to make a decision, it shall remand the application to the Commission for further investigation and information gathering. In such cases, the Commission shall conduct additional public hearings, as necessary, after providing public notice consistent with Section 15.F. Following the public hearing(s) the Commission shall forward a recommendation, consistent with Section 6.2.6 to the County Commission.

6.2.12.3 Any accompanying requests for rezoning shall be heard at the Review Plan hearing. If the Review Plan is approved, the Official Zoning Map shall not be amended to the requested zoning district until such date that the required Final Plan is approved.

6.2.12.4 Expiration of the Review Plan. Any review plan or any portion thereof for which a final plan has not been approved shall expire and become null and void after a period of 24 months from the date the County Commission approved said review plan. The County Commission may approve a longer period of time upon a showing of good cause by the developer/proponent.

6.2.13 Commission Action on the Final Plan. Following Review Plan approval the proponent shall submit one permanent reproducible original, in permanent ink on double matte polyester film, and 17 paper copies of the Final Plan to the Commission; the applicant is strongly encouraged to submit a digital copy of the plan. At the discretion of the Commission Chairperson, in cases where the County Commission has endorsed the recommendation of the Commission without change or additional modification or conditions, the Commission's Chairperson and Secretary may approve a final Plan without full Commission review; provided the Plan meets all Final Plan requirements. After approval the permanent reproducible copy of the Final Plan shall be signed by the Commission's Chairperson and Secretary and be permanently filed by the Director of Planning. After a County Commission Order is generated for the endorsement of the Final Plan, the Final Plan shall be recorded in the office of the Boone County Recorder of Deeds. The recording fee is to be paid by the proponent.
6.2.14 Standards for Approval of the Final Development Plan. The Commission shall approve the Final Plan when it is satisfied of the following:

- All required information is accurately portrayed on the Plan.
- The Final Plan conforms to the approved Review Plan.
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

6.2.15 County Commission Order. Following approval of the final plan by the Commission, the plan shall be presented to the County Commission who shall summarily endorse the plan by Order of the Commission.

6.2.16 Issuance of Building Permits. No Building Permit or Certificate of Occupancy shall be issued for any building or use that is not in accordance with the approved Final Plan.

6.2.17 At the discretion of the Director, any change of use of a building or premises, within an approved planned development, as shown on the final plan, shall require submittal of a revised review plan and revised final plan.

6.2.18 In an approved Planned Development, any change of use not in conformance with the approved review and final plan is not allowed and shall require a revised review plan and revised final plan.

6.3 General Standards for Concept Review. Concept reviews are normally scheduled for the second and third Monday of each month. The required information must be submitted at least one week prior to the Monday on which the concept review meeting is to be held.

6.3.1 Any request for a concept review shall include the following written information on one or more 8 ½” x 11” sheets of paper:

- The assessor’s parcel numbers of all tracts included in the planned development
- The owner’s name, address, phone number and fax number (if available)
- The primary contact person’s name, address, phone number and fax number
- A brief written description of the proposal

6.3.2 Any request for a concept review shall include a graphic depiction of the proposal on one or more 8 ½” x 11” sheets of paper which includes the following information drawn to an approximate scale:

- Approximate scale
- Graphic scale on all diagram sheets
• North point
• Parcel boundaries
• Section, township and range in which the property is located
• Adjacent streets
• General layout of proposed streets and/or circulation patterns
• General location of proposed utilities
• General lot layout
• A list of proposed Allowed Uses

6.4. Review Plan - Scope and Content. The Review Plan shall encompass the entire tract, acreage and all adjacent parcels held in one ownership at the time of submission. All of the information listed below must be submitted at the time of application. Failure to provide all of the information, by the submittal deadline, will result in rejection of the application. The review plan submission shall include the following:

6.4.1 A written description of the proposal including a list of requested Allowed Uses.

6.4.2 An erosion sedimentation control plan

6.4.3 A landscape and buffering plan

6.4.4 A stormwater control plan

6.4.5 A Phasing Plan if the development is proposed to be developed in phases

6.4.6 A Site Plan titled “Review Plan” that shall clearly and legibly show, at a scale of not less than one inch equals one hundred feet (1" = 100'), the following:
  • A site location map showing the proposed planned development, all adjacent land owned by the proponent and its relationship to the surrounding area.
  • A legal description of the property included in the review plan.
  • The name of the proposed development, scale, north point, acreage and boundaries of the property to be developed.
  • The name of the owners of the property and the individual or firm responsible for the preparation of the Review Plan.
  • Existing zoning districts in the tract and within 200 feet of the property.
  • Proposed lot lines.
  • The location, use and approximate size of existing structures on the tract and within 200 feet of the property.
  • Allowable and proposed unit densities or floor area as appropriate and corresponding parking ratios and the total number of required and proposed parking spaces.
• Graphic description of the location of natural features such as wooded areas, ponds, lakes, streams, wetlands, the 100-year floodplain, slopes greater than 25% and areas of Karst topography.
• A note indicating whether any portion of the property is within the 100-year floodplain and containing a reference to the appropriate FIRM Community and Panel Number.
• The relationship of streets, drives and alleys in the Planned Development to adjacent streets, drives and alleys.
• Label and show the proposed location, size, and arrangements of structures including signs, parking areas, existing and proposed public streets and private drives, easements, utility lines, landscaping and other features of the proposed plan that are necessary to show in order to meet the requirements of Section 6.2.9 and 6.2.10.
• A block for the signature of the Chairperson of the Commission.
• A block for the signature of the Presiding Commissioner.
• The signature and seal of an architect, engineer or land surveyor duly registered to practice in the State of Missouri.

6.4.7 The Director may require the submittal of additional reports, plans and/or other information, as necessary, in order to document compliance of the proposal with Sections 6.2.9 and 6.2.10.

6.5 General Standards for Final Plan

6.5.1 Final Plan – Scope and Content. The Final Plan shall contain all of the information required on the Review Plan and shall show any changes, modifications or conditions that have been required by the Commission or County Commission.

6.5.2 Phasing of the Final Plan does not have to include the entire area included in the approved Review Plan.

6.5.3 The Final Plan shall be prepared by and have the seal and signature of an architect, engineer or land surveyor duly registered to practice in the State of Missouri.

6.5.4 The Final Plan shall be drawn clearly, legibly and graphically in ink on 24” by 36” sheets of double matte polyester film without adhesive stick-ons. When necessary the Final Plan may be on several sheets, accompanied by an index showing the entire planned development.

6.6 Planned Residential Developments.
Planned Residential Developments must comply with all provisions of Sections 6.1 through 6.5 and the following additional provisions:


6.6.2 In the A-1P, and A-2P Districts permitted uses shall be restricted to single-family detached dwellings, and the accessory buildings and uses permitted in the A-1, and A-2 districts. Single-family attached dwellings may be permitted upon demonstration of architectural compatibility with the character of the surrounding area.

6.6.3 Housing Types. In the A-RP, R-SP, R-DP and R-MP Districts, housing may consist of single, two-family or multiple-family dwellings, or any combination thereof.

6.6.4 Yard, Setback, Height and Lot Size Requirements. The minimum yard, setback, minimum lot size and maximum height requirements of the district in which the development is located may be varied upon approval by the Commission except that minimum setbacks equal to a front yard setback for the corresponding non-planned parent zoning district shall be provided around the boundaries of the planned development.

6.6.5 Density. The number of dwelling units permitted shall be determined by dividing the net development area within the proposed PRD by the net development area per residence required by the corresponding non-planned parent zoning district in which the area is located as indicated in the following table:

<table>
<thead>
<tr>
<th>Parent Zoning District</th>
<th>Net Development Area Per Residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1 Agriculture</td>
<td>10-acres</td>
</tr>
<tr>
<td>A-2 Agriculture</td>
<td>2.5-acres</td>
</tr>
<tr>
<td>A-R Agriculture Residential</td>
<td>½ - acres (21,780 square feet)</td>
</tr>
<tr>
<td>R-S Residential Single Family</td>
<td>7,000 square feet</td>
</tr>
<tr>
<td>R-D Two-Family Residential</td>
<td>5,000 square feet</td>
</tr>
<tr>
<td>R-M Moderate Density Residential</td>
<td>2,500 square feet</td>
</tr>
</tbody>
</table>

Net development area shall be determined by subtracting the area set aside for churches, schools, and other non-residential uses from the gross development area. The area set aside for permanent common open space shall be included in determining the number of dwelling units permitted. Land covered by water may be included in the open space, for purposes of calculating density, according to the following table (the figures are representative of the maximum percentage of total open space that may be covered by water and still be used for density calculations):

| Planned Agriculture, A-1P          | 60% |
| Planned Agriculture, A-2P          | 20% |
| Planned Agriculture Residential, A-RP | 15% |
6.6.6 More than one dwelling unit may be proposed on individual lots.

6.7 Planned Recreation District. Planned recreation developments must comply with all provisions of sections 6.1 through 6.5 and the following additional provisions:

6.7.1 In general, the height and bulk of buildings, the amount of open space, the parking and loading requirements shall be equal to those in the REC district. The Commission may vary yard, setback, and parking requirements of the REC district except that a 25 foot minimum setback shall be provided around the boundaries of the planned development. The minimum distance between structures shall be as provided in the Building Code as adopted by Boone County.

6.8 Planned Commercial Developments. Planned Commercial Developments must comply with all provisions of Sections 6.1 through 6.5 and the following additional provisions:

6.8.1 In general, the height and bulk of buildings, the amount of open space, the parking and loading requirements shall be equal to those in the Commercial District. The Commission may vary the minimum yard, setback, and parking requirements of the Commercial District except that a minimum 20 foot setback shall be provided around the boundaries of the planned development. Minimum distance between structures shall be as provided in the Building Code as adopted by Boone County.

6.9 Planned Industrial Developments. Planned Industrial Developments must comply with all provisions of Sections 6.1 through 6.5 and the following additional provision:

6.9.1 In general, the height and bulk of buildings, the amount of open space, the parking and loading requirements shall be equal to those in the Industrial District. The Commission may vary the minimum yard, setback, and parking requirements of Industrial District except that a minimum 25 foot setback shall be provided around the boundaries of the planned development. Minimum distance between structures shall be as provided in the Building Code as adopted by Boone County.

6.10 Conflicting Requirements.

Procedures, standards and requirements contained in this Section shall prevail over conflicting requirements of Sections 5, 9A & 9B, 10, 11, and 14 of this Zoning Ordinance.
SECTION 7. ACCESSORY BUILDINGS AND USES FOR NON-AGRICULTURAL USES

A. Accessory buildings and uses for non-agricultural uses are permitted when in accordance with the following:

(1) In the A-1 and A-2 Agricultural Districts accessory buildings and uses are limited to:

A private residential garage

Tennis court, swimming pool, non-commercial greenhouse, garden house, barbecue oven, fireplace and similar uses customarily accessory to residential uses.

Satellite dish antenna

Collectors for solar and other alternate energy sources

Roadside stands for the sale of agricultural products produced on the premises.

(2) In the A-R, R-S, R-D and R-M Districts accessory buildings and uses are limited to:

Those accessory buildings and uses permitted in the A-1 and A-2 Agricultural Districts except roadside stands shall not be permitted.

(3) A single accessory dwelling is allowed on legally created individual parcels that are 20-acres or larger in size up to a maximum of two total dwelling units on said individual 20-acre or larger parcels.

(4) In Commercial Districts there may also be:

Accessory dwelling unit on floors above or attached to commercial uses for occupancy by the owner or employee.

Incidental storage provided such storage does not exceed 40-percent of the floor area of a building in the C-N and C-G districts.
A manufactured home may be used as an office in the commercial or industrial districts provided that all existing building code and zoning regulations are complied with and the unit is placed on a foundation, or is tied down and under-skirted.

(5) There shall be the following additional regulations for accessory buildings located on legally created parcels less than 5-acres in area:

No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material and equipment by a contractor during building construction, with said shed or wagon being removed from the property within 10 days following the completion of the construction.

Legally created parcels that are 5-acres in area or larger may have a single accessory personal storage structure, without a primary structure on the parcel, provided the structure is not used for any type of commercial use including home occupation.

No accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall.

Accessory buildings may not be used for dwelling purposes except as provided in (3) and (4) above.

SECTION 8. NONCONFORMING USES

8.1 Nonconforming Use of Land and Buildings. Except as otherwise provided herein, the lawful use of open land or of a building existing at the effective date of this ordinance may be continued although such use does not conform to the provisions of the zoning district or regulations. The nonconforming use of land shall not be extended or enlarged, either on the same or adjoining property.

8.1.1 Change of Use. A nonconforming use of land or a building may, if no structural alterations are made, be changed to another nonconforming use of the same or of a more restricted/less intensive classification by Conditional Use Permit. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted/more intensive use.
8.1.1.2 The most restrictive/least intensive district and category in which the current non-conforming use is listed, either as a permitted or conditional use, establishes the category of uses to which the current non-conforming use may be changed by Conditional Use Permit.

8.1.2 The nonconforming use of an existing building may be hereafter extended throughout those parts of that building, which were lawfully and manifestly arranged or designed for such use on or before December 27, 1973.

8.2 Discontinuance of Nonconforming Use

8.2.1 Vacancy. Any lot or structure or any portion thereof, occupied by a nonconforming use, which is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of one year shall not thereafter be occupied, except by a use which conforms to the zoning district in which the lot or structure is located.

8.2.2 Destruction. No building, which has been damaged by any cause to the extent equal to more than seventy-five (75) percent of the actual value of the building immediately prior to the damage, shall be restored except in conformity with the regulations of this ordinance. In such cases all rights as a nonconforming use are terminated.

8.3 Repair, enlargement and/or modifications shall not be allowed on any land or structure containing a nonconforming use except in accordance with this section. If any nonconforming structure or use is, by any cause, damaged to the extent of less than 75 percent of the actual value of the building immediately prior to the damage, it may be repaired to its original footprint and floor area. All rights as a nonconforming use are continued provided the repairs are completed within 12 months of the date of such damage. If the repairs are not completed within 12 months of the date of such damage, all rights as a nonconforming use are terminated.

8.4 Nonconforming Lots of Record. Where a lot of record has less area than required for the district in which it is located, said lot may be used for any use permitted in the district in which it is located provided that all minimum setback or yard requirements are met.

8.5 Conditional Uses Not Nonconforming. Existing uses eligible for conditional use permits shall not be considered to be nonconforming uses but shall require a conditional use permit for any alteration, enlargement, continuation, or extension.

8.6 Certificate of Occupancy for a Nonconforming Use. Nonconforming uses existing at the effective date of this ordinance shall apply for a Certificate of Occupancy no later than January 1, 2006. The existence of a nonconforming use shall be a question of fact and
shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board. Failure to apply for a Certificate of Occupancy for Nonconforming Use by January 1, 2006 shall result in the loss of all nonconforming rights. In obtaining a Certificate of Occupancy for Nonconforming Use, the burden of proof is upon the applicant. The applicant must provide competent evidence of the continuous existence of the nonconforming use since December 27, 1973 and all changes of use since December 27, 1973.

8.6.1 Certificate of Occupancy for Nonconforming Signs. The owner of a nonconforming sign shall obtain a Certificate of Occupancy for a Nonconforming Sign. If the application for the certificate of occupancy is made prior to January 1, 2006 the Director may issue the certificate of occupancy. If the application for certificate of occupancy is made after January 1, 2006, the existence of the sign as a nonconforming use shall be a question of fact and shall be decided by the Board of Adjustment after public notice and hearing and in accordance with the rules of the Board.

8.6.1.1 Applications to the Director for certificate of occupancy are subject to the following:

- The application for certificate of occupancy shall be submitted on form(s) provided by the Director. The applicant shall attach all documentation necessary to establish the existence of the nonconforming use. It is the responsibility of the applicant to obtain all such information. The applicant shall also submit a list containing the owner’s name, address and parcel number for each property within 1000-feet of the property on which the sign is located.

- Notice of the application shall be sent to the owners of all property within 1000-feet of the property on which the sign is located. The applicant shall pay all notification costs.

- All evidence of the nonconforming sign must originate from public records such as building permit records, tax records and aerial photographs maintained by a public agency. If the existence of a nonconforming sign cannot be established through the use of evidence from public records, the application shall be referred to the Board of Adjustment for decision.

- The certificate of occupancy shall specify the elements from Section 25 with which the sign does not comply.

- The decision of the Director may be appealed to the Board of Adjustment.

- The Director may defer any decision to the Board of Adjustment.
SECTION 9. HEIGHT REGULATIONS

A. Maximum height limits established for non-farm buildings and structures are as follows:


(2) Forty-five feet in the C-O, C-N, C-G, C-GP, M-L, M-LP, M-G and M-GP Districts.

B. The above height limits may be exceeded in the following instances:

(1) Buildings and structures, when permitted in the district, may be erected to a height not exceeding 100 feet if the building or structure is set back from each yard line at least one foot for each additional foot of height above the height limit otherwise permitted in the district in which the building or structure is located.

(2) Buildings and structures, when permitted in the district, may be erected to such height as may be authorized by a Conditional Use Permit obtained in accordance with the provisions of Section 15.A.

C. Airspace Height Limits for Public and Private Airports.

Height restrictions for airspace needed for public and private airports shall be in accordance with the most current Federal Aviation Regulations. Additionally, the following height restrictions apply in relation to Columbia Regional Airport:

(1) Structures within one mile of Columbia Regional Airport, as measured from the nearest point of the airport property boundary, shall be limited in height to 50 feet above the airport elevation.

(2) Structures located more than one mile but less than two miles from Columbia Regional Airport, as measured from the nearest point of the airport property boundary, shall be limited to a height of 100 feet above the airport elevation.

(3) Structures located more than two miles but less than three miles from Columbia Regional Airport, as measured from the nearest point of the airport property boundary, shall be limited to a height of 150 feet above the airport elevation.
(4) Structures located more than three miles but less than four miles from Columbia Regional Airport, as measured from the nearest point of the airport property boundary, shall be limited to a height of 200 feet above the airport elevation.

(5) Structures located more than four miles but less than five miles from Columbia Regional Airport, as measured from the nearest point of the airport property boundary, shall be limited to a height of 250 feet above the airport elevation.

(6) Structures located more than five miles but less than six miles from Columbia Regional Airport, as measured from the nearest point of the airport property boundary, shall be limited to a height of 300 feet above the airport elevation.

(7) In applying these height restrictions, the heights of a structure may be increased within each of the above categories one additional foot for every 106 feet of additional distance beyond the closest point to the airport within that category.

SECTION 10. YARD REQUIREMENTS

A Minimum Yard Requirements

The following minimum yards for non-farm uses, measured in feet, shall be provided within the districts indicated below:

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>FRONT</th>
<th>REAR</th>
<th>SIDE MINIMUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1, A-2</td>
<td>50</td>
<td>50</td>
<td>15</td>
</tr>
<tr>
<td>A-R, R-S,</td>
<td>25</td>
<td>25</td>
<td>6</td>
</tr>
<tr>
<td>R-D, R-M</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>REC</td>
<td>10</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>C-O, C-N,</td>
<td>10</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td>C-G, C-GP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>M-L, M-G,</td>
<td>25</td>
<td>25</td>
<td>6</td>
</tr>
<tr>
<td>M-LP</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Additional Requirements The following additional yard requirements must also be observed:
(1) On lots fronting on two non-intersecting streets, front yard setbacks shall apply on both streets.

(2) On corner lots front yard setbacks will apply on both streets. On corner lots that were lots of record on December 27, 1973, the buildable width cannot be reduced to less than 28 feet, except that there shall be a yard along the side street side of such a lot of at least five (5) feet.

(3) In the Commercial and Industrial Districts there may be more than one building on a lot provided that the required yards are maintained around the group of buildings.

(4) There may be two or more related multi-family, hotel, motel or institutional buildings on a lot; provided that (a) the required yards be maintained around the group of buildings and (b) buildings that are parallel or that are within 45 degrees of being parallel be separated by a horizontal distance that is at least equal to the height of the highest building.

(5) Buildings containing attached, single-family dwelling units shall be permitted in the R-M District provided that the total length of any one such building shall not exceed 160 feet. Except for the end units, each dwelling building shall have a common wall with at least two other dwelling units. The building containing the attached dwellings shall meet all the yard requirements for the R-M District. Each attached single-family dwelling shall front onto a public street.

(6) Those parts of buildings existing on December 27, 1973, that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered unless permitted in accordance with paragraph (2) above.

(7) Required front yards shall be devoted entirely to landscape area except for off street parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yard.

(8) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of front or side yard shall be measured from such official line to the nearest line of the building.

(9) The minimum width of side yards for schools, libraries, churches, community buildings and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a commercial or industrial district, in which case the width of that yard shall be as required in the district in which the building is located.

(10) No sign, fence, wall, shrub or other obstruction to vision exceeding two feet in height above the established street grade shall be erected, planted or maintained within the area of a
corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 20 feet distant from the intersection of the street right-of-way lines.

(11) Yard requirements shall be measured as follows:

(a) Yard requirements for lots fronting on state roads shall be measured from the closest edge of the dedicated roadway right-of-way.

(b) In subdivisions or areas having a dedicated roadway right-of-way, yard requirements shall be measured from the closest edge of the right-of-way.

(c) On roads not having a dedicated roadway right-of-way, yard requirements shall be measured from a point at least 15 feet from the closest center of the road. Right-of-way for roads designated on the Thoroughfare Plan as having a higher classification shall have a right-of-way as set forth in the most current Boone County Subdivision Regulations.

C. Exceptions to Yard Requirements  The following exceptions may be made to the yard requirements:

(1) Sills, belt courses, window air-conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed 24 inches.

(2) Filling station pumps and pump islands may occupy required yards provided, however, that they are at least 15 feet from all lot lines.

(3) When located in side or rear yards above ground, commercial fuel tanks shall not be erected closer than 15 feet to a side or rear lot line. Above ground fuel tanks shall not be permitted in required front yards.

(4) Open fire escapes, fireproof outside stairways and balconies opening upon fire towers and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one half feet when so placed as to not obstruct light and ventilation, may be permitted by the Director of Planning.

(5) Terraces which do not extend above the level of ground (first) floor may project into a required side yard, provided these projections are at least two feet from the side lot line.

(6) Accessory buildings may be located in a side or rear yard but may not occupy more than 30 percent of the yard in which it is located.

(7) Any accessory building less than ten feet from a main building shall be considered as part of the main building and shall be provided with the side and rear yard required for the main building.
(8) Any accessory building more than ten feet from a main building may be erected not closer than two feet to a side or rear lot line, but must be located at least 60 feet from the front street line.

(9) In addition to the locations permitted by the above yard exceptions for accessory buildings, satellite dish antennae, and collectors for solar energy may also be located in a front yard but must be at least 25 feet from the front street line.

(10) On corner lots the minimum buildable width of 28 feet for main buildings is reduced to 22 feet for accessory buildings.

SECTION 11. AREA REGULATIONS

A. Minimum Lot Areas

The following minimum lot areas must be provided in the districts indicated:

<table>
<thead>
<tr>
<th>District</th>
<th>LOT AREA PER FAMILY IN SQ. FT.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single Dwelling</td>
</tr>
<tr>
<td>A-1</td>
<td>10 acres*</td>
</tr>
<tr>
<td>A-2</td>
<td>2 1/2 acres*</td>
</tr>
<tr>
<td>A-R</td>
<td>1/2 acre*</td>
</tr>
<tr>
<td>R-S</td>
<td>7,000</td>
</tr>
<tr>
<td>R-D</td>
<td>7,000</td>
</tr>
<tr>
<td>R-M</td>
<td>7,000</td>
</tr>
</tbody>
</table>

* or as specified in Section 3 and Section 5 (1/2 acre = 21,780 sq. ft.) There are no minimum area requirements in the Recreation, Commercial, and Industrial Districts.

B. Exceptions to Lot Area Requirements

The minimum lot area requirements established above may be modified as follows:

(1) Where a lot of record, on December 27, 1973, had less area than herein required in the district in which it is located, said lot may nevertheless be used for a one-family dwelling or
for any non-dwelling use permitted in the district in which it is located provided that all minimum yard requirements are met.

(2) Existing buildings that are in violation of lot area requirements may be remodeled or repaired, but may not be reconstructed or structurally altered unless made to conform to these requirements.

SECTION 12. SEWAGE DISPOSAL IN THE SINK HOLE AREAS

Where public or community sewer systems are not available, suitable sewage disposal systems shall be designed and installed at the owner's expense, in accordance with plans prepared by a registered professional engineer. All sewage or wastewater system inspections shall be performed at the owner's expense by, or under the supervision of, a registered professional engineer. Following completion of the installation of the wastewater system, the engineer responsible for the design and inspection of the installation of the wastewater system shall provide the Director with a letter of certification stating that the wastewater system has been properly designed for a sinkhole area and installed according to the design. Special attention shall be given to the following localities designated as sink hole areas by the Missouri Department of Natural Resources;

Designated sinkhole areas are as follows:

Pierpont area:

- Section 7 Township 47 North Range 12 West: the South Half
- Section 8 Township 47 North Range 12 West: the South Half
- Section 17 Township 47 North Range 12 West: Northwest Quarter and the North Half of the Northeast Quarter.
- Section 18 Township 47 North Range 12 West: North half of the Northwest Quarter and the Northeast Quarter.
- Section 21 Township 47 North Range 12 West: the East half
- Section 28 Township 47 North Range 12 West: the West Half of the Southwest Quarter
- Section 29 Township 47 North Range 12 West: the Southeast Quarter, the South Half of the Northeast Quarter and the East Half of the Southwest Quarter.
- Section 12 Township 47 North Range 13 West: the East Half of the Southeast Quarter

Rocheport and Huntsdale Area;

- Section 7 Township 48 North Range 14 West: the Northeast Quarter and the Northwest Quarter.
- Section 8 Township 48 North Range 14 West: the Southwest Quarter and the Southeast Quarter.
• Section 9 Township 48 North Range 14 West: the South Half.
• Section 15 Township 48 North Range 14 West: the West Half.
• Section 16 Township 48 North Range 14 West: the entire section.
• Section 17 Township 48 North Range 14 West: the East Half and the East Half of the Northwest Quarter.
• Section 21 Township 48 North Range 14 West: the North Half.
• Section 22 Township 48 North Range 14 West: the Northwest Quarter.

Midway Area;

• Section 2 Township 48 North Range 14 West: the West Half of the Northeast Quarter and the East Half of the Northwest Quarter.
• Section 19 Township 49 North Range 13 West: the Southeast Quarter.
• Section 20 Township 49 North Range 13 West: the South Half.
• Section 29 Township 49 North Range 13 West: the North Half.
• Section 30 Township 49 North Range 13 West: the Northeast Quarter.
• Section 26 Township 49 North Range 14 West: the entire section.
• Section 35 Township 49 North Range 14 West: the East Half.

SECTION 13. THE KEEPING OF ANIMALS IN RESIDENTIALLY DEVELOPED AREAS

The following restrictions shall apply to the keeping of animals in residentially developed areas where the size of lots is 3 acres or less:

(1) The keeping, feeding and maintenance of domesticated animals and fowl is permitted for non-profit purposes only.

(2) The slaughter of animals and fowl is permitted only where intended for consumption by the resident family.

(3) Buildings for the housing of animals, other than household pets, shall not be kept within fifty (50) feet of a dwelling on adjoining property.

SECTION 14. OFF-STREET PARKING AND LOADING REGULATIONS

A Off-Street Parking Requirements Off-street parking spaces shall be provided in all districts as follows:
(1) Single-family and two-family dwellings- two spaces per dwelling unit.

(2) Multiple dwellings- two spaces for each dwelling unit.

(3) Rooming and boardinghouses, sororities, and fraternities- one parking space for each two occupants.

(4) Private club or lodge- one parking space for each 100 square feet of floor area.

(5) Place of worship- one parking space for each four seats in the main auditorium.

(6) School- for high schools, colleges and universities, 10 spaces per classroom; for elementary schools, two parking spaces per classroom.

(7) Hospital- two parking spaces for each bed.

(8) Sanitarium or institutional home- one parking space for each three beds.

(9) Funeral Homes- one parking space for each four seats in the main auditorium, plus one for each funeral home vehicle plus one for each family vehicle.

(10) Auditoriums, theatres and other places of public assembly- one parking space for each five seats.

(11) Community center, library, museum, or similar public or semi-public building- one parking space for each 300 square feet of floor area in the building.

(12) Hotel or motel- five parking spaces plus one space for each sleeping room or suite.

(13) Medical office building- buildings in which 20 percent or more of the gross area is occupied by members of the healing profession. One parking space for each 200 square feet of the gross area used for this purpose.

(14) Manufacturing or industrial establishment- one space for each 300 square feet of floor area, whichever is greater, plus space to accommodate all trucks and other vehicles used in connection therewith.

(15) Wholesale, warehouse, or similar establishment- one space for each 2,000 square feet of floor area.
(16) **Recreational uses**- ten parking spaces in addition to any parking spaces required by structures associated with the use.

(17) All nonresidential buildings, except those above specified - one space for each 300 square feet of floor area.

B. **Rules for Computing Parking Spaces**  In computing the number of required off-street parking spaces the following rules shall apply:

(1) Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.

(2) Where fractional spaces result, the parking spaces required shall be the nearest whole number.

(3) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of various uses computed separately.

C. **Location of Required Parking Spaces**  The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located on an area within 300 feet of said building on a lot zoned for commercial or industrial uses, and two or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot with building or use served, the usage of the lot or tract upon which said parking spaces are provided shall be restricted by an instrument of record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by this ordinance.

D. **Minimum Improvement and Maintenance Standards**  Parking lots and garages shall conform to the following improvements and maintenance standards:

(1) Such lot shall have a dust free surface composed of a minimum level of improvement equivalent to a chip and seal surface.

(2) Adequate provision shall be made for the disposal of storm water.

(3) The location and width of entrances and exists to and from the lot or garage shall be in accordance with the standards adopted by the County Commission.

(4) The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be indicated by painting upon the surface, by raised directional signs, or by markers or other similar measures placed in the surfacing.
(5) Whenever a parking lot is lit, all lights shall be shielded, so that a minimum of glare will extend to adjacent property, street, or road.

(6) Lots utilized as display lots for vehicles, boats, mobile homes, manufactured homes and farm equipment may provide a dust free parking surface that does not comply with Section (1) above.

(7) Lots utilized as Equine Boarding Facilities, Animal Training Facilities or Riding Schools shall not require a dust free surface unless specifically required by the terms of a Conditional Use Permit.

E. Off-Street Loading Requirements

There shall be provided at the time any building is erected or structurally altered, off-street loading space in accordance with the following requirements:

(1) Office Buildings, Apartments, Apartment Hotels, Motels, and Hotels - one space for each 5,000 to 50,000 square feet of gross floor area; two spaces for each 50,000 to 200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 200,000 square feet.

(2) Retail or Service Establishment or Wholesale Commercial Use - one space for each 2,000 to 20,000 square feet of gross floor area; two spaces for each 20,000 to 100,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 100,000 square feet.

(3) Manufacturing or Industrial Use - one space for each 10,000 square feet of floor area or fraction thereof in excess of 5,000 square feet.

(4) In all cases where the off-street loading space is located in a manner that a truck must back directly from a major street into a loading space, a maneuvering space of not less than 50 feet shall be provided on the lot on which the industrial use is located.

SECTION 15. ADMINISTRATION

A. Conditional Uses

(1) Applications for conditional use permits for uses specifically authorized for conditional consideration in the district use regulations shall be made to the County Commission. The County Commission shall refer the application to the Planning Commission for investigation and public hearing. Adjoining property owners within 1000 feet shall be notified by first class mail of the request and hearing date. Following a public hearing, the Planning Commission shall
vote on a recommendation to either approve or deny the request. A record of the recommendation shall be forwarded to the County Commission and shall include the wording of the motion and the action taken. Upon receipt of a recommendation from the Planning Commission, the County Commission shall conduct a public hearing and either approve or deny the request or continue action for a period of not more than 45 days. Should the Planning Commission fail to forward a report of their action to the County Commission within 60 days of the date of referral to the Planning Commission, it shall be assumed that the Planning Commission has recommended approval of the request. No application for a conditional use permit will be accepted if it is the same or substantially the same as an application submitted within the previous 12 months and which was denied by the County Commission or withdrawn by the applicant.

(a) Requests for structures having height in excess of 200 feet shall require additional notification beyond the 1,000 feet as noted above. In such cases, each additional 50 feet in height shall require notification to be extended for an additional 500 feet, up to one mile in distance from the location of the structure.

(2) Criteria for Approval. It is the responsibility of the applicant to provide sufficient information/documentation to allow approval of the conditional use permit. Before authorizing the issuance of such a conditional use permit, the County Commission shall satisfy itself that:

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.
(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

(3) Any approved conditional use permit must be utilized within one year of approval by the County Commission, unless a longer period of time is approved for initial utilization. Failure to exercise an approved permit within this period of time will automatically invalidate the permit. An invalidated permit can only be renewed by reapplication and approval as outlined above. If a use authorized by a conditional use permit ceases for twelve months, said permit shall become void.

(4) In the event that it appears to the Director that the holder of a conditional use permit is making use of the permit or premises in violation of the permit, or is permitting others to use the permit or premises in violation of the permit, the Director may file a written complaint with the County Commission, which for cause shown, shall have authority to revoke the permit. The Director will send a copy of the complaint to the holder of the permit, by first class mail to his last known address, at least 45 days prior to a scheduled public hearing to consider revocation of a permit. The Director shall prove by a preponderance of the evidence that violation(s) of one or more conditions of the permit has occurred and shall show cause as to why the permit should be revoked. If the County Commission finds that one or more conditions have been violated, upon hearing the evidence of the director and the permittee, it may revoke the permit. Failure of the permittee to appear at the County Commission hearing or to present evidence shall not constitute grounds to avoid revocation of the permit. The Director may, in his discretion, dismiss the complaint prior to hearing if he determines that the violation(s) alleged in the complaint has been corrected.

(5) Applications shall include the following minimum information:

(a) The name, address and telephone number of the property owner and the potential buyer or lessee of the property. Corporate applicants shall list the names, titles and addresses of the officers and the Board of Directors of the corporation. A copy of the corporate certificate of good standing with the state of Missouri shall be attached.

(b) A legal description of the property included in the request. Proof of ownership by the applicant shall be attached to the application.

(c) The present zoning of the land included in the request.

(d) The present use of land included in the request.
(e) The size of the tract included in the request, broken down either by acreage or square feet.

(f) The zoning of land adjacent to the land included in the request.

(g) The proposed use of land if the permit is approved. This description should be as complete as possible.

(h) The classification of conditional use requested, the reason or justification for the request being submitted and a sketch of the tract of land showing existing structures and proposed structures.

(i) A site plan that shall clearly and legibly show, at a scale of not less than one inch equals one hundred feet (1”=100’), the following:

- Scale, north point, boundary and area of land included in the request
- The name of the owners of the property, name of the applicant and the name of the person and/or firm who prepared the site plan
- The location, use and approximate size of existing structures on the tract and within 200-feet of the boundary of the request
- The location, use, size and arrangement of structures, signs, parking and loading areas, existing and proposed public streets, existing and proposed private drives, all known easements, utility lines, landscaping and other features of the proposed conditional use that are necessary to show in order to document compliance with the approval criteria contained in Section 15.A.2
- Access points to the property from public streets, roads and highways
- The location and size of existing and proposed on-site wastewater systems. The type of wastewater system shall be listed and copies of any existing wastewater operating permits shall be attached

(j) The signature of the property owner or his authorized agent and the signature of any potential buyer or lessee or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.

(k) The names and addresses of all property owners owning land within 1,000 feet of the property under consideration for a conditional use permit.

(l) The application shall include photographs of the property and existing structures as well as any proposed mobile homes or manufactured structures to be placed on the property.

(m) The application shall include the floor plan and front elevation view of
any site built structure proposed to be constructed.

(n) Failure to provide any of the required material will result in the invalidation of the application.

(6) In cases where the Planning and Zoning Commission recommends denial of a request, the County Commission shall summarily endorse denial action of the Commission unless; (1) the applicant files in the Department office within 72 hours (three working days) following the Planning Commission hearing a notice of appeal to the County Commission stating grounds why the Planning Commission recommendation for denial is in error; and (2), the applicant appears before the County Commission in person or by representative with written authorization of the owner.

(7) In cases where the Planning and Zoning Commission recommends approval of an application, the County Commission will summarily deny the application if: (1) the applicant does not appear at the County Commission hearing in person or by representative, and (2) there is opposition to the application expressed in person at the County Commission hearing.

(8) It is the applicant's responsibility to demonstrate to the Planning and Zoning Commission and the County Commission by competent, substantial evidence that the requirements of the standards for granting a conditional use permit set forth in Section 15.A(2) are satisfied.

B. CONDITIONAL USE PERMITS FOR TRANSMISSION FACILITIES

(1) PURPOSES AND GENERAL PERMIT REQUIREMENT

(a) These regulations are intended to regulate the placement and construction of telecommunication transmission towers and transmission facilities in order to protect and promote the public health, safety and welfare, to protect the environment, to promote the efficient use of land and to preserve property values.

(b) No transmission facility or tower as defined herein shall be constructed, erected, maintained or operated except under conditional use permit issued in accordance with these regulations in areas zoned for such conditional uses.

(2) DEFINITIONS

As used in these regulations, unless the context clearly indicates otherwise, the following terms shall have the following meanings:
(a) Telecommunications Equipment - telecommunications antenna and accessory electronic equipment not including transmission towers, buildings or other equipment not directly related to the operation of antenna.

(b) Transmission Facility - Transmission tower, buildings, guy wires, guy anchors, land or site permitted under these regulations, fence and other equipment necessary for the transmission of telecommunication signals authorized by these regulations.

(c) Transmission Facility Operator - any person(s), partnership, corporation, association, organization or entity of any type or kind that owns or has a legal possessory interest in a transmission facility and the owner of land upon which a transmission facility exists and is permitted under these regulations if different than the owner of the transmission facility, but excluding any person(s), partnership, corporation, association, organization or entity of any type or kind who leases or otherwise is permitted to place one or more antennas on a transmission tower but have no ownership interest in the transmission tower upon which they are placed.

(d) Transmission Tower - a land based tower used as a base for those antennas specified in these regulations.

(3) APPLICABILITY

(a) These regulations apply to land based transmission facilities and the accessory facilities permitted under Section (4)(i) or the following uses in areas zoned A-1, A-2 and C-G provided they comply with Sections (4) and (6) of these regulations:

(a) 1. VHF and UHF television;

(a) 2. FM radio;

(a) 3. Two-way radio;

(a) 4. Common carriers;

(a) 5. Cellular telephone; and

(a) 6. Fixed-point microwave.

(a) 7. Low-power television; and
(a) 8. AM radio.

(b) An antenna and supporting structure for the following use is permitted in any district if accessory to a permitted use and if it complies with applicable regulations of the district in which it is situated:

(b) 1. Amateur radio;

(b) 2. Citizen band radio;

(b) 3. A telecommunication device that only receives an RF signal, and;

(b) 4. A sole-source emitter with more than one kilowatt average output.

(c) A source of nonionizing radiation can be attached to an approved tower or structure in any district if the planning director finds the source complies with Sections (4)(k) and (6).

(4) APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY

(a) Applications for new transmission facilities shall be considered only when an existing or approved transmission facility cannot accommodate the telecommunications equipment planned for the proposed transmission facility.

(a) 1. Planned telecommunications equipment cannot be accommodated on an existing or approved transmission tower if:

(a) 1.1. Planned telecommunications equipment would exceed the structural capacity of an existing or approved transmission tower, and the transmission tower cannot be reinforced to accommodate planned telecommunication equipment at a reasonable cost;

(a) 1.2. Planned telecommunications equipment will cause radio frequency interference with other existing or planned telecommunications equipment for that transmission tower and the interference cannot be prevented at a reasonable cost;

(a) 1.3. Existing or approved towers do not have space on which planned telecommunication equipment can be placed so it can function
effectively and at least in parity with other similar telecommunication equipment in place or approved by the Boone County Commission;

(a) 1.4. Addition of planned equipment to an existing or approved transmission tower would result in NIER levels in excess of those permitted under Section (6); or

(a) 1.5. Other reasons that make it impracticable to place the telecommunications equipment planned by the applicant on an existing and approved transmission tower.

(a) 2 No application for a new transmission facility shall be considered unless the applicant is unable to lease or otherwise secure space on an existing or planned transmission tower.

(a) 2.1 Shared use of an existing or approved tower shall be conditioned upon the applicant's agreement to pay reasonable fees and costs associated with adapting existing facilities to the proposed use, including but not limited to reasonable costs for reinforcing or modifying a tower or structure, for preventing radio frequency interference and other changes reasonably required to accommodate shared use.

(a) 2.2. The fees and costs for shared use are unreasonable, among other reasons, if they exceed the cost of the proposed transmission tower.

(a) 2.3. The County Commission may consider expert testimony to determine whether the fees and costs are reasonable.

(a) 2.4. Once the County Commission finds that telecommunications equipment proposed by the applicant cannot be accommodated on an existing or approved tower, each tower so found is presumed unable to accommodate similar equipment that may be proposed in the future, unless evidence is introduced to demonstrate otherwise.

(b) Applications for new transmission facility sites shall be considered only when an existing or approved transmission facility cannot accommodate the telecommunications equipment planned for the proposed new transmission facility.

(b) 1. A planned transmission facility cannot be accommodated on the site of an existing or approved transmission facility and still comply
with the provisions of Section (4) (c).

(b) 2. Shared use of a site shall be conditioned on the applicant's agreement to pay reasonable fees and costs of adapting existing transmission facilities to the proposed use, including but not limited to the measures listed in Section (4) (a) 2.1.

(b) 3. The County Commission may consider expert testimony to determine whether the fees and costs are reasonable.

(b) 4. Once the County Commission finds that the new transmission tower proposed by the applicant cannot be accommodated on the site of an existing or approved transmission facility, each site so found is presumed unable to accommodate similar transmission facilities that may be proposed in the future.

(c) Transmission facilities shall be set back from abutting property or roads sufficient to:

(c) 1. Substantially contain on-site ice-fall or debris from tower failure;

(c) 2. Protect the general public from NIER in excess of that allowed in Section (6); and

(c) 3. Create open spaces for public safety purposes. A site is of sufficient size to comply with this requirement if:

(c) 3.1. Accessory structures and guy wire anchors shall comply with the setback standard in the underlying zoning district;

(c) 3.2. A tower base is set back from property lines or roads by a distance equal to the tower height.

(d) Transmission towers shall structurally accommodate the maximum number of foreseeable users technically practicable and shall be designed to comply with the following standards:

(d) 1. Television towers shall be designed to accommodate at least 2 high-power television antennas, 4 microwave antennas, 1 FM radio antenna, a two-way radio antenna for every 100 feet of tower height over 200 feet, and space for one public safety two-way radio antenna.
(d) 2. FM towers shall be designed to accommodate at least 2 FM antennas, 4 microwave antennas, a two-way radio antenna for every 100 feet of tower height over 200 feet, and space for one public safety two-way radio antenna.

(d) 3. Transmission towers that are not for television or FM antennas shall be designed to accommodate at least 2 microwave antennas, a two-way radio antenna for every 100 feet of tower height over 200 feet, and space for one public safety two-way radio antenna.

(d) 4. The County Commission may reduce the required shared capacity of a tower in the following circumstances:

(d) 4.1. If fewer or different antennas should be accommodated based on: the number of FCC licenses that are potentially available for the area; kind of tower site or structure proposed; the number of existing and potential licenses without tower space; and space available on existing and approved towers; or

(d) 4.2. If a tower necessary to provide for such sharing dominates and alters the visual character of the area adversely such that property values are diminished.

(d) 5. Antennas on a shared tower shall be arranged as follows, except as needed to prevent electromagnetic interference or to accommodate topographic or other physical or functional constraints:

(d) 5.1. Transmitting and receiving equipment serving similar kinds of uses shall be placed on a shared-use tower so one of the users in a group can operate roughly equal to other users in the group with similar equipment.

(d) 5.2. A TV tower shall have two side-mounted and one top-mounted TV antenna or one top-mounted, one mounted below it, and one side-mounted. Triangular, T-shaped, or other platforms or candelabra may be used if required telecommunications equipment cannot be mounted as safely or economically without such structures.

(d) 5.3. Microwave antennas and FM and two-way radio antennas can be placed anywhere on a tower above surrounding obstacles subject to the restrictions contained in these regulations.

(d) 6. Transmission facility operators shall be required to:
(d) 6.1. Respond in a timely manner to any request from a potential user with information about the available capacity.

(d) 6.2. Respond in a timely, comprehensive manner to a request, required under Sections (5) (e) and (5) (f) for information from a potential shared-use applicant; tower owner may charge a party requesting information under Section (5) (e) or (5) (f) to pay a reasonable fee not in excess of the actual cost of preparing a response.

(d) 6.3. Negotiate in good faith for shared use of a transmission facility or tower by applicants and operators shall negotiate in the order in which requests for information are received, except an operator generally shall negotiate with a third party applicant who has received an FCC license or permit before doing so with other applicants.

(d) 6.4. Allow shared use of a transmission facility or tower if an applicant agrees in writing to pay charges specified in (4)(d)6.5.

(d) 6.5. Make no more than a reasonable charge for shared use, based on generally accepted accounting principles and pricing practices generally reflective of the central Missouri area. The charge may include but is not necessarily limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on investment, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference or causing uses on the site to emit NIER in excess of levels permitted under Section (6).

(e) Transmission towers shall have the least practicable adverse effect on the environment and property values in the surrounding area. A transmission tower complies with this standard if it complies with the following:

(e) 1. If the tower is 200 feet or less in height, more than 10,000 feet from an airport, and has a galvanized finish or is painted silver.

(e) 2. If the tower is over 200 feet in height, it shall comply with FAA painting and lighting standards. Lighting is restricted to red beacon style lights, except where FAA requirements specify a different type of lighting.

(e) 3. Towers shall not be artificially lighted unless required by the
(e) 4. Towers shall be the minimum height necessary to comply with the provisions of these regulations.

(e) 5. Towers shall be either mono-pole or guyed unless the County Commission approves other reasonable alternatives practicable for visual or technical reasons.

(f) Vehicular access shall be limited to a collector street if the site adjoins both a collector and a local street.

(g) At least two off-street parking spaces and one additional space for each two on-site personnel shall be provided.

(h) Existing on-site vegetation shall be preserved to the maximum extent practicable. Ground disturbed by construction at a transmission facility site shall be seeded and mulched within 45 days of the completion of construction, except in cases where the applicant has requested and received an extension of this time.

(i) Transmission facilities in the A-1 and A-2 zoned districts may not include offices, long-term vehicle storage, outdoor storage, broadcast studios (except for emergency purposes), or other uses that are not needed to send or receive transmissions, and in no event may exceed 25 percent of the floor area used for transmission equipment and functions.

(j) Fence shall be installed around the base of the transmission towers, guy anchors and buildings in compliance with the following standards:

(j) 1. Fences shall consist of chain link material with a minimum of 6-feet in height.

(j) 2. Guy anchors shall be fenced to allow a clear zone around the guy anchors such as to provide a 14-feet minimum vertical clearance.

(j) 3. A sign shall be installed on the gate to the facility and on the door of any buildings to indicate "High Voltage" on the premises.

(k) The proposed use shall comply with applicable federal and state regulations.

(l) The owners of transmission facilities shall cause the facility to be safety
inspected every two years from the date of construction. The inspection shall be performed by a licensed engineer who shall provide a certified copy of the inspection report to Boone County. Deficiencies noted in inspection reports shall be corrected within 90 days and shall be certified as corrected by the engineer unless for good cause an extension is granted by the Boone County Commission.

(5) APPLICATION CONTENTS FOR A NEW TRANSMISSION FACILITY AND PERMITTING PROCEDURES

(a) An application for approval of a new transmission facility shall include:

(a) 1. A site plan or plans drawn to scale and identifying the site boundary; tower(s); guy wire anchors; existing and proposed structures; vehicular parking and access; existing vegetation to be retained, removed, or replaced; uses, structures, and land-use designations on the site and abutting parcels; and the location of the nearest public recreational and wildlife areas.

(a) 2. A plan drawn to scale showing proposed landscaping, including species type, size, spacing, and other features.

(a) 3. A report from a licensed professional engineer. The report shall:

(a) 3.1. Describe the tower and the technical, economic, and other reasons for the tower design;

(a) 3.2. Demonstrate that the tower complies with the current building code;

(a) 3.3. Describe the capacity of the tower, including the number and type of antennas that it can accommodate and the basis for the calculation of capacity;

(a) 3.4. For a tower in the A-1 and A-2 zoning district, show that the tower complies with Section (4)(d)1. (4)(d)2. or (4)(d)3., or the capacity reduction requested under Section (4)(d)4.;

(a) 3.5. Demonstrate that the tower and site comply with Sections (4)(c)1., (4)(c)2., and (4)(d); and

(a) 3.6. Demonstrate that the proposed sources of NIER will comply with Section (6).
(b) The applicant shall provide the FAA Determination of No Hazard and FCC construction permit (if required), or a written statement from those agencies that the tower is exempt from such requirements.

(c) The applicant for a transmission facility in any zoning district shall provide evidence that the tower complies with Section (4)(d)1., (4)(d)2., and (4)(d)3. or (4)(d)4. and a publicly recordable notice of intent to provide telecommunication antenna access on the transmission tower except to the extent reduced capacity is requested under Section (4)(d)4. and, if applicable, access to the transmission facility site for the erection of additional transmission towers.

(c)1. The notice of intent shall commit the transmission facility operator and successors in interest to:

(c)1.1. Respond in a timely, comprehensive manner to a request, required under Sections (4)(a) and (4)(b) for information from a potential shared-use applicant; the tower owner may charge a party requesting information under Section (4)(a) or (4)(b) to pay a reasonable fee not in excess of the actual cost of repairing a response.

(c)1.2. Negotiate in good faith for shared use of a transmission facility or tower with third parties; the owner generally will negotiate in the order in which requests for information are received except an owner generally will negotiate with a party who has received an FCC license or permit before doing so with other parties.

(c)1.3. Allow shared use of a transmission facility or tower if an applicant for shared use agrees in writing to pay charges described in Section (5)(c)1.4.

(c)1.4. Make no more than a reasonable charge for shared use, based on generally accepted accounting principles and pricing practices necessarily limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on investment, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference or causing uses on the site to emit NIER in excess of levels permitted under Section (6).

(c)2. If the conditional use permit for the transmission facility is
approved, the above described notice of intent shall be recorded in the Office of the Boone County Recorder of Deeds by the permittee before a building permit is issued.

(d) An applicant shall provide evidence of its ownership or legal possessory interest of the land for which the conditional use permit for a transmission facility is being sought.

(e) For a transmission facility in an A-1 or A-2 district, an applicant shall provide documentary evidence that it complies with Section (4)(a) as follows:

(e)1. The applicant has contacted the operators of all existing or approved towers with a top elevation like or higher than that proposed, except owners of those towers presumed unable to accommodate the proposed antenna under Section (4)(b)4. and provide each contacted operator with the engineer's report required under Section (5)(a)3.

(e) 2. The applicant shall request each contacted operator to:

(e) 2.1. Identify the site by address and legal description;

(e) 2.2. Describe tower height and existing tower users;

(e) 2.3. Assess whether the existing tower could accommodate the antenna to be attached to the proposed tower without causing structural instability or electromagnetic interference; and

(e) 2.4. If the antenna to be attached to the proposed tower cannot be accommodated on each existing tower, assess whether the existing tower could be structurally strengthened or whether the antennas, transmitters, and related equipment could be protected from electromagnetic interference and generally describe the means and projected cost of shared use of the existing tower.

(e) 3. Document in writing the response to each contact to the information request specified in (5)(e)1. through (5)(e)2.4., above, inclusive, for each operator contacted.

(f) For a transmission facility in an A-1 or A-2 district, the applicant shall provide documentary evidence that it complies with Section (4)(b) as follows:
(f) 1. The applicant shall contact the operators of all existing or approved transmission facilities if the base elevation of an existing or approved tower at each such facility is the same or higher than the base elevation of the proposed transmission tower except operators of those towers presumed unable to accommodate the proposed facility under Section (4)(b)4.

(f) 2. The applicant shall request each contacted operator to:

(f) 2.1. Identify the site by address and legal description;

(f) 2.2. Assess whether the site could accommodate the proposed facility without changing an existing or approved tower;

(f) 2.3. If the proposed facility cannot be accommodated on an existing site, assess whether the existing site could be changed to accommodate the proposed facility, and generally describe the means and projected cost of shared use of the existing site.

(f) 3. Document in writing the response of each contact to the information request specified in (5)(f)1. through (5)(f)3 above, inclusive, for each operator contacted.

(g) Applicants for a conditional use permit for a transmission facility shall complete and submit to the office of the Boone County Planning and Building Inspection Department 15 completed applications for a conditional use permit for a transmission facility as prescribed by these regulations, together with publicly recordable notice of intent prescribed by Section (5)(c) of these regulations and applicable conditional use permit fees. The permit approval process for conditional use permits for transmission facilities shall otherwise be the same as for other conditional use permits as specified in SECTION 15 A of the Boone County Zoning Regulations.

(h) Transmission facility operators possessing conditional use permits for transmission facilities shall at all times comply with these regulations; transmission facility operators which violate these regulations shall be subject to prosecution and/or conditional use permit revocation as otherwise specified in the Boone County Zoning Regulations.

(6) NONIONIZING ELECTROMAGNETIC RADIATION STANDARDS

(a) All transmission facilities shall conform to the relevant sections of the
"American National Standard Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 300 kHz to 100 GHz". This standard is identified as ANSI-C95.1-1982 and is published by the American National Standards Institute, a copy of which is incorporated herein by reference and is maintained on file in the office of the Boone County Planning and Building Inspection Department.

C. BOARD OF ADJUSTMENT

(1) The County Board of Zoning Adjustment previously created is hereby continued. The Board shall consist of five (5) members, all freeholders, and not more than two (2) of whom shall be residents of the incorporated area of the county and not more than one (1) of whom may be a member of the County Planning and Zoning Commission. Members shall be appointed for terms of four years each. Members shall be removable for cause by the County Commission upon written charges and after public hearings. Vacancies shall be filled by the County Commission for the unexpired term of any member whose term becomes vacant.

(2) The Board shall elect its own chairman and shall adopt rules of procedure consistent with the provisions of this ordinance. The Chairman or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board 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 Board and shall be a public record.

(3) Appeals to the Board 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 administrative officer in administering this ordinance. The appeals shall be taken within a period of not more than three months, and in the manner provided by the rules of the Board. 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.

(4) The Board shall have the following powers:

(a) 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 this ordinance.

(b) To hear and decide all matters referred to it on which it is required to determine under the regulations of this ordinance as herein provided.

(c) Where by reason of shape or topography or other extraordinary or exceptional situation or condition of a specific ordinance 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 relating to the property, a variance from the strict application of this ordinance 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 these regulations and Zoning Map.

(d) To permit, in case of practical difficulty or unnecessary hardship, for a period of two years, the location of a mobile home on a lot.

(e) To permit placement of a singlewide manufactured prior to 1976 on a parcel less than 20-acres in area that does not have any other dwelling unit on the property.

(f) Variance for the Height of a Freestanding Sign. The height of a freestanding sign may be varied due to extreme elevation difference between the base of the sign and the adjacent street frontage subject to the following criteria:

- The strict application of the height limit will result in undue hardship to the sign user by reducing the net sign height to less than 20-feet.
- There is no alternative location on the parcel where the regulations could be met and the requested variance is the minimum necessary to afford relief to the sign user.
- The granting of the variance would not be materially detrimental to other property owners in the vicinity.

(5) In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the 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.

(6) Any owners, lessees, or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board or of the County Commission, respectively, under the provisions of this ordinance, or Board, Commission, or other public official, may present to the Circuit Court a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of illegality and asking for relief therefrom. Upon the presentation of the petition, the Court shall allow a 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. The Court may reverse or affirm or may modify the decision brought up for review.

D. ENFORCEMENT OF THE ORDINANCE

(1) Director of Planning
(a) **Duties:** It shall be the duty of the Director of Planning to enforce this ordinance. The Director of Planning shall receive applications required by this ordinance, issue permits, and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make the necessary inspections to see that the provisions of law are complied with. He shall enforce all laws relating to the construction, alteration, repair, equipment, use and occupancy, location and maintenance of buildings and structures, except as may be otherwise provided for. He shall, when requested by the Commission, or when the interests of the county so require, make investigations in connection with matters referred to in this ordinance and render written reports on the same. For the purpose of enforcing compliance with the law, he shall issue such notices or orders as may be necessary.

(b) **Inspections:** Inspections shall be made by the Director of Planning or a duly appointed assistant.

(c) **Rules:** For carrying into effect its provisions, the Director of Planning may adopt rules consistent with this ordinance.

(d) **Records:** The Director of Planning shall keep careful and comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered, and of notices of orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Director of Planning.

(e) **Cooperation of Other Officials:** The Director of Planning may request and shall receive, so far as may be necessary in the discharge of his duties, the assistance and cooperation of the Engineer in fixing grades, of the Sheriff in enforcing orders, of the County Attorney in prosecuting violations and of other officials.

(2) **Building Permits**

(a) **When Required:** It shall not be lawful to install a manufactured home or mobile home outside of a mobile home park or to construct, alter, or repair, or to commence the construction or alteration, of a non-farm building or structure, without first filing with the Director of Planning an application in writing and obtaining a formal permit.

(b) **Action on application:** It shall be the duty of the Director of Planning
and Building Inspection to examine applications for permits. If, after examination, he finds that the proposed work will be in compliance with the laws and ordinances applicable hereto, he shall approve such application and issue a permit for the proposed work. If his examination reveals noncompliance with the applicable laws or ordinances, he will reject such application, noting his findings in a report to be attached to the application and deliver a copy to the applicant. Reasons for rejection must be based on noncompliance with the provisions of applicable laws and ordinances.

(c) Approval in part: Nothing in this section shall be construed to prevent the Director of Planning and Building Inspection from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the portion to be approved and which have been found to comply with this ordinance.

(d) Certificate of Occupancy for a Building: No building, except those used for agricultural nonresidential purposes, shall be utilized before a Certificate of Occupancy has been issued. Certificate of Occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit. Said certificate shall be issued within three days of receipt of a written request made to the Director of Planning and Building Inspection following the completion of a building or part thereof. A temporary certificate of occupancy may be issued by the Director of Planning and Building for a period not exceeding one year, allowing the completion of alterations during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed to alter in any way the respective rights, duties, or obligations of the owners or of the tenants relating to the use and occupancy of the premises or any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(e) Certificate of Occupancy for Nonconforming Uses: Certificate of Occupancy shall be required of all nonconforming uses. Applications for such certificate for nonconforming uses shall be filed within six months from the effective date of this ordinance.

E. Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts as shown on the District Map accompanying and made part of this ordinance, the following rules apply:
(1) The district boundaries are streets unless otherwise shown, and where the districts designated on the map accompanying and made part of this ordinance are bounded approximately by street lines, the street shall be constructed to be the boundary of the district.

(2) Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(3) In subdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

F. Amendments of Regulations

(1) General. The County Commission may, from time to time, on its own motion or on petition after public notice and hearing, as provided below, may revise, modify, or amend the regulations and the districts created by this ordinance; however, such proposed changes shall first be submitted to the Commission for recommendations and report after hearings thereon by the Commission as provided below.

(2) Revision, Modification or Amendment to the Zoning District Map.

(a) Before the adoption of a revision, modification or amendment to the Zoning District Map, the County Commission shall hold at least one public hearing thereon. At least 15 days prior to the public hearing, the Director shall give notice by certified mail to all owners of any real property located within one thousand feet of the parcel of land for which the change is proposed and all contiguous land under the same ownership. Additionally, notification shall be provided through publication of a locality map in a newspaper having a daily circulation at least 15 days prior to hearing before the County Commission. All notification costs shall be paid by the applicant prior to the public hearing. No application for revision of the Zoning District Map will be accepted if it is the same or substantially the same as an application submitted within the previous 12 months and which was denied by the County Commission or withdrawn by the applicant after a recommendation has been issued by the Commission.

(b) In case of written protest against any proposed change or amendment, signed and acknowledged by the owners of twenty (20) percent of the frontage within one thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of twenty (20) 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 (1 1/2) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of a 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 members of the County Commission.

(c) Before any action shall be taken on a petition submitted under the provisions of this section, the party or parties proposing a change in the district regulations or district boundaries shall deposit with the County Planning Office the rezoning fee established by the County Commission to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of the requested change to be adopted by the County Commission. In addition, the applicant shall furnish the names of the adjacent property owners within one thousand (1,000) feet of the parcel of land for which the change is proposed and all contiguous land under the same ownership and shall pay all mailing costs for notification of these owners.

(d) In cases where the Planning and Zoning Commission recommends denial of a request, the County Commission shall summarily endorse denial action of the Planning Commission unless: (1) the applicant files in the Department office within 72 hours (three working days) following the Planning Commission hearing a notice of appeal to the County Commission stating grounds why the Planning Commission recommendation for denial is in error, and (2) the applicant appears before the County Commission in person or by representative with written authority of the owner.

(e) In cases where the Planning Commission recommends approval of an application, the County Commission will summarily deny the application if: (1) the applicant does not appear at the County Commission hearing in person or by representative with the written authorization of the owner, and (2) there is opposition to the application expressed in person at the County Commission hearing.

(f) Applications for amendment to the Zoning District Map shall include the following information:

(1) The name, address and telephone number of the property owner and the potential buyer or lessee of the property. Corporate applicants shall list the names, titles and addresses of the officers and the Board of Directors of the corporation. A copy of the corporate certificate of good standing with the state of Missouri shall be attached.
(2) A legal description of the property included in the request. Proof of ownership shall be attached to the application.

(3) The present zoning of the land included in the request.

(4) The present use of the land included in the request.

(5) The size of the tract to be rezoned, broken down either by acreage or square feet.

(6) The zoning district to which the applicant wants property rezoned.

(7) The zoning of the adjacent land.

(8) The proposed use of land, should the request to rezone be approved.

(9) The approximate size and location of any existing structures on the property to be rezoned, including wastewater system. The applicant should also list the approximate size of buildings proposed to be built.

(10) The reason and justification for the request being submitted.

(11) A sketch of the tract of land showing the location of existing and proposed structures.

(12) The signature of the property owner or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.

(13) The names and mailing addresses of all property owners owning land within 1,000 feet of the property under consideration for rezoning.

(14) Failure to provide any of the required material will result in the invalidation of the application.

(g) An applicant for a change in the Zoning District Map shall have the responsibility to demonstrate to the Planning Commission and the County Commission by competent, substantial evidence that the proposed change in the Zoning District Map is justified.

(3) Revision, Modification or Amendment to Text. Before the adoption of a revision, modification or amendment to the text of this ordinance, the Commission shall hold at least three
(3) public hearings. One hearing will be held in each of the County Commission districts outside of the county seat and one in the county seat. Fifteen days notice of the time and place of the public hearing shall be published in at least one newspaper having general circulation in the county and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public areas of the county administration building. The hearing may be adjourned from time to time. Within ninety days after the final adjournment of the hearings, the Commission shall make a report on the proposed revisions, modifications or amendments to the County Commission. The County Commission may adopt the revisions, modifications or amendments with or without change or may refer it back to the Commission for further consideration and report.

SECTION 16. INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of these regulations they shall be held to be the minimum requirements for the promotion of health, safety, morals, or general welfare. Whenever these regulations require greater width or size of yards, courts, or other open spaces, or requires a lower height of buildings or less number of stories, or requires a greater percentage of lot to be left unoccupied, or imposes higher standards than are required in any other statute or ordinance or regulation this ordinance shall govern. Whenever any other statute or ordinance or regulations requires a greater width or size of yards, courts, or other open spaces, or requires a greater percentage of lot to be left unoccupied, or imposes other higher standards than are required by these regulations, the provisions of such statute, ordinance or regulation shall govern.

SECTION 17. FEES

Fees shall be as determined by the County Commission.

SECTION 18. VIOLATIONS

The owner or general agent of any land, building, structure or premises where a violation of any part of these zoning regulations has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where the violation has been committed or shall exist, or the owner, general agent, architect, builder or contractor or any other person who knowingly commits, takes part or assists in the violation, or who maintains any building or premises in which any violation exists, shall be guilty of a misdemeanor.

SECTION 19. VALIDITY

In case any portion of these regulations shall be held invalid or unconstitutional, the remainder of the regulations shall not thereby be invalid, but shall be in full force and effect, or in case any
portion of the Zoning District Map shall be held to be invalid, the remainder of said map shall not be invalidated thereby.

SECTION 20.  REPEAL

The written provisions of Ordinance Number 76-28 and all text amendments thereto are hereby repealed.

The Zoning District Map is not repealed, nor is it altered, by the adoption of this ordinance. The Zoning District Map in effect on the effective date of this ordinance is, and remains, the Zoning District Map of Boone County.

SECTION 21.  WHEN EFFECTIVE

This ordinance shall be effective on and after the 30th day of June, 1985, at 5:00 P.M.
This ordinance amended by order effective December 14, 1990 at 5:00 P.M.
This ordinance amended by order effective September 3, 1991
This ordinance amended by order effective September 30, 2003
This ordinance amended by order effective December 30, 2003

22. FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE 1.  STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSES

A. STATUTORY AUTHORIZATION

The Legislature of the State of Missouri has in Chapter 64.850 of the Revised Statutes of the State Missouri (RSMo) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the County Commission of Boone County, Missouri ordains as follows:

B. FINDINGS OF FACT

1. Flood Losses Resulting from Periodic Inundation

The special flood hazard areas of Boone County, Missouri are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and
impairment of the tax base; all of which adversely affect the public health, safety and general welfare.

2. General Causes of the Flood Losses

These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.

3. Methods Used To Analyze Flood Hazards

The Flood Insurance Study (FIS) that is the basis of this ordinance uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.

a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials dated December 15, 1982 as amended, and any future revisions thereto.

b. Calculation of water surface profiles is based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.

d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.

C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Article 1, Section B (1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as
defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and

3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

ARTICLE 2. GENERAL PROVISIONS

A. LANDS TO WHICH ORDINANCE APPLIES

This ordinance shall apply to all lands within the jurisdiction of Boone County identified as numbered and unnumbered A zones, AE, AO, and AH Zones, on the Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) dated June 15, 1983 as amended, and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted except through the issuance of a floodplain development permit, granted by the County Commission or its duly designated representative under such safeguards and restrictions as the County Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Article 4.

B. FLOODPLAIN ADMINISTRATOR

The Director of Planning and Building Inspections is hereby designated as the Floodplain Administrator under this ordinance.

C. COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

D. ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the
provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

E. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

F. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This ordinance shall not create a liability on the part of Boone County, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

G. SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

ARTICLE 3. ADMINISTRATION

A. FLOODPLAIN DEVELOPMENT PERMIT (REQUIRED)

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Article 2, Section A. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

B. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Director of Planning and Building Inspections is hereby appointed to administer and implement the provisions of this ordinance.

C. DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR
Duties of the Director of Planning and Building Inspections shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;

2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;

3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

4. Issue floodplain development permits for all approved applications;

5. Notify adjacent communities and the (Missouri) State Emergency Management Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

6. Assure that maintenance is provided within the altered or relocated portion of any watercourse so that the flood-carrying capacity is not diminished; and

7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;

8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;

9. When floodproofing techniques are utilized for a particular non-residential structure, the Director of Planning and Building Inspections shall require certification from a registered professional engineer or architect.

D. APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:
1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

2. Identify and describe the work to be covered by the floodplain development permit;

3. Indicate the use or occupancy for which the proposed work is intended;

4. Indicate the assessed value of the structure and the fair market value of the improvement;

5. Specify whether development is located in a designated flood fringe or floodway;

6. Identify the existing base flood elevation and the elevation of the proposed development;

7. Give such other information as reasonably may be required by the Director of Planning and Building Inspection;

8. Be accompanied by plans and specifications for proposed construction; and

9. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

**ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION**

**A. GENERAL STANDARDS**

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones, AE, AO, and AH zones, unless the conditions of this section are satisfied.

2. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If Flood Insurance Study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources.

3. Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
4. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:

a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. Construction with materials resistant to flood damage;

c. Utilization of methods and practices that minimize flood damages;

d. All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination;

f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

   (1) all such proposals are consistent with the need to minimize flood damage;

   (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

   (3) adequate drainage is provided so as to reduce exposure to flood hazards;

   (4) all proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

5. Storage, material, and equipment

a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent floatation, or if readily removable from the area within the time available after a flood warning.

6. Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

7. Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 700 square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.

8. A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

a. If such structure, use, or utility service is discontinued for 12 consecutive months, any future use of the building shall conform to this ordinance.

b. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the pre-damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

B. SPECIFIC STANDARDS

1. In all areas identified as numbered and unnumbered A zones, AE, and AH Zones, where base flood elevation data have been provided, as set forth in Article 4, Section A(2), the following provisions are required:

a. New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above base flood elevation.
b. New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 3, Section C(9).

c. Require, for all new construction and substantial-improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and

2. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. MANUFACTURED HOMES

1. All manufactured homes to be placed within all unnumbered and numbered A zones, AE, and AH zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones, AE, and AH zones, on the community's FIRM on sites:

a. Outside of a manufactured home park or subdivision;

b. In a new manufactured home park or subdivision;

c. In an expansion to an existing manufactured home park or subdivision; or
d. In an existing manufactured home park or subdivision in which a manufactured home has incurred substantial-damage as the result of a flood;

to be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH ones, on the community's FIRM, that are not subject to the provisions of Article 4, Section C(2) of this ordinance, be elevated so that either:

a. The lowest floor of the manufactured home is at or above the base flood level; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

D. AREAS OF SHALLOW FLOODING (AO and AH zones)

Located within the areas of special flood hazard as described in Article 2, Section A are areas designated as AO zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply:

1. AO Zones

a. All new construction and substantial-improvements of residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

b. All new construction and substantial-improvements of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community FIRM (at least two feet if no depth number is specified) or together with attendant utilities and sanitary facilities be completely floodproofed to that so that the structure is watertight with walls substantially impermeable to the passage of
water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

2. AH Zones

a. The specific standards for all areas of special flood hazard where base flood elevation has been provided shall be required as set forth in Article 4, Section B.

b. Adequate drainage paths shall be required around structures on slopes, in order to guide floodwaters around and away from proposed structures.

E. FLOODWAY

Located within areas of special flood hazard established in Article 2, Section A are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:

1. The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

2. The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3. If Article 4, Section E (2) is satisfied, all new construction and substantial-improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

4. In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from Federal, State, or other sources as set forth in Article 4, Section A(2).

F. RECREATIONAL VEHICLES

1. Require that recreational vehicles placed on sites within all unnumbered and numbered A zones, AO, AE, and AH zones on the community's FIRM either:
a. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use; or

b. Meet the permitting, elevating, and the anchoring requirements for manufactured homes of this ordinance.

ARTICLE 5. FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES

A. ESTABLISHMENT OF APPEAL BOARD

The Boone County Zoning Board of Adjustment as established by Boone County shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

B. RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the Director of Planning and Building Inspections, the applicant may apply for such floodplain development permit or variance directly to the Appeal Board, as defined in Article 5, Section A. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Director of Planning and Building Inspection in the enforcement or administration of this ordinance.

C. FURTHER APPEALS

Any person aggrieved by the decision of the Zoning Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court as provided in Chapter 64.870 RSMo.

D. FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Zoning Board of Adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
1. The danger to life and property due to flood damage;

2. The danger that materials may be swept onto other lands to the injury of others;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, not subject to flood damage, for the proposed use;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.

E. CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

1. Generally, variances may be issued for new construction and substantial-improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 2 through 6 below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

3. Variances shall not be issued within any designated floodway if any significant increase in flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

F. CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farm houses, cannot be considered agricultural structures.

2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.
4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

5. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.

6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.

7. The agricultural structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section E (2) of this ordinance. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

8. Major equipment, machinery, or other contents must be protected from any flood damage.

9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

10. A community shall notify the applicant in writing over the signature of a community official that (1) The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

11. Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

G. CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the
following conditions as well as those criteria and conditions set forth in Article 5, Sections D and E of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Article 4, Section A (4)(b) of this ordinance.

3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Article 4, Section A (4)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Article 4, Section A (4)(d) of this ordinance.

5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Article 4, Section B (1)(c) of this ordinance.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions of Article 4, Section E (2) of this ordinance. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

7. Equipment, machinery, or other contents must be protected from any flood damage.

8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

9. A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will
result in increased premium rates for flood insurance up to amounts as high as $25.00 for
$100.00 of insurance coverage and (2) such construction below the base flood level increases
risks to life and property. Such notification shall be maintained with the record of all variance
actions as required by this ordinance.

10. Wet-floodproofing construction techniques must be reviewed and approved by the
community and registered professional engineer or architect prior to the issuance of any
floodplain development permit for construction.

H. CONDITIONS FOR APPROVING VARIANCES FOR TEMPORARY
STRUCTURES

Any variance granted for a temporary structure shall be decided individually based on a case
by case analysis of the building's unique circumstances. Variances granted shall meet the
following conditions as well as those criteria and conditions set forth in Article 5, Sections D
and E of this ordinance.

1. A temporary structure may be considered for location within the 100-year floodplain only
when all of the following criteria are met:

a. Use of the temporary structure is unique to the land to be developed and cannot be located
outside of the floodplain nor meet the NFIP design standards;

b. Denial of the temporary structure permit will create an undue hardship on the property
owner;

c. The community has adopted up-to-date NFIP and building regulations to direct placement
and removal of the temporary structure; and,

d. The community has sufficient staff to monitor the placement, use, and removal of the
temporary structure throughout the duration of the permit.

2. Once all of the above conditions are met, an application for a special use permit
must be made to the County Commission. The County Commission shall consider all
applications for special use permits for a temporary structure based on the following criteria:

a. The placement of any temporary structure within the special flood hazard areas as shown on
the community's adopted Federal Emergency Management Agency /National Flood Insurance
Program map shall require an approved conditional use permit. The special use permit shall be
valid for a period not to exceed 180 days.
b. Conditional use permit applications, for a temporary structure to be located in special flood hazard areas, shall conform to the standard public hearing process prior to any community action on the permit request.

c. An emergency plan for the removal of the temporary structure that includes specific removal criteria and time frames from the agency or firm responsible for providing the manpower, equipment, and the relocation and disconnection of all utilities shall be required as part of the conditional use permit application for the placement of any temporary structure.

d. On or before the expiration of the end of the 180 day conditional use permit period, the temporary structure shall be removed from the site. All utilities, including water, sewer, communication, and electrical services shall be disconnected.

e. To ensure the continuous mobility of the temporary structure for the duration of the permit, the temporary structure shall retain its wheels and tires, licenses, and towing appurtenance on the structures at all times.

f. Under emergency flooding conditions, the temporary structure shall be removed immediately or as directed by the community and as specified in the emergency removal plan.

g. Location of any temporary structure within the regulatory floodway requires the provision of a "no-rise" certificate by a registered professional engineer.

h. Violation of or non-compliance with any of the stated conditions of the conditional use permit during the term thereof, shall make the permit subject to revocation by resolution of the governing body of the community. Issuance of permit revocation notice shall be made to the landowner, the occupant of the land, and to the general public.

I. Any deviation from the approved site plan shall be deemed a violation of the conditional use permit approval and the uses allowed shall automatically be revoked. The subsequent use of the land shall be as it was prior to the conditional use permit approval. In event of any violation, all permitted conditional uses shall be deemed a violation of this ordinance and shall be illegal, non-conforming uses and shall be summarily removed and abated.

j. If the temporary structure is to be returned to its previously occupied site, the process for issuing a special use permit must be repeated in full. Any subsequent permit shall be valid for 180 days only.

**ARTICLE 6. PENALTIES FOR VIOLATION**

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of
variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the County Commission or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 7. AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the County. At least 20 days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA) and to the State Emergency Management Agency (SEMA). The regulations of this ordinance are in compliance with the National Flood Insurance Program (NFIP) regulations.

ARTICLE 8. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

"100-year Flood" see "base flood."

"Accessory Structure" means the same as "appurtenant structure."

"Actuarial Rates" see "risk premium rates."

"Administrator" means the Federal Insurance Administrator.


"Agricultural Commodities" means agricultural products and livestock.

"Agricultural Structure" means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.
"Appeal" means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

"Appurtenant Structure" means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

"Area of Shallow Flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance, of being equaled or exceeded in any given year.

"Basement" means any area of the structure having its floor subgrade (below ground level) on all sides.

"Building" see "structure."

"Chief Executive Officer" or "Chief Elected Official" means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

"Community" means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Elevated Building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Eligible Community" or "Participating Community" means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).
"Existing Construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards.

"Flood Fringe" means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
"Flood Insurance Study (FIS)" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see “flooding”).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

"Floodplain Management Regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

"Floodway" or "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floodway Encroachment Lines" means the lines marking the limits of floodways on Federal, State and local floodplain maps.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
"Historic Structure" means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM), Flood Insurance Rate Map (FIRM), or the Flood Boundary and Floodway Map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

"Market Value" or "Fair Market Value" means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

"Mean Sea Level" means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

"New Construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain regulations.
management regulations adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

"(NFIP)" means the National Flood Insurance Program (NFIP).

"Participating Community" also known as an "eligible community," means a community in which the Administrator has authorized the sale of flood insurance.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

"Recreational Vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy A Violation" means to bring the structure or other development into compliance with Federal, State, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

"Risk Premium Rates" means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

"Special Flood Hazard Area" see "area of special flood hazard."

"Special Hazard Area" means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A, AO, AE, or AH.
"Start of Construction" includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial-improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure, for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

"Substantial-Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial-Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "Substantial-damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
"**Temporary Structure**" means a structure permitted in a district for a period not to exceed 180 days and is required to be removed upon the expiration of the permit period. Temporary structures may include recreational vehicles, temporary construction offices, or temporary business facilities used until permanent facilities can be constructed, but at no time shall it include manufactured homes used as residences.

"**Variance**" means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

"**Violation**" means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

"**Water Surface Elevation**" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.

**ARTICLE 9. CERTIFICATE OF ADOPTION**

This Floodplain Management Ordinance for Boone County, Missouri

ADOPTED AND APPROVED by the Governing Body of Boone County, Missouri.

This Twenty-ninth day of October 1996.

________________________________________
Don Stamper, Presiding Commissioner

ATTEST:

________________________________________
Wendy S. Noren, County Clerk
23. CHARACTER PRESERVATION OVERLAY DISTRICT

23.1 Aspects of Character Preservation Districts: Two Different Purviews. County regulations and policy for Character Preservation Districts shall fall into two separate areas as follows:

23.1.1 The first area is the right-of-way as defined in the Boone County Road Bridge and Right of Way Regulations. The Boone County Public Works Department will administer the regulation and policy for the right-of-way portion of the Character Preservation Overlay District.

23.1.2 The second area is defined as the Preservation District, which consists of the privately held land within an established Character Preservation Overlay District. The Boone County Planning and Building Inspection Department will administer the regulations and policy for the Preservation District area.

23.2 Intent and Purpose

The intent of the Character Preservation Overlay District is to identify, preserve and protect the historic, cultural or environmental character of designated areas by insulating them from negative aspects of development. This is accomplished by carefully defining the existing character of the area proposed for designation and guiding what development does occur to insure that it is compatible and consistent with the identified character of the area. Interested property owners in the area that is proposed for designation shall instigate the initiative for the designation.

Careful consideration as to practicable suitability of an area requesting designation with respect to the existing and reasonably assumable future land uses should factor heavily in the decision of whether or not an area should be designated for Character Protection Overlay District status.

Once designated, an overlay district shall be a compelling factor in any decision pertaining to land use decisions, rezoning requests, conditional use permits and other development within the designated area. This is to say Boone County should deny any requests for rezoning, conditional use permits or building permits that are incompatible with or would be detrimental to the nature and character of the overlay district.
23.3 Procedures For Designating A Character Preservation Overlay District

23.3.1 Application. Any Petition for Application for designation of a Character Preservation Overlay District must be submitted to the County Commission through the Director. The Petition for Application shall be on forms provided by the Director and shall include information as required by Section 22.4.1.

23.3.2 The applicants shall work with the Boone County Planning and Building Inspection Department to identify the character of the proposed overlay district and to create a set of development and/or performance standards to be known as Preservation and Character Standards (PCS).

23.3.2.1 At such time as the Preservation and Character Standards have been developed, the applicants shall provide the Director a Petition for Certification of Preservation and Character Standards. The Petition for Certification of Preservation and Character Standards shall be on forms provided by the Director and shall include information as required by Section 23.4.1.

23.3.3 Notice. Following submission of the Petition for Certification of Preservation and Character Standards and at least 15 days prior to the next regularly scheduled Planning and Zoning Commission hearing, the Director shall give notice of the application in the following manner:

23.3.3.1 By certified mail to the owners of all property within the proposed overlay district.

23.3.3.2 By first class mail to the owners of all property within 1000 feet of the boundary of the proposed overlay district.

23.3.3.3 Publication of a locality map in a newspaper having a daily circulation.

23.3.3.4 Publication of a locality map in a newspaper having a weekly or daily circulation in the northern portion of the County if any part of the proposed district lies north of the north boundary of Township 49 North.
23.3.3.5 Publication of a locality map in a newspaper having a weekly or daily circulation in the southern portion of the County if any part of the proposed district lies south of the north line of Township 47 North.

23.3.4 The Planning and Zoning Commission shall hold a public hearing. Following the public hearing, the Commission shall vote on a recommendation to approve, modify, deny or table the request and proposed Preservation and Character Standards. A record of the recommendation shall be forwarded to the County Commission and shall include the wording of the motion and the action taken. In formulating its recommendation, the Commission shall make findings consistent with the following criteria:

- Establishment of the district must promote the public good
- Establishment of the district shall not thwart established public policy and/or adopted long range plans
- Establishment of the district shall not result in the creation of redundant regulations where adequate protections already exist
- Establishment of the district shall not prohibit the future improvement of public roadways and utility services or the acquisition of right of way for public roadways and utilities

23.3.5 Upon receipt of a recommendation from the Commission and before adoption of a Character Preservation Overlay District and accompanying Preservation and Character Standards, the County Commission shall hold at least one public hearing thereon. The County Commission may approve, deny or remand the proposal and PCS back to the Commission for modification. In order to approve a Character Preservation Overlay District the County Commission must make findings consistent with the following:

- Establishment of the district must promote the public good
- Establishment of the district shall not thwart established public policy and/or adopted long range plans
- Establishment of the district shall not result in the creation of redundant regulations where adequate protections already exist
- Establishment of the district shall not prohibit the future improvement of public roadways and utility services or the acquisition of right of way for public roadways and utilities
23.3.5.1 In cases where the Commission recommends denial of a request, the County Commission shall summarily endorse denial action of the Commission unless the applicant files a Notice of Appeal to the County Commission. The Notice of Appeal must be filed with the Director within 72 hours (three working days) following the P&Z Commission hearing. The Notice of Appeal shall state the grounds why the Commission recommendation for denial is in error. The applicant must appear before the County Commission in person or by representative with written authorization by the applicant.

23.3.5.2 In cases where the Commission recommends approval of an application, the County Commission will summarily deny the application if the following two conditions occur: (1) the applicant does not appear at the County Commission hearing in person or by representative with the written authorization of the owner, and (2) there is opposition to the application expressed in person at the County Commission Hearing.

23.4 Application Content, Fees, Costs.

23.4.1 No action on the request will be taken until all of the required information has been submitted. Applications for establishing a Character Preservation Overlay District shall include the following:

- A Petition for Application on forms provided by the Director. The petition shall contain the following:
  - The notarized signatures of the private property owners of at least 75% of the privately owned public road frontage within the proposed district.
  - The notarized signatures of at least 67% of all private property owners within the proposed district.
  - A legal description of the proposed Overlay District prepared by a Missouri Registered Land Surveyor.
  - An aerial photograph obtained from the Boone County Assessors Office or Boone County GIS map, if available, showing the boundary of the
proposed overlay district and tax parcel boundaries of all properties within the proposed district and within 1000 feet of the proposed district.

- A designated contact person, who will serve as the liaison between the county and the applicants.
- A list of individuals to serve on the PCS development committee. Said committee shall be comprised of at least three but not more than five persons who signed the Petition for Application.
- The name, address and parcel number(s) of all property owners within the proposed overlay district
- The name, address and parcel number(s) of all property owners within 1000 feet of the boundary of the proposed overlay district.
- A certified copy of a County Commission Order designating all public roads within the proposed overlay district to be in the “Adopt a Road” program. The required signage can be waived if it is not consistent with the Character and Preservation Standards of the established district.

23.4.2 Fees. The applicant shall submit a fee of $150 with the application.

23.4.3 Costs. The applicant shall be responsible for the costs of all required public notice and the preparation of the application materials including but not limited to all required surveys and property descriptions.

23.5 Procedures for Vacation (Removal) of the Overlay District:

Removal of a designated Character Preservation Overlay District shall be accomplished by the same procedures as followed to establish the overlay district. Additionally, the County Commission shall have the authority, after a public hearing, to remove the district status if it determines the districts character has changed to the extent that it no longer possesses the nature and character originally intended.

23.6 Protection District Regulations and Standards:

23.6.1 All development within a Character Preservation Overlay District must conform to the Preservation and Character Standards adopted for the district.
23.6.2 All subdivision proposals and commercial or industrial developments must be developed as planned developments.

23.6.3 Public improvements and construction within the Character Preservation Overlay District shall conform to the Character Preservation Standards to the highest degree practicable. To that extent, the Boone County Department of Public Works or other governmental agency shall consult with the Department of Planning and Building Inspection regarding the design of any project proposed to be constructed within a Character Preservation Overlay District.

23.6.4 Standards for Commercial & Industrial Properties within the Protection District may include but are not limited to the following:

23.6.4.1 The following areas shall be screened from public view:

- Loading areas
- Waste collection and storage areas
- Areas used for storage of materials or equipment
- Parking areas

23.6.4.2 Screening shall be achieved through the use of evergreen trees or privacy fence. Evergreen trees used for screening purposes shall have a minimum diameter of 3 inches, planted every 6 feet. The owner shall replace dead or dying trees within the next growing season.

23.6.4.3 Outdoor lighting in areas zoned for Commercial or Industrial use shall be limited to heights less than 25 feet. Lighting shall be positioned such that the illuminated area will not extend beyond the property line.

23.6.4.4 Billboards shall not be permitted within the Protection District.

23.6.4.5 Properties zoned for Commercial or Industrial use shall not use lighted signage. The permitted signage for the area shall be limited to a single identifying sign no larger than 4’ by 8’ and must meet setback requirements for the district in which it is located.
24. AIRPORT APPROACH AND DEPARTURE DISTRICT

The purpose of the Airport Approach and Departure District is: (1) to protect the public health, safety, and welfare of property owners within airport hazard areas and noise sensitive areas; (2) to enhance compatibility between the Columbia Regional Airport and surrounding land use; and (3) to protect Columbia Regional Airport from encroachment of incompatible development. The Airport Approach and Departure District map, adopted herein by reference, shall serve as an overlay district that applies additional standards and requirements to properties located within the underlying zoning district. In case of conflicting standards and requirements, the more restrictive shall apply.

24.1 Permitted Uses for the A-1 and A-2 District:

Agricultural activity which shall include greenhouses and nurseries.
Roadside stands for the sale of agricultural products produced on the premises.
Open space and natural areas
Single-family dwellings located on lots meeting the minimum lot size of the zoning district.
Home Occupation (excluding Family or Group Day Care).

Conditional Uses:
Any use that is not specifically listed as a permitted use when it is determined that said use meets the purpose of this district including, but not limited to, the following:

Kennel
Animal boarding and training facility
Cemetery, human or animal, or enlargement of existing cemetery.
Agribusiness
Sewage lagoon or mechanical treatment plant where not approved under County Subdivision regulations.

Transmission facility not having a transmission tower; providing it can be shown that it will not create electrical interference with navigational signals or radio communication between the airport and aircraft.

24.2 Permitted uses for the A-R, R-S, R-D and R-M districts:
Agricultural activity which shall include greenhouses and nurseries.
Roadside stands for the sale of agricultural products produced on the premises.

Open space and natural areas
Single-family dwellings located on lots containing 2.5 acres or more.
Home Occupation (excluding Family or Group Day Care).
Golf course (excluding miniature course or driving range) operated during daylight hours only.
Single-family dwelling on a lot smaller than 2.5 acres provided that it is a lot of record as defined by the Zoning Regulations.

Conditional uses for the A-R, R-S, R-D and R-M districts:
Any use that is not specifically listed as a permitted use when it is determined that said use meets the purpose of this district including, but not limited to, the following:

- Sewage lagoon or mechanical treatment plant where not approved under County Subdivision regulations.
- Public building erected by any governmental agency.

24.3 Commercial and Industrial land uses:
Requests for Commercial or Industrial zoning of land falling within the Airport Approach and Departure District are required to be Planned Developments conforming to all requirements of Section 6 of the Zoning Ordinance in addition to the requirements of the Airport Approach and Departure District.

24.4 Prohibited Uses:
Any use not specifically listed in this district as a permitted use or listed as a conditional use is considered a prohibited use. Additionally, the following uses are expressly prohibited in this district:

- Mobile Home.
- Mobile Home Park.
- Race tracks.
- Dwelling structures designed for more than one family.
- Hospitals.
- Nursing homes or retirement centers.
School, public or private.
Structures used for public assembly.
Nursery, pre-school or Day Care Center.
Sanitary landfill.

Any use that will create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

24.5 Development Standards and Requirements

The following development standards and requirements shall apply to all proposed uses and structures unless specifically exempt.

24.5.1 Whenever buildings are to be located within the 65 Ldn or higher noise contour, measures to achieve an interior noise level reduction of 25 decibels must be incorporated into the design and construction of portions of said buildings which are noise sensitive including, but not limited to, areas designed for sleeping, areas where the public is received, office areas, public assembly areas and other areas where people work or congregate. The location of the 65 Ldn and other noise contours shall be as shown on the official zoning map as depicted by the Columbia Regional Airport FAR Part 150 Noise Compatibility Study, which is adopted by reference.

24.5.2 Whenever an application for a building permit, change of zoning or conditional use permit within this district shall be requested by a property owner, Boone County shall within five (5) days of receiving said request submit a copy of the application to the Manager of the Columbia Regional Airport, who shall provide a written recommendation within ten (10) days of receipt.

24.5.3 The application for a building permit, change of zoning or conditional use permit shall include the following information:

24.5.3.1 A site development plan drawn to scale which shows the location of all existing and proposed buildings and structures on the property and the location of the existing and projected 65 Ldn and higher noise contours.
24.5.3.2 A description of the subject property and its total acreage, the proposed development or use of the site, and the uses intended to occupy each building or structure on the site.

24.5.3.3 The site development plan shall be reviewed and recommendations made to the applicant using the following criteria:

24.5.3.3.1 Buildings and structures should be located the greatest distance from the centerline of the runway (extended) as is practical and should be oriented to take maximum advantage of natural topography to minimize exposure to the noise.

24.5.3.3.2 Building openings, such as windows, should be faced away from the centerline of the runway (extended). Landscaping materials should be used to deflect noise.

24.6 Avigation Easement.

Prior to receiving approval of a building permit, the applicant shall convey to the Columbia Regional Airport an avigation easement permitting the right of flight in the airspace above the subject property. Such easement shall be provided in a form prescribed by Boone County in consultation with the Columbia Regional Airport and shall be recorded on the title of the subject property. All recording fees shall be paid by the City of Columbia.

24.7 Exemptions.

The provisions of this ordinance shall not apply to the following uses when permitted by the underlying zoning district:

24.7.1 The uses existing on the effective date of this ordinance shall not be required to change in order to comply with these regulations; provided however, the nonconforming use requirements of the zoning ordinance shall apply.

24.7.2 Temporary uses with a period of operation not exceeding five days. An extension of the time period may be approved when deemed reasonable and appropriate.

24.7.3 Temporary or accessory buildings and structures not used for habitable purposes, which are incidental to a permitted use.
25. SIGN REGULATIONS

25.1 Purpose and Intent. The Boone County sign regulations are intended to aid in traffic control and safety, preserve and protect property values, lessen congestion of land and air space, provide against undue concentrations of signs which distract and endanger traffic safety and traffic flow, establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and area development, avoid uncontrolled proliferation of signs, recognize the rights of the public in its use of roads, streets and highways, recognize the tradition of individual liberty within the home and preserve the wholesome and attractive character of Boone County.

Promotion of the public comfort and welfare is to be accomplished by insuring adequate and appropriate spacing of signs so that confusion is reduced and so that businesses and other entities can effectively communicate with the public. The public comfort, safety and welfare will be further protected by regulating the size, height, location and general characteristics of permitted signs. These regulations are found to be the minimum necessary to promote the public health, safety and welfare.

25.2 Exempt Signs

25.2.1 Official notices authorized by a court, public body or public safety official

25.2.2 Directional, warning or information signs authorized by federal, state, county or municipal governments

25.2.3 Memorial plaques, buildings identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.

25.2.4 The flag of a government or a noncommercial institution, such as a school.

25.3 Signs in Agriculture, Transition, Recreation and Residential Districts

25.3.1 Residential Development Signs.
25.3.1.1 Residential developments of four or more dwelling units shall be permitted one development complex sign for each adjacent public street frontage not within the project (or for each entrance in the case of a subdivision project). Such signs that are based on one street frontage or subdivision entrance shall not be located on a different street frontage or subdivision entrance.

25.3.1.2 Such signs shall be placed within 75’ of the entrance to the development and outside of any right of way, public easement, or clear vision area.

25.3.1.3 Maximum height for such signs shall be 5 feet above the established street grade. Maximum sign area shall be 32 square feet per sign.

25.3.2 Business Signs.

25.3.2.1 Uses permitted by the zoning district regulations, including the sale of the property on which the sign is located, shall each be permitted façade signage and/or one freestanding sign per adjacent public street frontage. Total signage for such a use shall not exceed 32 square feet in area. The height of freestanding signs shall be limited to eight-feet above the established street grade.

25.3.2.2 Home occupations are permitted one (1) façade sign on the structure in which the home occupation is located, which shall not exceed three (3) square feet (432 square inches) in area. Such signs shall be unlit and shall use non-flashing, non-reflective materials.

25.3.2.2.1 The area of the sign shall be calculated using the following formula: height x width = area. For example if a sign was 21 inches high and 20 inches wide the area would be calculated by multiplying the height of 21 inches x the width of 20 inches, which equals 420 square inches (21 x 20 = 420).

25.3.3 Non-commercial signs. Residential uses shall each be permitted façade signage and/or one freestanding sign per adjacent public street frontage provided the signage does not convey a commercial message. Total signage for such a use
shall not exceed 32 square feet in area. The height of freestanding signs shall not exceed eight-feet above the adjacent grade.

25.4 Signs in Commercial, Industrial and Planned Recreation Districts.

25.4.1 Freestanding or Projecting Signs in Development Complexes. On each public street frontage each development complex shall be permitted one freestanding development complex sign or one projecting development complex sign, but not both. Freestanding or projecting signs, which are based on the length of one street frontage, shall not be placed on a different street frontage.

25.4.1.1 The base allowable sign area for each development complex sign shall be two square feet of sign area for each 5 lineal feet of street frontage, not to exceed 80 square feet of sign area. A bonus sign area of 10 additional square feet per business, enterprise, institution or franchise, within the development complex, is allowed provided that such bonus shall not exceed 50% of the base allowable sign area. Total Freestanding Sign Area is calculated as follows:

- Base Allowable Sign Area (BASA) in square feet = (lineal feet of street frontage ÷5) x 2 or 80 square feet, whichever is less.
- Bonus Sign Area (BSA) in square feet = Number of businesses, etc. x 10 or BASA ÷ 2, whichever is less
- Total Freestanding Sign Area = BASA + BSA or 120 square feet, whichever is less.

25.4.1.2 Businesses that are within a development complex shall not be allowed an individual freestanding or projecting sign.

25.4.2 Freestanding or Projecting Signs for Businesses. Each business not within a development complex may be permitted a freestanding sign or one projecting sign, but not both, subject to compliance with the applicable standards.

25.4.2.1 The base allowable sign area for each freestanding or projecting business sign shall be two square feet of sign area for each 5 lineal feet of street frontage, not to exceed 80 square feet of sign area. Total Freestanding Sign Area is calculated as follows:
25.4.3 Business Signs. Each enterprise, institution or business shall be permitted façade signs and one under canopy sign per street frontage, subject to the following requirements. Businesses that are not within a development complex shall be permitted one freestanding or projecting sign, but not both. Businesses that are within a development complex shall not be allowed an individual freestanding or projecting sign.

25.4.3.1 Maximum Façade Sign Area. Total area of façade signage shall not exceed 2 square feet for each lineal foot of the building wall to which the sign is attached up to a maximum of 80 square feet. Maximum façade sign area in square feet shall be calculated as follows:

- Lineal feet of building wall x 2 or 80 square feet, whichever is less.

25.4.3.2 Maximum Freestanding Sign Area. Two square feet for each 5 lineal feet of street frontage, not to exceed 80 square feet. Only one freestanding sign is allowed per parcel except as provided for in development complexes. Maximum freestanding sign area in square feet shall be calculated as follows:

- (lineal feet of street frontage \( \div 5 \)) x 2 or 80 square feet, whichever is less

25.4.3.3 Parapet Mounted Sign Area shall be calculated the same as and counted as part of the allowed façade signs.

25.4.3.4 Maximum Projecting Sign Area. Two square feet for each 5 lineal feet of street frontage, not to exceed 80 square feet. Only one
projecting sign is allowed per parcel. Maximum projecting sign area in square feet shall be calculated as follows:

- \((\text{lineal feet of street frontage} \div 5) \times 2\) or 80 square feet, whichever is less

25.4.3.5 Maximum Suspended Sign Area. The maximum allowable sign area shall be 1 square foot for each lineal foot of width of the canopy, awning, marquee or other structural element of a building from which the sign is suspended, as measured perpendicular to the building wall.

25.4.4 Freestanding Signs for Boat Services on the Missouri River. Businesses that provide boat services such as fuel and pump out may have one freestanding sign subject to the following:

25.4.4.1 The maximum allowable sign area shall be 64-square feet.

25.4.4.2 Maximum sign height is 30-feet, measured vertically, from the edge of the river bank as defined by the line of vegetation.

25.4.4.3 The sign must be within 25-feet, measured horizontally, of the river bank as defined by the line of vegetation.

2.4.4.4 The sign may be composed of one or two faces. The face(s) of the sign must be oriented toward the river and must be within 0° to 25° of parallel to the centerline of the river at the location of the sign.

25.4.5 Non-commercial signs. Commercial and industrial uses that are located in commercial or industrial zoning districts shall each be permitted façade signage and/or freestanding signs provided the signage does not convey a commercial message. Such signs shall not exceed 32 square feet in area and shall not be displayed for more than six months in each calendar year. The height of freestanding signs shall not exceed eight-feet above the adjacent grade.
25.5 General Sign Regulations. The following regulations apply to all signs.

25.5.1 Sign Illumination. Except for billboards, sign illumination may be from backlighting, an internal source or floodlight projection. Lighting shall be shielded to preclude glare visible from public rights of way and neighboring properties.

25.5.2 Measurement of Sign Area. The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or signs other than single or double-faced signs shall be calculated as the cumulative area of all faces of the sign.

25.5.3 Maximum Sign Height. Maximum height of any sign is 35 feet unless a more restrictive standard is established elsewhere in these regulations.

25.5.4 Measurement of Sign Height. The height of a sign shall be measured from average grade to the highest point of the sign or its supporting structure. Signs do not qualify for increased height due to increase in setback.

25.5.5 Condition and Maintenance. All signs shall be of rust-inhibitive or rot-inhibitive material or treatment, and shall be maintained in good condition in the opinion of the Director. All signs, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a safe state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

25.5.6 Electronic Message Signs. Electronic message signs that provide changing messages are permitted provided such signs do not blink or flash at a frequency of less than one blink or flash per 3 seconds.

25.5.7 All signs must meet or exceed the setback requirements established for the zoning district in which the sign is located. No portion of any sign shall
overhang or encroach on the setback area, public right of way or public easement.

25.5.8 Vehicle Clearance Area. When a sign is placed over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least 15 feet above the ground. Vehicle areas include but are not limited to driveways, alleys, parking areas, loading and maneuvering areas. Exceptions are prohibited.

25.5.9 Signs, which are allowed based on the length of or adjacency to one street frontage, shall not be placed on a different street frontage.

25.5.10 Prohibited Signs. The following devices and locations are specifically prohibited:

25.5.10.1 Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver’s view of approaching, merging or intersecting traffic.

25.5.10.2 Signs encroaching upon or overhanging public right of way or easement dedicated for use by the public. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located in the public right of way or public easement.

25.5.10.3 Cloth, paper, soft plastic or similar advertising signs or devices other than in rigid frames as provided herein.

25.5.10.4 Signs that blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.

25.5.10.5 Portable signs.

25.5.10.6 Any sign attached to or placed on a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle being operated during the normal course of business or being taken home.
25.5.10.7 Pennants, banners and private flags bearing any logo, product name, business name or other advertising.

25.5.10.8 Signs in any district except as specifically authorized by these regulations.

25.5.10.9 Rotating signs and roof-mounted signs and searchlights.

25.5.10.10 Any sign, other than a billboard that is located on a parcel that is otherwise undeveloped, except as otherwise permitted by these regulations.

25.5.11 Signs, variances not allowed except. No variance from the provisions of Section 25, Sign Regulations is allowed except in accordance with Section 15.C(4)(f) of these regulations.

25.6 Specific Sign Requirements

25.6.1 Billboards

25.6.1.1 Billboards are only allowed in the General Commercial (C-G), Planned General Commercial (CG-P), Light Industrial (M-L), Planned Light Industrial (ML-P), General Industrial (M-G) and Planned General Industrial (MG-P) districts and must be within 100 feet of the U.S. 63 or I-70 right of way.

25.6.1.2 Maximum sign area is 288 square feet.

25.6.1.3 Minimum ground clearance is 8 feet.

25.6.1.4 Minimum setback from all public rights of way is 50 feet with no portion of the sign overhanging the setback area.

25.6.1.5 Minimum setback from a side or rear property line, not abutting a public right of way, is 10 feet with no portion of the sign overhanging the setback area.
25.6.1.6 Minimum distance from Agriculture, Transition, Residential, Commercial Office (C-O) or Neighborhood Commercial (N-C) zoning districts or municipal limits of any city or town is 200 feet, based upon the location of the zoning district boundary or municipal limits in effect at the time the building permit for the billboard is issued.

25.6.1.7 Minimum distance from other billboards is 2,640 feet.

25.6.1.8 Minimum distance from any street intersection is 200 feet.

25.6.1.9 All freestanding billboards shall be mounted on a monopole mast.

25.6.1.10 Billboards consisting of two faces are permitted only if the planes formed by the two faces are parallel, the same size and shape and mounted at the same elevation.

25.6.1.11 Billboards consisting of more than two faces are prohibited.

25.6.1.12 Billboards shall not be illuminated.

25.6.1.13 Maximum number of billboards per parcel is one.

25.6.1.14 Billboards shall comply with all specific requirements for freestanding, projecting or facade signs, as appropriate, unless a stricter standard applies.

25.6.2 Freestanding Signs

25.6.2.1 All freestanding signs shall maintain a clear vision area as specified in this ordinance.
25.6.2.2 For purposes of calculating the number of freestanding signs allowed on a parcel, a billboard constitutes 1 freestanding sign.

25.6.2.3 Any freestanding sign that is not a billboard shall be a minimum of 35 feet from any public street intersection.

25.6.2.4 Freestanding signs shall be placed on a parcel so that they are no more than 150 feet from the public right of way.

25.6.2.5 In Commercial, Industrial or Planned Recreation Districts a freestanding sign cannot be placed closer than 50 feet to another freestanding sign.

25.6.2.6 There shall be no freestanding sign on the same street frontage where there is a projecting sign on the same parcel and street frontage.

25.6.3 Parapet-Mounted Signs. Signs projecting above the point of intersection of the exterior wall of the building with its roof shall be mounted on a parapet.

25.6.4 Projecting Signs

25.6.4.1 A projecting sign shall not extend above the line defined by the intersection of the planes formed by the building wall and the roof.

25.6.4.2 No supporting structure shall be visible above the sign face.

25.6.4.3 The edge of the sign shall not be more than one foot from the building wall.

25.6.4.4 A minimum of 8 feet must be maintained between the lowest point of the sign and the ground unless a stricter standard applies.
25.6.4.5 A projecting sign shall not project more than 10 feet from the building wall to which it is attached.

25.6.5 Suspended Signs

25.6.5.1 The maximum allowable horizontal length of a suspended sign shall be equal to the width of the canopy, awning, marquee other structural element of a building from which the sign is suspended, as measured perpendicular to the building wall, minus 2 feet.

25.6.5.2 The sign must be hung at least 1 foot from the outside building wall and at least 1 foot from the outside edge of the canopy, awning, marquee or similar structure from which the sign is hung measured at the location at which the sign is to be hung.

25.6.5.3 The minimum vertical clearance between the lowest edge of an under-canopy sign and the ground shall be 8 feet.

25.6.5.4 The sign must be hung perpendicular to the direction of the building wall at the location where the sign is to be hung.