# ZONING REGULATIONS
# CHRISTIAN COUNTY, MISSOURI

## ARTICLE 1. TITLE and INTENT

### Section 1. Title

The Unified Development Codes for Christian County Missouri were adopted on January 22, 1993 by order of the Christian County Commission pursuant to the authority granted by the Legislature of the State of Missouri in Sections 64.510 through 64.695 of the Revised Statutes of Missouri. The Unified Development Codes created only one district, which included all of Christian County, while segregating incompatible land uses with use permits and performance standards based on absolute and relative policies. These Codes, in pursuance of the authority granted by Section 64.670 of the Revised Statutes of Missouri, are henceforth amended and shall be known as the "Zoning Regulations for Christian County, Missouri" and shall be cited as such. The map portion of these Zoning Regulations may also be cited separately as the Christian County Zoning Map. A further result of the adoption of this amendment is the removal and separation of the subdivision regulations formerly known as Section 4-70 and 4-80 of the Unified Development Codes, the Christian County Road and Access Standards formerly known as Chapter Fifteen of the Unified Development Codes and the Stormwater and Erosion Control Regulations formerly known as Chapter Nineteen of the Unified Development Codes, resulting in the creation of three sets of regulations to be cited separately as the Christian County Subdivision Regulations, the Christian County Road and Access Standards and the Christian County Stormwater and Erosion Control Regulations.

### Section 2. Purpose and Legislative Intent

**A.** In pursuance to the above act Christian County, Missouri, as provide by said statutes purposes:

1. To preserve the health, safety, and general welfare;
2. to secure safety from fire, panic and other dangers;
3. to prevent the overcrowding of land;
4. to facilitate the adequate provision of adequate facilities for transportation, water, sewage, schools, parks and other public requirements;
5. to promote a more homogeneous relationship of land use within unincorporated Christian County;
6. to protect property values;
7. to regulate the use of the land and to promote the orderly development of the County in accordance with the Comprehensive Plan for Christian County as adopted by the Planning and Zoning Commission; and
8. to effectuate the use of other accepted purposes of zoning.

# ARTICLE 2. DEFINITIONS, INTERPRETATIONS and STANDARDS

## Section 1. General rules of construction

**A.** Certain words used in the Regulations have been defined in this Article. Where this is the case, they shall have the meaning given in the applicable Section of the Article.

**B.** Where words have not been defined, the standard dictionary definition shall prevail.

**C.** Where there is doubt, the Planning and Zoning Administrator shall have the right of interpretation. In construing the meaning of these Zoning Regulations, the following rules shall apply:

1. Words used in the present tense shall also include the future tense.

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

3. The word "**shall**" is mandatory.

4. The word "**may**" is permissive.

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

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

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

## Section 2. Definitions

### Accessory Use or Accessory Structure

A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

### Administrative Officer

The Planning & Zoning Administrator, who is charged with the administration of planning and zoning matters, and the Planning and Zoning Department.

### Agriculture

1. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for parking, treating or storing the produce or products;
2. provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
3. Animal feeding operations must conform to the Missouri Department of Natural Resources regulations pertaining to waste water management and odor control.

### Alley

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

### Animal, Dangerous

Any animal that by its nature or design presents a physical danger. Specifically this includes predators and carnivores, plus any venomous or oversized animal and any other animal so designated by the Christian County Commission.

### Apartment Hotel

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

**Basement**

1. **A** story whose floor is more than twelve (12) inches, but not more than half of the story height below the average level of the adjoining ground (as distinguished from a "cellar" that is a story more than one-half below such level).

2. A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side yard determination.

**Bed-and-Breakfast Facility (**also known as B&B)

A private home in which guests are accommodated in private bedrooms with private bathrooms, or in a suite of rooms including an *en suite* bathroom, or in private bedrooms with a bathroom that is shared with other guests. Breakfast may be served in the bedroom, a dining room, or the host's kitchen. B&Bs may be operated either as a secondary source of income or a primary occupation. The owners themselves must live in the private home, prepare the breakfast and clean the room, *et cetera*. If the B&B has hired staff for cleaning or cooking, the facility is no longer a B&B, but is a Hotel.

**Beginning of Construction**

The incorporation of labor and material for the purpose of placing or erecting a building or structure.

**Billboard or Signboard**

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

**Board**

The Board of Adjustment of Christian County, Missouri.

**Board, Planning**

See Commission, Planning and Zoning and Planning and Zoning Commission

**Boarding House**

See Hotel.

**Building**

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

**Building Administrator**

The public official designated by the Christian County Commission to issue building permits and carry out such inspections as required by the normal functions of the Building Inspections Department.

**Building, Height of**

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

**Building, Nonconforming**

A legally existing building that fails to comply with the provisions of these Zoning Regulations that is applicable to the zone in which such building is located.

**Building, Principal**

A building or buildings in which the principal use of the building site is conducted. In any Residential District, any dwelling shall be deemed to be the principal building on the building site.

**Bulk Limitations (Floor Area Ratio)**

The number of square feet of floor area that is permitted for each square foot of lot area.

**Business Area**

**A**ny zoning district designed for office, government and institutional, commercial and industrial use.

**Campground**
An area or premises in which space is provided for temporary occupancy or use by tourists occupying recreational vehicles, camping trailers or tents where no camper shall occupy the premises for a period exceeding thirty (30) consecutive days.

**Cellar**

A story the floor of which is more than one-half (½) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purposes of height regulations, only if used for dwelling purposes.

**Change in Use**

A change from one land use to another, or a change in intensity of use, e.g., from one type of equipment to another type that makes more noise, etc.

**Cluster Development**

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

**Commercial**

Relating to the sale or barter of goods or services.

**Commercial Feed Lot (CFL)**

Any livestock or poultry feeding operation that is carried out over short periods of time in buildings or unvegetated lots, for the purposes of fattening livestock or poultry immediately before shipment to market.

**Commercial Vehicle**

Any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

**Commercial Motor Vehicle, Large**

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

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

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

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

**Commercial Trailer, Large**

A trailer licensed for more than ten (10) thousand pounds.

**Commission, Planning and Zoning**

The Christian County Planning and Zoning Commission.

**Compensation**

The receiving of goods, services, or money in exchange for or as a result of a service performed.

**Comprehensive Plan**

The document, which sets out official goals, objectives and policies related to the future development of Christian County, Missouri and is a long-range plan for the desirable use of land in the County as officially adopted, and as amended from time to time by the Planning & Zoning Commission per the requirements of Missouri Revised Statutes.

**Conditional Use Permit**

A procedure whereby the Board of Adjustment may grant permission for a use that is listed as a conditional use in the Zoning Regulations. The Board of Adjustment must review the application and determine whether specific conditions for protection of the area and maintenance of the character of the Zoning District in which the conditional use is proposed, are incorporated in the plans for the proposed use. A Conditional Use Permit may be approved by the Board of Adjustment for a specified time period on a case by case basis. It is not necessary to show practical difficulty or hardship, as the permit is not asking for permission to violate these Zoning Regulations, but rather it must be shown that the proposed use is included in the list of conditional uses of the Zoning District in which the conditional use is proposed, and that adequate safeguards are specifically included in the plans to insure that the use will not be in any way a detriment to the locality. (also, See Article 6.)

**Condominium**

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

**Concentrated Animal Feeding Operation (CAFO)**

Commercial agricultural activities such as feedlot operations, poultry operations and associated uses that involve the confinement of animals in mass for the purpose of breeding, feeding, boarding, slaughter or for the production of animal products for consumption or other uses. This is an operating location where animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area. A feeding operation shall not be considered a CAFO unless the operation is expected to meet or exceed the animal populations indicated in Sections 640.700 to 640.755 of the Missouri Revised Statutes.

**Convalescent Home**

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

**Commission, County**

The Christian County Commission, the County's governing body.

**Court**

An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

**Court, Outer**

A court that extends directly to and opens for its full length on a street or other permanent open space or yard at least twenty-five (25)feet wide.

**Day care operation**:

1. **Day Care Home**

   A home where not more than six (6) children are kept in addition to the caregiver's own children, subject to state licensing requirements.

2. **Day Care Group Home**

   A home where not more than ten (10) children are kept in addition to the caregiver's own children, subject to state licensing requirements.

3. **Day Care Center**

   A commercial business where eleven (11) or more children are kept, subject to state licensing requirements.

**District (A**lso known as **Zoning District)**

A defined area of Christian County for which these Zoning Regulations impose uniform regulations and requirements or various combinations thereof apply.

1. The term Agricultural District, or A District, shall mean any A-1 or A-R District;
2. The term Residential District, or R District, shall mean any RR-1, MH-1, UR-1, R-1, R-2, R-3, R-4 or CD District;
3. The term Office District, or O District, shall mean any O-1 or O-2
4. The term Commercial District, or C District, shall mean any C-1 or C-2 District;
5. The term Manufacturing District, or M District, shall mean any M-1 or M-2 District;
6. The term Flood Plain District shall mean any F-1 District;
7. The term USA shall mean any Urban Services Areas Overlay District;
8. The term PUD shall mean any Planned Unit Development.

**District, More Restrictive or Less Restricted**

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

**Dwelling**

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

**Dwelling, Mobile Home**

See Mobile Home or Manufactured Home

**Dwelling, Multi-Family (Household)**

A dwelling or portion thereof designed, arranged or occupied as a residence by two or more families or housekeeping units having separate quarters and living independently of each other.

**Dwelling, Single-Family (Household)**

A building designed exclusively for residence purposes by one family or housekeeping unit.

**Dwelling, Two-Family (Household)**

A building designed exclusively for residence purposes by two families or housekeeping units living independently of each other.

**Dwelling Unit**

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

**Essential Services**

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

**Establishment**

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

**Family**

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

**Floodplain**

Any land area in Christian County susceptible to being inundated by flood waters from any source, as shown on the adopted Flood Insurance Rate Map (FIRM) for the unincorporated area of Christian County.

**Garage, Private**

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

**Garage, Public**

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

**Garden Apartment**

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

**Grade, Curb**

The elevation of the top of the face of the curb.

**Grandfathered Use**

See Nonconforming Use.

**Group Home, Residential**

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

**Guest House**

A living area in an accessory building of 1,000 square feet or less.

**Home Occupation**

Any occupation carried on by the inhabitants of a dwelling that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that does not change the character thereof, and that is conducted entirely within the main or accessory building, as described by Article 10.

**Hospital**

A building or portion thereof used for the accommodation of sick, injured or infirm persons.

**Hotel**

A building or group of buildings in which lodging is provided to the public, usually on a transient basis, but not including trailer court or recreation vehicle (RV) park, hospital, asylum, orphanage, or building where persons are housed under a restraint.

**Household or Housekeeping Unit**

One (1) or more related or unrelated persons living together as a single housekeeping unit in a dwelling unit.

**Industry**

Storage, repair, manufacture, preparation or treatment of any article, substance or any commodity for commercial use.

**Inspector**

Inspector of buildings, zoning and land use.

**Inn**

See Hotel.

**Institutional Uses**

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

**Junkyard or Salvage Yard**

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

**Kennel, Commercial**

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

**Land Use Plan**

The Comprehensive Plan.

**Loading Space**

An off-street space or berth on the same lot with the building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lodging House**

See Hotel.

**Lot**

A parcel of land identified by a number on a subdivision plat or survey recorded in accordance with the provisions of these Zoning Regulations.

**Lot Area**

The computed area within the lot lines.

**Lot, Corner**

A lot located at the intersection of, and abutting on two (2) or more streets.

**Lot Depth**

The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage or Through**

A lot that has two (2) non-intersecting sides abutting on two (2) or more streets.

**Lot, Interior**

A lot other than a corner lot.

**Lot Lines**

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

**Lot Line, Front**

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

**Lot Line, Rear**

The lot line opposite and most distant from the front lot line.

**Lot Line, Side**

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

**Lot Line, Street or Alley**

A lot line separating the lot from a street or alley.

**Lot, Wedge Shaped**

A lot situated so that the front is either wider or narrower than the rear of the lot.

**Lot Width**

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

**Lot of Record**

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

**Major or Secondary Highway**

See Thoroughfare - Primary or Secondary

**Manufactured Home**

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

**Manufactured Home Park**

See Mobile Home Park

**Manufactured Home Subdivision**

See Mobile Home Subdivision

**Master Plan**

The Comprehensive Plan.

**Maximum Coverage**

The maximum amount of land that may be covered by buildings on any lot.

**Mean Lot Elevation**

The average elevation of a single lot.

**Mobile Home**

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

**Mobile Home Park**

A site containing spaces with required improvements and utilities that are rented or leased for the long-term placement of mobile homes or manufactured homes and that may include services and facilities for the residents. Mobile Home Park sites must be platted in accordance with the provisions of the Christian County Subdivision Regulations.

**Mobile Home Subdivision**

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

**Modular Home**

Factory built housing certified as meeting county building codes for modular housing. Once certified by the County Building Inspections Department, modular homes shall be subject to the same standards as site built homes and shall be considered as single-family detached dwellings.

**Motel**

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

**Non-Business Area**

Any area within a Residential Zoning District, including areas therein where legal non-residential uses are present.

**Nonconforming Use**

A parcel of land lawfully occupied by a use that does not conform to the Zoning Regulations applicable to the Zoning District in which it is located. This term is also referred to as a "Grandfathered Use".

**Open Space – Private**

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

**Open Space – Public**

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

**Overnight Shelter**

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

**Parking Area, Private**

An open area for the same uses as private garage.

**Parking Area, Public**

A parking lot.

**Parking Lot**

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

**Parking Space**

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

**Permitted Use**

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

**Planning and Zoning Commission**

The Christian County Planning and Zoning Commission.

**Planned Unit Development (PUD)**

A zoning district with a minimum area of five (5) contiguous acres, to be planned, developed, operated, and maintained as a single entity and containing one or more structures and parcels to accommodate industrial, retail, service, commercial, office, or residential uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominate uses. The intent of the PUD is to create a more flexible, creative and efficient approach to the use of land.

**Plot Plan**

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

**Premise**

Any tract of land. A premise may consist of one (1) or more lots, tracts, or units, under single or multiple ownership that operates as a functional unit. A **shared premise**, when developed, shall also possess one or more of the following criteria:

1. shared parking;
2. common management;
3. common identification;
4. common access; or
5. shared circulation.

**Principal Use**

The primary or predominant use of any lot.

**Private Person**

Any natural person, partnership, corporation, or entity.

**Profession**

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

**Public Sewer or Wastewater System**

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

**R District**

Any approved Residential District.

**Recreational Vehicle (RV) Park**

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

**Regulations, Subdivision**

The Christian County Subdivision Regulations.

**Regulations, Zoning**

The Christian County Zoning Regulations.

**Resort**
See Hotel.

**Restaurant**

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

**Road**

See Street.

**Roadside Stand**

A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.
**Rooming House**

Hotel.

**Shared Premise**

**(S**ee Premise)

**Sewer, Public**

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

**Sign**

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

**Sign, Illuminated**

A sign designed to give forth artificial light, or designed to reflect light from one or more sources, natural or artificial.

**Sign, Projecting**

A sign erected on the face or outside wall of a building that projects out from the wall at any angle.

**Sign, Temporary**

A sign of temporary nature used to advertise a political candidate, or used to advertise the premises for sale, rent, or lease.

**Sinkhole**

Any depression in the surface of the ground with or without collapse of adjacent rock that provides a means through which surface water can come into contact with subsurface water.

**Sinkhole Watershed**

The ground surface area that provides drainage to the sinkhole.

**Site Plan**

The same as Plot Plan.

**Special Exception**

A procedure whereby the Board of Adjustment may grant a deviation from the requirements of these Zoning Regulations in specific cases, but only as provided and in such manner by these Zoning Regulations. (See Article 53, Section 11).

**Special Use Permit**

(See Conditional Use Permit.**)**

**Stable, Private**

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

**Stable, Public**

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

**Story**

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

**Story, First**

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

**Story, Half**

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

**Street**

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

**Street Classification**

Streets and roads are classified by function according to relative importance and design standards are related to functional classification. These classifications are as follows:

1. Primary arterials or expressways are facilities devoted primarily to traffic movement, performing little or no land service function and should have some access control.

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

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

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

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

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

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

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

**Street, Intersecting**

Any street that adjoins another street at an angle, whether or not it crosses the other.

**Structural Alteration**

Any change in the structural members of a building such as walls, columns, beams or girders.

**Structure**

Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improved areas).

**Subdivision Regulations**

The Christian County Subdivision Regulations.

**Tavern**

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

**Tea Room**

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

**Thoroughfare Plan**

An official thoroughfare plan that may be adopted or amended from time to time by the Christian County, establishing the general location and official right-of-way width of the major and secondary highways and thoroughfares in Christian County.

**Tourist Court**

Motel.

**Townhouse**

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

**Traffic Signaling Device**

**A** sign, light(s), device, or mechanical contrivance used for the control of motor vehicular and pedestrian movement.

**Trailer**

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

**Travel Trailer** or **Recreational Vehicle (RV)**

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

**Travel Trailer Park**

See Recreational Vehicle (RV) Park

**Usable Open Space**

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

**Use**

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

**Utility Service Installation**

Any structure or installation by utility company deemed to be necessary for the safe or efficient operation of that utility.

**Variance**

A procedure whereby relief may be granted from the strict letter of these Zoning Regulations where it can be clearly shown that by complying with these Zoning Regulations, the owner of the property would suffer practical difficulties or unnecessary hardships. The conditions for granting a variance are stated in Article 53, Section 6.

**Water Supply, Central**

A community or non-community water supply system that is regulated by the Missouri Department of Natural Resources.

**Water Supply, Public**

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

**Watercourse**

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

**Wholesale Trade**

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

**Winery**

An establishment at which wine is made.

**Yard, Front**

An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as otherwise provided in these Zoning Regulations.

**Yard, Front, Least Depth**

The shortest distance, measured horizontally, between any part of a building and the front lot line.

**Yard, Front, Least Depth, How Measured**

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

**Yard, Rear**

An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided in these Zoning Regulations.

**Yard, Rear, Least Depth, How Measured**

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

**Yard, Side**

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

**Yard, Side, Least Width, How Measured**

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

**Zoning Map**

The Christian County Zoning Map, as is from time to time amended to reflect zoning changes. The County maintains a database in digital form, created using Geographic Information System (GIS) mapping software.

**Zoning Certificate**

A document issued by the Planning & Zoning Administrator, authorizing buildings, structures, or uses consistent with the terms of these Zoning Regulations and for the purpose of carrying out and enforcing its provisions.

# ARTICLE 3. DISTRICTS and DISTRICT BOUNDARIES

## Section 1. Districts

For the purposes of the Regulations, the unincorporated area of Christian County, Missouri is hereby divided into the following categories of zoning districts:

**AGRICULTURE DISTRICTS**

A-1 Agriculture District
A-R Agriculture Residential District

**RESIDENTIAL DISTRICTS**

RR-1 Rural Residence District
MH-1 Manufactured Home (Mobile Home) Park or Subdivision District
UR-1 Urban Residence District
R-1 Suburban Residence District
R-2 One and Two-Family Residence District
R-3 Multi-Family Residence District
R-4 Multi-Family Residence District
CD Conservation Development District

**OFFICE DISTRICTS**

O-1 Professional Office District
O-2 General Office District

**COMMERCIAL DISTRICTS**

C-1 Neighborhood Commercial District
C-2 General Commercial District

**MANUFACTURING DISTRICTS**

M-1 Light Manufacturing or Industrial District
M-2 General Manufacturing or Industrial District

**OVERLAY DISTRICTS**

USA Urban Service Areas Overlay District
F-1 Floodplain Overlay District

**PLANNED UNIT DEVELOPMENT**

PUD Planned Unit Development

## Section 2. Quick Reference to Area Measurements by Zoning District

This Section of Article 3 is intended to serve as a quick reference guide for the area, frontage, height and yard requirements for each of the Zoning Districts. Please note that this information is also contained within the descriptions of each individual Zoning District as well as additional information pertaining to road or street setbacks which must be met in addition to the following required yard depths.

| **A-1**<br><br>**AGRICULTURE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Rear Yard Depth** | **Dwelling's 1st Floor Minimum Area** |
|---|---|---|---|---|---|---|
| Lot Area Customarily agricultural uses, as specified in Article 31 | 5 acres | None | 50 feet | 50 feet | 50 feet | - |
| Individual single-family dwelling with individual well and approved on-site sewage system | 5 acres | 200 feet | 50 feet | 25 feet | 50 feet | 640 sq. ft. 1st floor minimum |
| Recreational facilities, hospitals | 5 acres | None | 100 feet | 75 feet | 100 feet | - |

| **A-R**<br><br>**AGRICULTURAL RESIDENCE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Rear Yard Depth** | **Maximum Height** |
|---|---|---|---|---|---|---|
| Individual single-family dwelling with individual well and approved on-site sewage system | 3 acres | 150 feet | 40 feet | 25 feet | 50 feet | 2½ stories (35 feet) |
| All other permitted uses (Article 32) | 3 acres | 150 feet | 25 feet | 50 feet | 50 feet | 50 feet |

| **RR-1**<br><br>**RURAL RESIDENCE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Rear Yard Depth** | **Maximum Height** |
|---|---|---|---|---|---|---|
| Individual single-family dwelling with individual well and approved on-site sewage system | 3 acres | 150 feet | 40 feet | 25 feet | 50 feet | 2½ stories (35 feet) |
| All other permitted uses (Article 33) | 3 acres | 150 feet | 40 feet | 25 feet | 50 feet | 2½ stories (35 feet) |

| **MH-1**<br><br>**MANUFACTURED PARK SUBDIVISION DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| Individual home site – Lot Size with public sewer and water supply | 4,000 sq. ft. | 40 feet | 25 feet | 6 feet | Side yards may be reduced to zero lot lines, if the other side yard is not less than 12 feet, but two lots may not share the same zero lot line. | 10 feet |

| **UR-1**<br><br>**URBAN RESIDENCE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| Single-family dwelling with public sewer and public water supply | 7,000 sq. ft. | 50 feet | 25 feet | 5 feet | 10 feet | 20% of lot depth |
| Other permitted uses with public sewer and water supply | 7,000 sq. ft. | 50 feet | 25 feet | 5 feet | 10 feet | 20% of lot depth |

| **R-1**<br><br>**SUBURBAN RESIDENCE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| Single-family dwelling with public sewer and public water supply | 10,000 sq. ft. | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Other permitted uses | None | 100 feet | 40 feet | 20 feet | 40 feet | 50 feet |
| Single-family dwelling without public sewer and public water supply | 3 acres | 150 feet | 40 feet | 25 feet | 50 feet | 50 feet |

| **R-2**<br><br>**ONE & TWO-FAMILY RESIDENCE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| Single-family dwelling with public sewer and water supply | 9,000 sq. ft. | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Two-family dwelling with public sewer and water supply | 10,000 sq. ft. | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Cluster development and townhouses with public sewer and water supply | 5,000 sq. ft. | 40 feet each unit | 30 feet each unit | Zero on common wall | 12 feet per dwelling | 25 feet |
| Other permitted uses with public sewer and water supply | 1 acre | 100 feet | 40 feet | 15 feet | 30 feet | 50 feet |

| **R-3**<br><br>**MULTI-FAMILY RESIDENCE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| One-family dwelling with public sewer and water supply | 9,000 sq. ft. | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Two-family dwelling with public sewer and water supply | 9,000 sq. ft. 4,500 sq. ft. per double unit | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Multi-family dwelling with public sewer and water supply | 3,000 sq. ft. per unit | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |

| **R-4**<br><br>**MULTI-FAMILY RESIDENCE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| Three-family dwelling with public sewer and water supply | 9,000 sq. ft. | 70 feet | 25 feet | 6 feet | 12 feet | 25 feet |
| Four-family dwelling with public sewer and water supply | 10,000 sq. ft. | 75 feet | 25 feet | 6 feet | 12 feet | 25 feet |
| Over four-family dwelling with public sewer and water supply | 2,000 sq. ft. per unit | 100 feet | 25 feet | 6 feet | 12 feet | 25 feet |

| **O-1**<br><br>**PROFESSIONAL OFFICE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Rear Yard Depth** | **Maximum Height** |
|---|---|---|---|---|---|---|
| Permitted uses with individual well and approved on-site sewage system, producing less than 1500 gallons of wastewater per day | 20,000 sq. ft. | 100 feet | 50 feet | 25 feet | 50 feet | 2½ stories (35 feet) |

| **O-2**<br><br>**GENERAL OFFICE DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Rear Yard Depth** | **Maximum Height** |
|---|---|---|---|---|---|---|
| Non-residential buildings with individual well and approved on-site sewage system, producing less than 1500 gallons of wastewater per day | 20,000 sq. ft. | 100 feet | 50 feet | None, except where adjoining R District, then 15 feet | 10 feet | 2½ stories (35 feet) |

| **C-1**<br><br>**NEIGHBORHOOD COMMERCIAL DISTRICT** | **Minimum Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Rear Yard Depth** | **Maximum Lot Coverage (all structures)** |
|---|---|---|---|---|---|---|
| Principal structure served by public sewer and water | None | 70 ft. | 30 feet | 6 feet | 25 feet | 35 percent |
| Principal structure without public sewer and water, producing less than 1500 gallons of wastewater per day | None | 100 ft. | 30 feet | 6 feet | 25 feet | 35 percent |

| **C-2**<br><br>**GENERAL COMMERCIAL DISTRICT** | **Min. Lot Area** | **Min. Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Rear Yard Depth** | **Maximum Lot Coverage (all structures)** |
|---|---|---|---|---|---|---|
| Principal structure served by public sewer and water | None | None | 50 feet | None, unless adjacent to more restrictive Zoning District, then 25 feet | 10 feet, unless adjacent to more restrictive Zoning District, then 25 feet | 45 percent |
| Principal structure without public sewer and water, producing less than 1500 gallons of wastewater per day | None | 100 ft. | 50 feet | None, unless adjacent to more restrictive Zoning District, then 25 feet | 10 feet, unless adjacent to more restrictive Zoning District, then 25 feet | 45 percent |

| **M-1**<br><br>**LIGHT MANUFACTURING or INDUSTRIAL DISTRICT** | **Min. Lot Area** | **Min. Frontage** | **Front Yard Depth** | **Side Yard Depth** | **Rear Yard Depth** |
|---|---|---|---|---|---|
| Non-residential (not served by public sewer) | None | 100 feet | 50 feet | None, except where adjoining A or R districts, then not less than 100 feet each side | 50 feet |
| Non-residential (served by public sewer) | None | 50 feet | 50 feet | None, except where adjoining A or R districts, then not less than 100 feet each side | 50 feet |
| Residential dwelling (existing) | 3 acres | 150 feet | 40 feet | 25 feet each side | 50 feet |
| Residential dwelling (new) | Not permitted | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted |

| **M-2**<br><br>**GENERAL MANUFACTURING or INDUSTRIAL DISTRICT** | **Minimum Lot Area** | **Lot Frontage** | **Front Yard Depth** | **Side Yard Widths** | **Rear Yard Depth** |
|---|---|---|---|---|---|
| Non-residential (not served by public sewer) | None | 100 feet | 50 feet | None, except where adjoining A or R districts, then not less than 100 feet each side | 50 feet except where adjoining A or R District, then 300 feet unless specified otherwise |
| Non-residential (served by public sewer) | None | 50 feet | 50 feet | None, except where adjoining A or R districts, then not less than 100 feet each side | 50 feet except where adjoining A or R District, then 300 feet unless specified otherwise |
| Residential dwelling (existing) | 3 acres | 150 feet | 40 feet | 25 feet each side | 50 feet |
| Residential dwelling (new) | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted |

## Section 3. District Boundaries

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

## Section 4. District Boundaries Intended to Follow Property Lines

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

## Section 5. District Boundary Line and Other District Requirements

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

## Section 6. District Boundary Line Questions Determined by Board of Adjustment

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

## Section 7. Vacation of Public Way Expands Adjacent Districts

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

## Section 8. Disincorporation of Territory Reverts to A-1

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

## Section 9. F-1 Floodplain

The Floodplain Overlay District shall encompass those areas identified on the Flood Insurance Rate Maps (FIRM) for Christian County as unnumbered A zones. Please refer to the Floodplain Management Article of the Stormwater and Erosion Control Regulations for Christian County.

# ARTICLE 4. GENERAL PROVISIONS

## Section 1. Conformance Required

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

## Section 2. Continuing Existing Uses

Except as specified in these Zoning Regulations, any use, building or structure existing at the time of the enactment of these Zoning Regulations may be continued, even though such use, building or structure may not conform to the provisions of the Zoning Regulations for the Zoning District in which it is located.

## Section 3. Agriculture

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

## Section 4. Public Utilities

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

## Section 5. Outdoor Advertising

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

## Section 6. Floodplain Overlay District

Nothing provided in these Zoning Regulations shall be so construed as to prohibit the owner of lands within any Floodplain Overlay District from lawfully filling, draining, constructing levees or otherwise improving his land, so as to eliminate or reduce the danger of flood or erosion providing that such improvements do not cause surrounding properties to be flooded or harmed by the action. Please refer to the Floodplain Management Article of the Stormwater and Erosion Control Regulations for Christian County.

## Section 7. Retail Establishments and Places of Entertainment

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

## Section 8. Nonconforming Uses or Buildings

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

**A.** Substitution or Extension

When authorized by the Board of Adjustment, the substitution for a non-conforming use of another non-conforming use or the extension of a non-conforming use may be made.

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

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

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

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

**D.** If two (2) or more lots of record exist, with continuous frontage in single ownership, any of which fail to meet the minimum requirements of the Zoning District in which said lots are located, shall be considered to be an undivided tract and no part shall be used which does not meet the minimum requirements of the respective Zoning District.

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

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

**G. Discontinuance**

No building, structure or premises where a nonconforming use has ceased for one (1) year or more shall again be put to a nonconforming use.

**H. Replacing Damaged Buildings**

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

**I. Repairs and Alterations**

Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board of Adjustment.

## Section 9. Conversion of Dwellings

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

## Section 10. Accessory Buildings and Uses

### A. Definition

An accessory structure or use:

1. Is subordinate to and serves a principal building or a principal use;
2. Is subordinate in area, extent or purpose to the principal building or principal use served;
3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal building or principal use served;
4. Is located on the same lot as the principal building or principal use served; and
5. Cannot be a manufactured residential structure.

### B. Allowed Accessory Structures and uses

Accessory Structures shall include, but are not limited to the following permitted structures:

1. Buildings or structures incidental to a principal building or structures, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use.
2. Barn
3. Playhouse
4. Greenhouse
5. Pool and bathhouses
6. Living quarters
7. Garage/living area combination
8. Guest house or rooms for guests in an accessory building, minimum area must comply with building codes.

### C. Use Limitations

All Accessory Structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.

**D. Setback and Spacing Regulations**

All accessory structures shall comply with the following regulations:

1. Accessory buildings shall be set back a minimum of ten feet from the rear and side lot lines.

2. An accessory building shall be set back a distance equal to its side wall height.

3. No accessory building shall be permitted in any required residential front yard or required easement.

4. No accessory building shall be constructed closer than ten feet of the principle structure on the lot.

5. On a corner lot, no accessory building shall project beyond the front lot lines on the adjacent lots.

**E. Additional Regulations for Accessory Structures**

1. All driveways accessing accessory structures from a public right-of-way shall obtain a driveway access permit from the applicable County Road District (or their designee), Special Road District or the Missouri Department of Transportation prior to installation of the driveway.

2. The living area in an accessory structure shall be limited to 1,000 square feet.

**F. Conditional Use Permit**

Property owners may request approval of a Conditional Use Permit from the Board of Adjustment for the following:

1. Increase in the size of the living area within an accessory structure beyond the permitted size.

2. The following conditions shall apply and shall be included as conditions for the approval of the Conditional Use Permit:

    a. Water and sewer facilities shall be connected directly to the Accessory Structure rather than attached to the principle structure on the lot.

    b. The property owner lives in one of the two structures on the property.

## Section 11. Traffic Visibility Across Corner Lot

In any R District on any corner lot, no fence, structure, or planting shall be erected or maintained within twenty (20) feet of the "corner" so as to interfere with the traffic visibility across the corner.

## Section 12. Required Area or Space Cannot Be Reduced

**A.** No lot, yard, court, parking area or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by these Zoning Regulations; and, if already less than the minimum required by these Zoning Regulations, said area or dimensions shall not be further reduced.

**B.** No part of a required yard, court, parking area or other space provided about, or for, any building or structure shall be included in the requirements for another building or structure.

## Section 13. Off-Street Parking and Loading

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

## Section 14. Unsafe Buildings

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

## Section 15. Pending Applications for Building Permits

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

## Section 16. Multiple Uses and Structures

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

**B.** All other uses, whether within the same structure or located in other structures on the same tract, must be of an accessory nature as determined by the Board of Adjustment.

**C.** All applicable building codes shall be met.

# ARTICLE 5. USE STANDARDS

## Section 1. General Requirements

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

## Section 2. Existing Uses

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

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

Conditions:

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

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

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

**D.** Exterior lighting fixtures shall be shaded whenever necessary to avoid casting light upon property located in any Residential District.

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

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

## Section 3. Enforcement

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

# ARTICLE 6. CONDITIONAL USES

## Section 1. The Board of Adjustment Authority to Allow Any Conditional Use

The Board of Adjustment, after receiving a report and recommendation from the Planning & Zoning Commission, shall have authority to allow any conditional use permitted in a particular Zoning District:

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

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

## Section 2. Limitations or Conditions

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

# ARTICLE 7. PARKING and LOADING AREAS, PUBLIC GARAGES, PARKING LOTS and FILLING STATIONS

## Section 1. Off-Street Loading Space

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

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

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

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

## Section 2. Off-Street Parking Space

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

**B. Size and Access**

1. Each off-street parking space shall have an area not less than one hundred sixty-six and one-half (166.5) square feet (18.5 feet x 9 feet) exclusive of access drives or aisles, and shall be of usable shape and condition. Except for dwellings, no parking area shall be less than one thousand (1,000) square feet in area.

2. There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive

not less than twelve (12) feet in width in the case of a dwelling, and not more than thirty (30) feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in connection with a use permitted in an R District, such easement of access or access drive shall not be located in any R District.

**C. Handicapped Parking**

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

**D. Floor Area Defined**

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

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

**E. Number of Parking Spaces Required**

1. The minimum number of off-street parking spaces required shall be as set forth in the following table; however, final requirements shall be determined by the Planning & Zoning Administrator.
2. In the case of any building, structure or premise, the use of which is not specifically mentioned in these Zoning Regulations, the provisions for a use that is so mentioned and to which said use is similar, shall apply.

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

**F. Development and Maintenance of Parking Areas**

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

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

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

3. **Surfacing**
   Any off-street parking area shall be surfaced with an asphaltic binder pavement, Portland cement binder pavement, or chip and seal pavement to provide durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an M District, if more than two hundred (200) feet distant from any R District, except that a dustless surface shall be provided in any case.

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

5. Handicapped parking will be sited, designed, and marked for the benefit of handicapped persons. All applicable building codes shall be met.

**G**. No motor vehicle or trailer shall be parked in the required front yard of a lot or tract of land in any R District or a lot or tract of land used for residential purposes in any other Zoning District except in a driveway leading to a required off-street parking space for a single-family-detached, single-family semi-detached, duplex or townhouse dwelling unit or mobile home on an individual lot.

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

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

1. This shall include an access on public right-of-way that is forty (40) to sixty (60) feet wide with a minimum of thirty (30) foot radius, and constructed in compliance with the Christian County Road and Access Standards for commercial drives. If the access is on Missouri Department of Transportation rights-of-ways then the construction must be in compliance with Missouri Department of Transportation design standards.

2. The driveway extending from the access on public right-of-way shall be constructed using the same criteria as the access.

3. Adequate parking area for the vehicles will be provided using the location requirements and screening requirements as used for automobile parking spaces.

4. The parking area may be gravel provided that the gravel area is keep free of debris, potholes, puddles, or ruts and does not create a dusting on the surrounding area. If these items cannot be complied with then the parking area must be protected with a surface similar to the driveway and access drive that is non gravel.

5. Large commercial motor vehicles, large commercial trailers or commercial vehicle parking requirements may be waived if only one vehicle is in use on the site that is titled or leased to the owner, leaser, or renter of the parking area, or the vehicles and/or trailer are part of an agricultural operation on which the vehicles are used to transport materials produced or grown on the property in question. If the vehicles and/or trailer in question are not titled or leased to the property owner then this operation will be considered

a commercial business and will need to be rezoned to the proper Zoning District or cease operation in the existing location.

## Section 3. Restricted Business or Industrial Accessory Parking Areas

The Board of Adjustment may authorize, as a conditional use, the establishment and operation of an off-street parking area for twenty-five (25) or more automobiles in such parts of any A District, R District, or F-1 District that abut at least fifty (50) feet, either directly or across an alley, a C District, or an M District, subject to the following conditions and requirements:

**A.** The parking lot shall be accessory to, and for use in connection with, one (1) or more business or industrial establishments located in an adjoining C District or M District.

**B.** Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any R District.

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

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

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

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

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

**H.** Before making its final determination, the Board of Adjustment shall 38 hold a public hearing, notice of which shall be given to owners of property above described. If the Board of Adjustment approves the aforesaid application, the Planning & Zoning Administrator shall thereafter issue a zoning certificate in accordance therewith, subject to any modification of

the foregoing requirements and to any additional requirements that may be stipulated by the Board of Adjustment.

**I.** Any permit authorized by the Board of Adjustment and issued by the County Planning & Zoning Administrator may be revoked at the time that the aforementioned requirements are not complied with.

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

**A.** No gasoline filling station, parking lot for twenty-five (25) or more motor vehicles, or parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public library or institution for dependents or for children, except where such property is in another block or on another street that the lot in question does not abut.

**B.** No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance for any purpose, other than filling cars, is located within twelve (12) feet of any street lot line or within twenty-five (25) feet of any R District, except where such appliance or pit is within a building.

# ARTICLE 8. TRAVEL TRAILER PARKS AND RECREATIONAL VEHICLE PARKS (RV Parks)

## Section 1. RV and Travel Trailer Storage

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

## Section 2. RV Parks Conformance with Health Department Regulations

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

**A.** **Mandatory Connection to Public Sewerage System.**
All travel trailers or recreational vehicles stationed within an authorized trailer or RV Park shall be connected to a public sewer system within seventy-two (72) hours.

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

## Section 3. Access

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

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

**C.** All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

## Section 4. Yard Requirements

A travel trailer or recreational vehicle park shall comply with all areas and yard requirements prescribed in the Zoning District in which the recreational vehicle park is located.

## Section 5. Lot Coverage

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

## Section 6. Enlargement or Expansion

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

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

## Section 7. Recreational Vehicle Park - Submission of Plans/Platting

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

**B.** Travel Trailer or Recreational Vehicle Park – Requirements. Travel trailer or recreational vehicle park shall be designed and maintained according to the provisions of the following additional requirements:

1. Park Area

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

2. Distance Between

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

3. Screening

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

## Section 8. Utilities

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

## Section 9. Recreation Areas

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

## Section 10. Supplementary Requirements

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

# ARTICLE 9. MANUFACTURED HOMES & MOBILE HOMES

## Section 1. Utilized for Dwelling Purposes

Manufactured homes and mobile homes shall be utilized solely for dwelling purposes and meet all applicable standards set forth in Chapter 700 of the Missouri Revised Statutes and shall be constructed pursuant to the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 United States Code §5401 *et seq*.; 24 CFR Part 3280 and Part 3282, that became effective June 15, 1976.

## Section 2. No Non-Residential Use

No manufactured home or mobile home shall be located, erected, secured and/or altered to serve as a non-residential use, including but not limited to uses such as a storage unit, tool house, private garage or wash house, in any district.

## Section 3. Allowed in MH-1 District

Manufactured homes and mobile homes shall be allowed within a MH-1 District.

## Section 4. Allowed in A-1 and A-R Districts with Provisions

Manufactured homes and mobile homes shall be allowed within an A-1 or A-R District provided that there is another manufactured home or mobile home within a radius of 1,000 feet (measured structure to structure) or there are no site built homes within a radius of 1,000 feet (measured structure to structure).

## Section 5. Not to Serve as a Guest House, Servant's Quarters, Den or Parsonage

No Mobile home shall be located, erected, secured and/or altered to serve as a guest house, servant's quarters, den or parsonage in any district unless otherwise provided for in this regulation.

## Section 6. Replacement of Existing Nonconforming Mobile Homes in Residential Zoning Districts

Existing manufactured homes or mobile homes which are lawfully occupied but do not conform to the Zoning Regulations applicable to the Residential Zoning District in which they are located (nonconforming use) upon the effective date of the Zoning Regulations (August 9, 2010) may be replaced with a manufactured home or mobile home that has been manufactured or constructed in accordance with the standards of the *National Manufacturing Housing Construction and Safety Standards Act of 1974* that became effective on June 15, 1976. It is further provided that:

**A.** 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;

# ARTICLE 10. HOME OCCUPATIONS

## Section 1. Purpose

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

## Section 2. Residential Districts

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

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

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

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

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

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

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

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

**H.** Only one (1) nameplate will be allowed.

1. It may display the name of the occupant and/or the name of the occupation.
2. It shall not exceed one (1) square foot in area,
3. Shall be non-illuminated, and
4. Shall not be erected in any required front or side yard.

**I.** The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.

**J.** The following are typical examples of uses that often can be conducted within the limits of the restrictions established in this Section and thereby qualify as home occupations. Uses that qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it as a home occupation):

1. Artists and sculptors.
2. Authors and composers.
3. Beauty shop - one (1) chair.
4. Dressmakers, seamstresses and tailors.
5. Family day care home, limited to not more than six (6) children.
6. Home crafts, such as model making, rug weaving, lapidary work and cabinet making.
7. Office facility of a minister, rabbi or priest.
8. Office facility of a sales person, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premise.
9. Office facility of an architect, artist, broker, dentist, physician, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician or real estate agent.
10. Music or dancing teachers, provided that the instruction shall be limited to four (4) pupils at any given time except for occasional groups.
11. The letting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither of whom is a transient.

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

1. Animal hospitals
2. Antique shops
3. Auto repair
4. Clinics or hospitals
5. Dancing schools
6. Gift shops
7. Mortuaries
8. Nursery schools
9. Painting of vehicles, trailers or boats
10. Private clubs
11. Renting of trailers, boats or watercraft
12. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras or other similar small items
13. Restaurants
14. Stables or kennels

## Section 3. Agriculture Districts

Home occupations are permitted as accessory uses in agricultural districts. The home occupations permitted in Article 10 will be considered principal uses. The home occupations permitted in the provisions for home occupations in residential districts will be considered accessory uses. Uses prohibited as home occupations in residential districts, as well as any other use deemed appropriate for a home occupation by the Board of Adjustment, may be permitted as home occupations in agricultural districts upon receipt of a conditional use permit.

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

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

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

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

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

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

3. The home occupation must not occupy more than fifty (50) percent of the floor area of one (1) story of the dwelling.

4. The use shall not generate significantly greater volumes of traffic than would normally occur in the rural area. All parking shall be conducted off the street.

5. Two (2) commercial vehicles associated with an agricultural home occupation may be parked on the property. Storage shall be in an appropriate manner. Additional screening may be required for vehicles over one (1) ton or vehicles with logos printed on the sides. This additional screening could include enclosed garage, board fence (up to eight (8) feet tall) or vegetative screening.

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

7. Only one (1) nameplate will be allowed.

    a. It may display the name of the occupant and/or the name of the occupation.

    b. It shall not exceed four (4) square feet in area,

    c. shall be non-illuminated, and

    d. must be displayed on the same tract of land as the dwelling.

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

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

10. Any other condition imposed by the Board of Adjustment.

# ARTICLE 11. GARAGE and YARD SALES

It shall be unlawful for any person to advertise, conduct, carry on or permit more than two (2) garage, patio, yard or other similar sales within any twelve month period, nor shall any such sale be held or be scheduled for more than two (2) calendar days.

# ARTICLE 12. TELECOMMUNICATIONS REGULATIONS

## Section 1. Purpose

**A.** The purpose of this regulation is to find practical solutions to the siting of telecommunications facilities and their functionally equivalent services.

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

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

## Section 2. Definitions

**Alternative Tower Structure**

Water Towers, clock towers, bell steeples, light poles, electric poles and similar mounting structures that camouflage or conceal the presents of antennas.

**Antenna**

Communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services**.**

**Applicant**

**A**ny person engaged in the business of providing wireless communications services or the wireless communications infrastructure required for wireless communications services who submits an application;

**Application**

A request submitted by an applicant to an authority to construct a new wireless support structure, for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure.

**Base Station**

A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplied, and other associated electronics, and includes a structure that currently supports or houses an antenna, a transceiver, coaxial cables, power supplies, or other associated equipment.

**Building Permit**

A permit issued by an authority prior to commencement of work on the collocation of wireless facilities on an existing structure, the substantial modification of a wireless support structure, or the commencement of construction of any new wireless support structure, solely to ensure that the work to

be performed by the applicant satisfies the applicable building code.

**Cell Site**

A generic term for a personal wireless service facility.

**Collocation**

The placement or installation of a new wireless facility on a structure that already has an existing wireless facility, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

**Electrical Transmission Tower**

An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

**Equipment compound**

An area surrounding or near a wireless support structure within which are located wireless facilities.

**Equipment shelter**

An enclosed structure, cabinet, shed or box at the base of the mount used to contain batteries and electrical equipment.

Also known as base transceiver stations.

**Existing Structure**

A structure that exists at the time a request to place wireless facilities on a structure is filed with an authority. The term includes any structure that is capable of supporting the attachment of wireless facilities in compliance with applicable building codes, National Electric Safety Codes, and recognized industry standards for structural safety, capacity, reliability, and engineering, including, but not limited to, towers, buildings, and water towers. The term shall not include any utility pole.

**Functionally Equivalent Service**

According to the Telecommunications Act, these five (5) services are considered functionally equivalent services and must receive the same treatment by local government.

Cellular

Personal Communications Services (PCS)

Enhanced Specialized Mobile Radio

Specialized Mobile Radio, and

Paging

**Guyed tower**

A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

**Lattice Tower**

A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

**Licensed Carrier**

A company authorized by the FCC to construct and operate a commercial mobile radio services system.

**Monopole**

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

**Mount**

The structure or surface upon which antennas are mounted.

Types of mounts include roof-mount, side-mount, ground-mount (tower) and structure-mount.

**PCS (Personal Communications Services)**

An advanced form or radiotelephone services, capable of transmitting and receiving voice, data, text, and video messaging. PCS operates in the 1850-1990 Mhz range.

**Replacement**

Includes constructing a new wireless support structure of equal proportions and of equal height of such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation and includes the associated removal of the preexisting wireless facilities or wireless support structure.

**Substantial modification**

The mounting of a proposed wireless facility on a wireless support structure which, as applied to the structure as it was originally constructed:

> Increases the existing vertical height of the structure by:
> more than ten percent; or the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; or
> involves adding an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty feet or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater

(except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
involves the installation of more than the standard number of new outdoor equipment cabinets for the technology involved, not to exceed four new equipment cabinets; orincreases the square footage of the existing equipment compound by more than one thousand two hundred fifty square feet.

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

Towers located in an area zoned for commercial or manufacturing use able to meet the setback requirements set forth within this regulation.

Such tower may be accessory to the principal use.

Any antenna one (1) meter or less in diameter located in any zone.

Any antenna in excess of one (1) meter in diameter which is utilized for the reception of broadcast television, video, or radio signals which may be accessory to the primary use on the premises of the holder of the broadcast license.

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

Public utility owned poles, which shall include municipal utility owned poles, to which antenna facilities are attached; said utility poles are subject to the requirements of Article 12, Q.

**Utility**

Any person, corporation, county, municipality acting in its capacity as a utility, municipal utility board, or other entity, or department thereof or entity related thereto, providing retail or wholesale electric, natural gas, water, waste water, data, cable television, or telecommunications or internet protocol-related services.

**Utility pole**

A structure owned or operated by a utility that is designed specifically for an used to carry lines, cables, or wires for telephony, cable television, or electricity, or to provide lighting;

**Water tower**

A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water;

**Wireless communications service**

Includes the wireless facilities of all services licensed to use radio communications pursuant to Section 301 of the Communications Act of 1934, 47 U.S.C. § 301.

**Wireless facility**

The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, power supplies, cabling and associated equipment necessary to provide wireless communications services;

**Wireless support structure**

A structure, such as a monopole, tower, or building capable of supporting wireless facilities. This definition does not include utility poles.

## Section 3. Conditional Use Permits

Except for public utility owned poles or similar structures to which antennas are attached in accordance with the requirements of Section 15 of Article 12, a Conditional Use Permit is required for the location of all telecommunications facilities in the unincorporated areas of Christian County, Missouri, which includes:

**A.** Ground-mount telecommunications facility located within any Agricultural or Residential District;

**B.** Any existing telecommunication facility located within any Agricultural or Residential District;

1. Where mounting of additional antennas add more than twenty (20) feet to the height of the existing tower; or

2. Where the placement of additional supporting structures or equipment increase the square footage of the existing telecommunication facility compound by more than twenty-five (25) percent while still meeting all other Christian County Zoning requirements.

A ground-mount telecommunication facility or functionally equivalent service shall be considered a principal use and may be located within any Commercial or Manufacturing District so long as the facility can maintain the setback requirements set forth within this regulation.

**C.** In granting a Conditional Use Permit the Board of Zoning Adjustment may require conditions mitigating the impact of the tower location on surrounding properties.

1. These conditions may include in part:

a. Screening of the compound surrounding the equipment shelter and tower;

b. Lighting;

c. Tower height;

d. Landscaping of the site including building materials architectural requirements when located within or adjoining a residential district;

e. Co-location analysis;

f. Abandonment of the site, which may require dismantling towers and structures at the owner's expense, and the reclamation of vegetation.

**D.** Communication towers and antennas used as part of a home occupation must adhere to all conditions set forth within this regulation.

1. Any tower associated with a home occupation and exceeding one hundred (100) feet in height requires a Conditional Use Permit.

**E.** The application requesting the Conditional Use Permit for the placement of a new wireless support structure or for the substantial modification of a wireless support structure, or for collocation of a wireless facility or replacement of a wireless facility on an existing structure must include the following information:

1. A scale site plan showing

a. Property lines,

b. Existing land use and zoning,

c. Surrounding land use and zoning,

d. Access roads,

e. Proposed structures,

f. Setbacks of proposed structures from property lines,

g. Type of proposed mount,

h. Proposed landscaping,

i. Screening or fencing,

j. Parking areas,

k. Proposed signage, and

l. Proposed lighting of the facility.

2. A written report describing:

a. Tower height and design,

b. Engineering specification detailing the tower construction,

c. Information on painting

d. Lighting of the tower

e. Tower's capacity,

1. Including the number and type of antennas that it can accommodate as a co-location site.

3. A statement in writing that the Applicant conducted an analysis of available collocation opportunities on existing wireless towers within the same search ring defined by the Applicant and that other existing towers or structures do not provide a suitable location for the proposed telecommunications facility.

4. A copy of a deed to the real estate the Applicant is requesting a Conditional Use Permit to place a new wireless support structure, or a copy of a Lease or letter of authorization or other agreement from the property owner evidencing the Applicant's right to pursue this Application.

**F.** In granting a Conditional Use Permit the Board of Zoning Adjustment will consider, but is not limited to, the following factors:

1. Height of the proposed tower, provided the Board will not impose any restriction with respect to objects in navigable airspace that are greater than or in conflict with the restrictions imposed by the Federal Aviation Administration.

2. Proximity of the tower to residential structures and boundaries

3. Nature of uses on adjacent and nearby properties

4. Surrounding topography

5. Surrounding tree and vegetative cover

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

**G**. A Conditional Use Permit is required for the installation of an antenna on

1. An existing structure other than a tower,

a. such as a building,

b. water tower,

c. light pole

d. other non-residential structure,

2. Provided that the antenna (including the supporting masts, etc.) meet all other Christian County Zoning Regulations.

3. For collocation to any certified historic structure as defined in Section 253.545, RSMo., in addition to all other applicable time requirements, there shall be a twenty day time period before approval of an Application.

**H.** In the above mentioned cases, when approved, the mount shall be considered to be an accessory use to the principal use.

## Section 4. Additional Requirements.

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

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

## Section 5. Tower Designed for Co-Location.

**A**. Each applicant agrees to cooperate with the County and other Applicants by designing towers such that other users may co-locate upon the same tower.

1. Specifically, unless otherwise authorized by the Board of Zoning Adjustment, towers shall have such capacity that additional equipment by the principal user of the tower may be added or secondary users might lease the balance of the tower.

a. One (1) amateur antenna can be considered in satisfying the secondary co-location criterial for commercial towers.

b. Towers less than sixty (60) feet in height are not required to meet the above mentioned co-location criteria.

c. Applicants must notify the Christian County Director of Planning and Zoning in writing of the name and address of any and all co-users of a tower or antenna.

## Section 6. Proposal on County Owned Property

**A.** Any proposal to lease space on County owned property or structures must be approved by the Christian County Board of Zoning Adjustment.

## Section 7. Adherence to Building Regulations and Required Certificate of Insurance

**A.** All towers governed by this ordinance constructed within Christian County must be permitted by and adhere to all Christian County Building Regulations.

**B.** All towers greater than two-hundred (200) feet in height shall be inspected before a final permit is issued and a copy of the inspection approval as well as certificate of insurance must be on file with the Christian County Planning and Zoning Department office.

1. A copy of all required subsequent inspections must be filed with the Planning Office.

2. All other towers must provide a certificate of insurance before any building permits shall be issued.

## Section 8. Required Fencing

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

## Section 9. Accessory Equipment or Vehicles

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

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## Section 10. Setbacks

**A.** Towers located within a residential district must be set back from the property line a distance equal to the overall height of the tower constructed, or a minimum setback for the zoning district, whichever is greater.

**B.** Towers located adjacent to any residential district must be set back a minimum distance equal to the height of the tower.

**C.** Towers located within or adjacent to any agricultural district must have a setback from

the property line equal to the height of the tower.

**D.** Guy wires and other support structures shall maintain a minimum of twenty (20) feet from the property line in any district.

**E.** All towers and accessory buildings must adhere to the minimum setback requirements within the zoning district in which they are located.

## Section 11. Landscaping

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

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

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

**D.** Existing mature tree growth and natural land forms on or surrounding the communication facility should be preserved to the maximum extent possible.

1. In some cases natural growth around the property perimeter may be a sufficient buffer to waive the above mentioned landscape requirements.

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

**F.** Those towers located within two hundred and fifty (250) feet of a residential district may be subject to the landscaping requirements within the nearby residential districts.

## Section 12. Lighting

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

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

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

## Section 13. Tower and Support Building Appearance

**A.** The tower shall be maintained with a galvanized steel finish or, subject to FAA standards, painted a neutral color to lessen visual impact or camouflaged to harmonize with the surrounding environment.

1. The support buildings within a telecommunication facility shall, to the extent possible, be designed to blend into the surrounding setting in which they are being sited. This may include, in addition to landscaping and screening, residential style architecture with pitched roof, siding, and color.

## Section 14. Discontinued Use

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

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

2. Upon removal, the tower owners will reclaim the site by obtaining the property grading permits from the Christian County Planning and Zoning Department and reclaiming the disturbed area according to Article IV, Section 27 of the Christian County Zoning Regulations.

3. Article IV, Section 19 (Weeds and Other Rank Vegetation) shall apply to all sites.

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

## Section 15. Public Utility Owned Poles

**A.** Antenna facility attachments may be located on public utility owned poles used for the distribution of electrical service, located within a road right-of-way, utility easement or private property in any zoning district as permitted use, subject to the following standards and conditions:

1. The public utility owned pole shall not exceed one hundred and twenty (120) feet in height above the original grade at the site of the installation.

2. The public utility owned pole shall be designed to withstand applicable wind load requirements as prescribed by the State of Missouri.

3. The public utility owned pole shall not have fixed or attached to it, in any way,

any lights, reflectors, flashers, daytime strobes, or steady nighttime light or other illuminating devices except in the case of a street light structure being utilized or as may be required by the Federal Aviation Administration.

4. If at a later date the utility pole is not used for an antenna facility attachment, said antenna facility attachment shall be removed within one (1) year of non use.

5. The public utility, as the owner of the utility pole shall ensure that the public utility pole meets all Federal Aviation Administration requirements, if necessary.

**B.** Changes Required for Public Improvements

1. If any of the following shall take place any time while the public utility owned pole, being used as an antenna facility attachment, the public utility shall, at its own cost and expense and upon reasonable notice by County, promptly protect or promptly alter or relocate the public utility owned pole, so as to conform with such new grades or lines or as necessary to not interfere with the County project or work in accordance with a schedule approved by the Christian County Highway Administrator or his designee:

   a. To prevent interference with a present or future County use of the rights-of-way;

   b. To prevent interference with a public improvement undertake by the County including but not limited to a change in grade or lines of the rights-of-way or infrastructure therein;

   c. When necessary because of traffic congestion, street vacations, freeway grading, sewer, drain, or tract installations or to otherwise prevent interference with the safety and convenience of ordinary travel over the rights-of-way;

   d. When required to protect the public health, safety and welfare.

**C.** In the event that the public utility unreasonably refuses or neglects to so protect, alter or relocate the public utility owned pole, the County shall have the right to break through, remove, alter or relocate such public utility owned pole without any liability to the public utility. The public utility subject to the terms of this ordinance shall pay to the County the costs including overhead incurred in connection with such breaking through, removal, alteration or relocation and indemnify and hold the County harmless for any claims arising out of County breaking through, removing, altering or relocating said public utility owned pole.

**D.** County's Emergency Authority to Move Public Utility Owned Pole.

1. The County may, at any time, in case of fire, disaster or other emergency, as determined by County's officials, in their reasonable discretion, move the public utility owned pole, on, over or under the rights-of-way of the County, in

which event the County shall not be liable therefore to the public utility. County shall notify the public utility of such public utility owned pole to be moved, in writing prior to, if practicable, but in any event as soon as possible and in no case later than three (3) business days, following any action taken under this Section.

**E.** Protect Structures.

1. In connection with the construction, operation, maintenance, repair, upgrade or removal of the public utility owned pole, the public utility shall, at its own cost and expense, protect any and all existing structures or drainage facilities belonging to County and all designated landmarks, as well as all other structures within any designated landmark district. Any such alteration shall be made by the public utility at its own cost and expense. The public utility agrees that it shall be liable, at its own cost and expense, to replace or repair and restore to its prior condition in a manner as may be reasonably specified by County, any county structure or any other rights-of-way of County involved in the construction, operation, maintenance, repair, upgrade or removal of the public utility owned pole that may become disturbed or damaged as a result of any work thereon by or on behalf of the public utility. Further, the public utility subject to the terms of this ordinance shall compensate the County for all damages to any real or personal property of any kind whatsoever under the County's management or control resulting from work done by the public utility.

**F.** Building Permit for Antenna Facility Attachment to Public Utility Owned Poles.

1. No person or entity shall place, construct, or attach an antenna to a public utility owned pole without first having obtained a written statement of approval from the public utility owner, a building permit from the Christian County Resource Management Department, pay the necessary fees, and comply with all County zoning regulations. All antenna facilities to be mounted to public utility owned poles are subject to plan review and inspection by Christian County to determine compliance with the State of Missouri Uniform Building Code Construction Standards and the requirements of Section 32 of Christian County Zoning Regulations. The applicant shall provide to the County all information as required by this and any other applicable regulations of the County at the time of the application for a building permit.

2. In addition to any other requirements of this or any other section of these regulations, the building permit application for the antenna facility to be mounted on a public utility owned pole shall include the following:

    a. A report and plan from a qualified or registered engineer or firm that specifies the following:

        1. The height of the public utility owned pole and design including cross section and elevations;

2. The height above grade of the desired mounting position for the antenna;

3. The minimum separation distances between antenna facilities utilizing public utility owned poles, the distance from any adjoining front or side yard in a residentially zoned district from a freestanding public utility owned pole and the setback distance of a freestanding public utility owned pole from a structure or sensitive feature;

4. Structural mounting designs and materials list;

5. The design capacity of the public utility owned pole and as applicable, an engineer's stamp and number.

6. Drawings or photographic prospective showing the public utility owned pole and antenna facility.

   a. Structural and electrical plans showing how the public utility owned pole will accommodate the co-location of the applicant's antenna facility.

   b. Copies of approvals from the Federal Communications Commission (FCC) and a statement that the antenna facility complies with the limits of radio frequency emission standards set by the Federal Communications Commission. The statement shall list the particular FCC measured permitted emissions (MPE) limit and the tested or design limit for the proposed antenna facility.

   c. Plans and specifications showing how the proposed antenna facility will be maintained in keeping with Uniform Building Codes adopted by the County.

   d. Plan details reflecting the following requirements:

      1. The antenna facility shall be constructed of or treated with corrosive resistant material.

      2. Equipment shall be housed in an enclosure mounted to the public utility pole, if approved by the public utility or may be ground mounted on a concrete pad. In either approach, the equipment and or enclosure shall not obstruct a public sidewalk, public street, or public alley.

      3. Antennas are limited to panel antennas or

omnidirectional antennas.

4. Antennas shall not exceed the height of the public utility pole.

5. Freestanding public utility owned poles that are located in residentially zoned districts in the County shall not be located in an adjoining front or side yard within 200 feet of any residential dwelling, subject to the requirements of subsection R(1)(e)(7) hereof.

6. Antenna facilities utilizing public utility owned poles located in residentially zoned districts in the County shall maintain minimum spacing of one-quarter (1/4) mile between such antenna facilities unless it can be demonstrated to the satisfaction of the Christian County Resource Management Department that physical limitations, such as topography, terrain, tree cover or location of buildings, in the immediate service area prohibits adequate service of the applicant.

7. Freestanding public utility owned poles shall be setback one (1) times the public utility pole, plus ten (10) feet from the nearest residential structure, commercial or retail building, water supply, sinkhole or any historic feature.

8. Ground mounted equipment shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment or the installation of a privacy fence.

3. The County may, annually, inspect any antenna facility installed to insure its structural integrity and the applicant shall pay the County an inspection fee. If upon such inspection, the County's duly designated inspector determines that the antenna facility fails to comply with such applicable codes or regulations and that such failure constitutes a danger to persons or property, then upon notice being provided to the owner of the antenna facility, the owner shall have thirty (30) days to bring the antenna facility into compliance with the applicable codes and standards. Failure to bring the antenna facility into compliance within the said thirty (30) days shall constitute grounds for the removal of the antenna facility by the County at the owner's expense.

## Section 16. Changes Required for Public Improvements

**A.** If any of the following shall take place any time while an applicant's antenna facility is within the County's rights-of-way or on private property, then the applicant or any other Person holding a leasehold or other ownership interest shall, at its own cost and expense and upon reasonable notice by County, promptly protect or promptly alter or relocate the antenna facility or any part thereof, so as to conform with such new grades or lines or as necessary to not interfere with the County project or work in accordance with a schedule approved by the Christian County Highway Administrator or his designee:

1. To prevent interference with a present or future County use of the rights-of-way;

2. To prevent interference with a public improvement undertaken by the County including but not limited to a change in grade or lines of the rights-of-way or infrastructure therein;

3. When necessary because of traffic congestion, street vacations, freeway grading, sewer, drain, or tract installations or to otherwise prevent interference with the safety and convenience of ordinary travel over the rights-of-way;

4. If Applicant's property has not been removed following abandonment thereof under this ordinance;

5. When required to protect the public health, safety and welfare.

**B.** In the event that an Applicant or such other Person unreasonably refuses or neglects to so protect, alter or relocate all or part of the antenna facility, the County shall have the right to break through, remove, alter or relocate such part of the antenna facility without any liability to an Owner, Applicant or other Person, or customers of the Applicant or other Person or others. The Applicant or other Persons subject to the terms of this ordinance shall pay to the County the costs including overhead incurred in connection with such breaking through, removal, alteration or relocation and indemnify and hold the County harmless for any claims arising out of County breaking through, removing, altering or relocating said antenna facility or part thereof.

## Section 17. County's Emergency Authority to Move Antenna Facility

**A.** The County may, at any time, in case of fire, disaster or other emergency, as determined by County's officials in their reasonable discretion, cut or move any part or parts of the antenna facility on, over or under the Rights-of-way of the County, in which event the County shall not be liable therefore to an Owner, Applicant or other Person, its service area or customers. County shall notify an Owner, Applicant, or other Person owning an interest in the antenna facility to be moved, if such Person has provided the County with a local agent for this purpose, in writing prior to, if practicable, but in any event as soon as possible and in no case later than three (3) business days, following any action take under this Section.

## Section 18. Applicants and Owners Required to Move Antenna Facility

**A.** An Owner, or Applicant, upon prior written notice by the County or any Person holding a permit to move any structure, shall temporarily move any part of its antenna facility to permit the moving of said structure. Such movement of Owner's or Applicant's antenna facility shall be undertaken within a reasonable time period under the circumstances. An Owner or Applicant may impose a reasonable charge on any person other than County, or its contractors performing County work, for any such movement of its antenna facility.

## Section 19. Protect Structures

**A.** In connection with the construction, operation, maintenance, repair, upgrade or removal of the antenna facility, an Applicant shall, at its own cost and expense, protect any and all existing structures or drainage facilities belonging to County and all designated landmarks, as well as all other structures within any designated landmark district. Applicant shall obtain the prior written approval of County before altering any power facility, sewerage or drainage facility, or any other county structure on, over or under the rights-of-way of the County required because of the presence of the antenna facility. Any such alteration shall be made by the Applicant at its own cost and expense and in a manner prescribed by County. An Applicant agrees that it shall be liable, at its own cost and expense, to replace or repair and restore to its prior condition in any manner as may be reasonably specified by County, any county structure or any other rights-of-way of County involved in the construction, operation, maintenance, repair, upgrade or removal of the antenna facility that may become disturbed or damaged as a result of any work thereon by or on behalf of an Applicant. Further, Applicant or any other Person who is subject to the terms of this ordinance shall compensate the County for all damages to any real or personal property of any kind whatsoever under the County's management or control resulting from work done by or on behalf of such person or applicant.

## Section 20. Safety Precautions

**A.** Applicant shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by law or industry standards, custom and practice, if applicable. An Applicant shall comply with all applicable federal, state and local requirements including but not limited to the National Electric Safety Code.

## Section 21. Repair of Rights-of-way and Property

**A.** Any and all roads or public property or private property, which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the antenna facility shall be promptly repaired by Applicant, at its expense, to a condition as good as that prevailing prior to construction. If Applicant fails to repair or replace or otherwise correct a road or property, County may draw on its Performance Bond and complete any repair, replacement or other correction. If no Performance Bond is available, Applicant shall pay within twenty (20) days of receipt of the invoice for County's actual costs in repairing the rights-of-way to a condition as good

as that prevailing prior to construction. Repair work, whether performed by Applicant or any other Person, shall be to the specifications and requirements of the Director of the Resource Management Department as amended from time to time and on file with the County Commission. Changes in the specifications for repair to the Rights-of-way shall be approved by the County Commission by way of an order.

## Section 22. Antenna Facility Maintenance

**A.** An applicant shall:

1. Put, keep and maintain all parts of its antenna facility on the County's rights-of-way in good condition so as not to create the possibility of injury to any Person, or property, including the rights-of-way itself.

2. Install and maintain its antenna facility in accordance with standard good engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations. Failure to install and maintain antenna facility in accordance with the foregoing specifications shall relieve any party, including the County, from liability for cutting, damaging or otherwise injuring the antenna facility.

3. At all reasonable times, permit examination by any duly authorized representative of County of the antenna facility, together with any appurtenant property of an Applicant situated within or on County rights-of-way or other property.

## Section 23. Damages and Defense

**A.** Any Applicants and any Persons subject to the terms of this regulations who has an antenna facility on a public utility pole located in County right-of-way or on County property under this regulation shall indemnify, defend, and hold harmless the County for all damages and penalties, at all times said antenna facility is located on County property or right-of-way, as a result of the procedures for granting or denial of the Building Permit, Applicant's conduct or performance under this regulation, or a Permit. These damages and penalties shall include, but shall not be limited to, damages arising out of Personal injury, death, property damage, copyright infringement, defamation, antitrust, errors and omission, theft, fire, and all other damages arising out of Applicant or any other Person's exercise of the privileges extended under this regulation, whether or not any act or omission complained of it authorized, allowed or prohibited by this regulation of the County; such indemnification shall include, but not be limited to, reasonable attorney's fees and costs and shall cover all manner of litigation regardless of who the parties are.

**B.** In order for the County to assert its rights to be indemnified, defended, or held harmless, the County must:

1. Notify applicant of any claim or legal proceeding which gives rise to such right;

2. Afford Applicant or any Excepted Person the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of such claim or proceeding, unless, however, the County, in its sole discretion, determines that its interests cannot be represented in good faith by Applicant; and

   a. Fully cooperate with the reasonable requests of Applicant, at Applicant's expense, in its participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding subject to paragraph (2) above.

   b. Act reasonably under all circumstances so as to protect the indemnitor against liability and refrain from compromising any of indemnitor's rights. However, no claim shall be settled or compromised without prior notice to the County and without the consent of County.

**C.** In the event the County, in its sole discretion, determines that its interest cannot be represented in good faith by Applicant, the Applicant shall pay all expenses incurred by the County in defending itself with regard to all damages and penalties mentioned in paragraph A above. County shall inform Applicant of the reasons for such action. These expenses shall include all out-of-pocket expenses, such as attorney's fees and costs.

## Section 24. Liability Insurance

**A.** Applicant shall acquire and maintain throughout the term any antenna facility is located on County property or its right-of-way, adequate comprehensive general liability insurance with a company licensed to do business in the State of Missouri with a rating by Best of not less than an "A", or a certificate of self-insurance acceptable to the County Counselor, insuring Applicant and the County, its elected officials and employees with regard to all damages mentioned in paragraph A of Section 10 hereof, in an amount sufficient to cover the sovereign immunity limits for public entities as calculated by the Missouri Department of Insurance and published annually in the Missouri Register pursuant to Section 537.610, RSMo. For example, during the calendar year 2014, the applicant shall maintain comprehensive general liability insurance coverage for all claims arising out of a single accident or occurrence of at least $2,657,587.00 and for any one person in a single accident or occurrence of at least $403,139.00. Applicant shall maintain liability insurance of $3,000,000.00 for all other types of liability.

The privilege of self-insurance may be withheld from any company with a net worth of less than five million dollars ($5,000,000.00).

**B.** All amounts shown in paragraph "a" shall be adjusted annually by the Missouri Department of Insurance and published annually in the Missouri Register pursuant to Section 537.610, RSMo. to an amount equal to any change in the limits of the County's liability for conditions of its property under State or Federal Law.

**C.** If Applicant sells or transfers its interests in the use or ownership of the antenna facility or in the event of termination or revocation of this Permit, an insurance tail, reasonably acceptable to the County, shall be purchased and filed with County for the then applicable amounts, providing coverage for the time periods according to applicable statues of limitation, insurance for any issues attributable to the period Applicant held the Permit.

**D.** At the time of acceptance, Applicant shall furnish to the County a certificate evidencing that a satisfactory insurance policy has been obtained. Said certificate shall be approved by the County and such insurance policy shall require that the County be notified thirty (30) days prior to any expiration or cancellation.

**E.** All insurance policies maintained pursuant to this Section shall contain the following endorsement:

"It is hereby understood and agreed that this insurance policy may not be canceled by the surety, nor may the intention not to renew be stated by the surety until thirty (30) days after receipt by the County, by registered mail, of a written notice of such intention to cancel or not to renew."

In addition, it shall be the obligation of the Applicant promptly to notify the County of any pending or threatened litigation that would be likely to affect its insurance coverage.

## Section 25. Maintain Records

**A.** Applicant shall at all times maintain and make available to the Christian County Resource Management Department Administrator, or his designee, upon request:

A full and complete set of plans, records and "as-built" hard copy maps or provide in electronic format compatible with County's existing GIS system, or a successor system, of all existing antenna facility on public utility owned poles, locations to property lines and depth or height of same, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all rights-of-way where work will be undertaken.

Applicant need not disclose the components contained within the antenna facility to County or other information deemed proprietary provided such information is deemed not necessary by the Christian County Resource Management Department for purposes of managing the use of the rights-of-way or ensuring the safety of the public or the rights-of-way themselves.

The electronic format to be submitted shall be to State Plane Coordinates using 1983 datum in one of the following formats:

1. arc/info export file;

2. arch/info coverage file;

3. AutoCAD drawing file; or

4. a dxf. file

**B.** The Christian County Resource Management Department Administrator may specify a different electronic format as needed for the Christian County Resource Management Department or such other County Department assigned the responsibility to maintain an electronic database of information relative to the County's rights-of-way, to evaluate and maintain an adequate database of infrastructure information in his sole discretion. However, nothing herein shall be construed to require any Applicant to create maps or records of facilities existing as of the date of the passage of this regulation which do not already exist.

## Section 26. Additional Information and Reports

**A.** Upon the request of County, an Applicant shall, within a reasonable time, submit to County any information or report reasonably related to a Applicant's obligations under the regulation and any permit, its business and operations, or those of any Affiliated Person, with respect to the antenna facility or its operation, in such form and containing such information as County shall specify. Such information or report shall be accurate and complete and supplied within ten (10) business days or at a time mutually agreed to by County and Applicant.

## Section. 27. Confidentiality

**A.** If the information required to be submitted in any report, map, data compilation or other writing, is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a Applicant such information shall be treated as confidential, making it available only to those Persons who must have access to perform their duties on behalf of County, including but not limited to the Department of Finance, the Office of the County Counselor, and the County Commission, provided that an Applicant notifies County, and clearly labels the information which a Applicant deems to be confidential or proprietary information. Such notification and labeling shall be the sole responsibility of the Applicant. To the extent that Government Records Management Access Act ("GRMAA"), Missouri Sunshine Law or any other federal requirement for privacy applies to the information to be submitted, such law shall control.

## Section 28. Applicant's Expense

**A.** All reports and records required under this regulation shall be furnished at the sole expense of an Owner or Applicant, except as otherwise provided in this regulation or permit.

# ARTICLE 13. ADVERTISEMENT REGULATIONS

## Section 1. Outdoor Commercial Advertising

**A.** This Article regulates the use of outdoor advertising. The purpose of the ordinance is:

1. to allow businesses to inform and direct the general public,
2. to protect the physical appearance of the county, and
3. to ensure public safety along county streets and roadways.

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

## Section 2. Definitions

### Billboard or Signboard

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

### Display Area

The area of an advertising structure including the entire area within a regular geometric shape enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, or meaning. Frames of structural members not bearing informational or representational matter shall not be included in calculating the display area.

### Maximum Height

The maximum vertical distance measured from adjacent natural grade or the adjoining road surface to the highest point of the advertising structure or display area.

### Maximum Sign Area

The allowable square footage of display area per side, inclusive of embellishments but not including the base, supports or other structural elements.

### Minimum Spacing

The minimum radius between Advertising Structures, as measured from the nearest points of the supporting structures as measured from nearest pole to nearest pole.

**Non-Conforming Advertising Structures**

An advertising structure which was lawfully erected but which does not conform to the requirements of this regulation or State statutes enacted at a later date or which later fails to comply with this regulation due to changed conditions.

**Off-Premise Advertising Structure**

An advertising structure which is not located on the specific site for which the advertising or information indicates. Development directional signs are not considered off-premise advertising structures.

**On-Premise Advertising Structure**

An advertising structure which is located on the specific site for which the advertising or information indicates.

**Scenic Area**

Any designated area of particular scenic beauty or historical significance as determined by the state, federal or county officials having jurisdiction thereof.

**Sign**

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

**Sign, Illuminated**

A sign designed to give forth artificial light, or designed to reflect light from one or more sources, natural or artificial.

**Sign, Projecting**

A sign erected on the face or outside wall of a building that projects out from the wall at any angle.

**Sign, Temporary**

A sign of temporary nature used to advertise a political candidate, or used to advertise the premises for sale, rent, or lease.

## Section 3. Legal Nonconforming Signs

**A.** Any sign in existence prior to the adoption of Christian County Advertisement Regulations, Order Number 12-22-95-6 on December 22, 1995 shall be considered a legal nonconforming use.

1. No existing nonconforming use may be enlarged, extended, reconstructed, substituted or structurally altered without approval by the Board of Adjustment.

2. All legal nonconforming signs are subject to Article 4, Section 8 of these Zoning Regulations.

## Section 4. General Provisions

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

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

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

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

1. Engineering plans stamped or sealed by a registered civil engineer shall accompany any sign permit applications and are subject to the requirements of the latest adopted version of the IBC Codes.

**E.** Signs shall be maintained in good and safe structural condition.

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

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

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

## Section 5. Size of Signs

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

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

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

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

**E.** Off-premise signs or billboards that are back-to-back, double-faced, V-shaped, or multiple-faced are considered one structure, and no face can exceed the maximum height or size allowed by this Section.

1. V-shaped or multiple faced structures if not sharing a common support or pole may not be more than fifteen (15) feet apart.

## Section 6. Maximum Height and Length

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

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

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

## Section 7. Spacing for Off-Premise Signs

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

**B.** No off-premise sign located along County roadways or State highways not listed on the federal-aid primary system may be established within five hundred (500) feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.

**C.** No off-premise sign located along a federal-aid primary route classified as not having limited access may be established within three hundred (300) feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.

**D.** Spacing from directional, official or on-premise signs shall not be included in the measurement of these spacing requirements for off-premise signs.

1. However, no sign shall be located in such manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

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

## Section 8. Minimum Setbacks for Off-Premise Signs

**A.** The minimum front setback for any off-premise sign with any face greater than three hundred (300) square feet shall be twenty-five (25) feet from the front property line.

1. Those signs less than three hundred (300) square feet are required to be setback ten (10) feet from the front property lines.

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

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

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

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

**F.** No sign may be located within any utility, drainage or other easement without written authority from the easement holder.

1. Such written authority must accompany any permit request.

## Section 9. Lighting of Signs

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

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

1. All electronic message signs must stay lit for at least 8 second intervals.

**C.** The Planning & Zoning Department or the applicable Christian County or Special Road District may require any sign receive a conditional use permit if it includes flashing, moving or bright lights, variable electronic messages, emits a substance such as smoke or bubbles, or has moving parts.

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

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

## Section 10. Sign Permits

**A.** All off-premise signs are required to have a building permit. All on-premise signs not specifically exempted by Article 13, Section 11 are also required to have a building permit. Information required for the issuance of a building permit includes:

1. A set of engineering plans stamped or sealed by a registered civil engineer,
2. a legal description from a legal document,
3. a zoning certificate,
4. a site plan and
5. written authority from the easement holder if a sign is to be located within an easement.

## Section 11. Signs Exempt from Permit

**A.** The following non-illuminated signs may be erected in compliance with this Article without the issuance of a sign permit. These signs which are exempt from permit are limited to a maximum of a 4' x 8' display. Such signs may be permitted in addition to all other signs permitted and shall conform to setbacks and other physical characteristics.

1. Real estate signs located on site
2. Construction/Builder signs
3. Yard/garage sale announcements
4. Public Signs
5. Memorial signs
6. Flags
7. Holiday decorations
8. On-site information signs
9. Window signs
10. Political signs
11. Special events signs
12. On-premise public school signs
13. Agriculture use
14. Church identification, bulletin boards
15. Licensed and operable motor vehicles

## Section 12. Small Announcement or Professional Signs Where Permitted

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

**B.** Except that a church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board:

1. not over twelve (12) square feet in area,
2. that, if not attached flat against a building, shall be at least twelve (12) feet from all road right-of-ways.
3. Any such sign(s), if lighted, must be sited so that the light does not become a nuisance to residential structures.

## Section 13. Political Signs Shall be Allowed in any Zoning District

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

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

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

# ARTICLE 14. STORMWATER RUNOFF, SEDIMENT and EROSION CONTROL AND SINKHOLE USE STANDARDS

## Section 1. Stormwater Runoff

### A. Stormwater Detention

1. Prior to the development of the land, surface conditions provide a higher percentage of permeability and longer time of concentration. With the construction of buildings, parking lots, *et cetera*, permeability and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume of runoff. Refer to the Christian County Stormwater and Erosion Control Regulations for Stormwater Detention requirements.

## Section 2. Sediment and Erosion Control

### A. Statement of Intent:

The purpose of this Section is to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of the land within Christian County. Soil erosion scars the land and creates sediment that clogs storm sewers and road ditches; chokes streams and creates silt bars, all of which pose a threat to public health and safety. Refer to the provisions of the Stormwater and Erosion Control Regulations for Christian County for sediment and erosion control regulations.

## Section 3. Sinkhole Use Standards

### A. Placing Substances and Objects in Sinkholes

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

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

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

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

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

1. Approval is granted by the Planning and Zoning Department after receiving recommendation from the applicant's stormwater engineer.

2. A sinkhole evaluation that addresses geologic and engineering factors, stamped or sealed by a registered civil engineer shall be filed with the Planning & Zoning Department detailing the method and material to be used and showing that no detrimental effect will occur to surrounding properties.

    a. In cases of agricultural filling, where no detrimental effect on surrounding properties will occur, the Engineering Report may be waived.

3. All other pertinent regulations are met.

**C. Development.**

1. No construction will be allowed within a sinkhole.

    a. Any alteration of a sinkhole related to building construction, subdivision development, or landscaping, is prohibited unless approved by the Planning & Zoning Department and the Christian County Engineer.

2. Drainage to sinkholes shall not exceed pre-development conditions unless approved by the Planning & Zoning Department and the County Engineer.

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

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

**D. Reporting Sinkholes**.

1. Whenever a new sinkhole appears or it becomes apparent that a sinkhole has not yet been identified, it shall be reported to the Christian County Planning & Zoning Department. Refer to the Stormwater and Erosion Control Regulations for Christian County for sinkhole and karst feature regulations.

# ARTICLE 15. COMMERCIAL MINES, QUARRIES and GRAVEL PITS

## Section 1. General Provisions

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

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

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

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

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

## Section 2. Crushing, Washing and Refining

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

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

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

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

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

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

**E.** The Board of Adjustment shall act on the application within thirty (30) days of receipt of the report and recommendation of the Planning & Zoning Commission.

**F.** Any person or entity aggrieved by the action of the Board of Adjustment shall have the right to appeal to the Circuit Court of Christian County.

## Section 3. Restoration, Rehabilitation and Reclamation

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

**A.** All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be

graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:

1. That the excavated area shall not collect and permit to remain therein stagnant water; or

2. That the surface of such area that is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently rolling surface that will minimize erosion due to rainfall and that will be in substantial conformity to the adjoining land areas.

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

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

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

**E. Bonds required by this Section shall be:**

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

2. A cash bond,

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

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

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

# ARTICLE 16. OIL DRILLING

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

## Section 1. Required Bonds

**A.** Bonds required by this Section shall be:

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

2. A cash bond,

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

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

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

# ARTICLE 17. FLOOD HAZARD and WATERWAYS

**A.** Whenever the Board of Adjustment or County Commission are required to make decisions about matters concerning protection of life and property from flood hazards, such Board of Adjustment or County Commission may request a report from the Federal Emergency Management Agency (FEMA) or the United States Army Corps of Engineers. Please refer to the Floodplain Management Article of the Stormwater and Erosion Control Regulations for Christian County for complete Floodplain Management regulations.

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

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

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

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

# ARTICLE 18. ROAD RIGHT-OF-WAY and ROAD CROSSING PROCEDURES FOR BURIED LINES

## Section 1. Procedures

**A.** The Christian County Commission authorizes the following procedures to be used when any utility company or individual will be using county rights-of-way for installation of buried lines in Christian County.

1. Anyone wishing to bury wire, pipe, cable, fiber optics or other lines which will be in County road right-of-way or will cross County roads (hereinafter referred to as the "Applicant"), must complete a Utility Permit Application or an Application for Road Crossing Permit, which shall be signed by the Utility and/or an authorized contractor or representative, and present it and a copy of project plans in their entirety to the Christian County Planning and Zoning Department for approval by the County Commission as early as possible but no later than two weeks prior to construction start date. All Applications shall be accompanied by a $100.00 non-refundable Permit Fee payable to Christian County. Applications for lines which will be buried within the 100 year flood plain must be accompanied by a Floodplain Development Permit/Application.

2. The Applicant will require any contractor procured by the Applicant to work under this Agreement:

   a. To carry commercial general liability insurance and commercial automobile liability insurance from a company authorized to issue insurance in Missouri, and to name Christian County and the County Commission and its employees as additional named insured in amounts sufficient to cover the sovereign immunity limits for Missouri public entitles ($400,000.00 per claimant and $2,500,000.00 per occurrence) as calculated by the Missouri Department of Insurance, Financial Institutions and Professional Registration, and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

   b. In no event shall the language of these Procedures constitute or be construed as a wavier or limitation for either party's rights or defenses with regard to each party's applicable sovereign, governmental, or official immunities and protections as provided by federal and state constitution or law.

3. When a line is being buried, it shall be a minimum of 42 inches under the roadway and 42 inches below the flow line of the ditch. Telecommunications lines for service drops are excluded from the 42 inch minimum and are to be buried no less than 24 inches under roadway, back-slope and ditch line. Service drops are defined as copper lines with no more than 12 pairs which are buried from the serving pedestal to a single end user structure. When a pedestal is installed for telecommunication lines in County right-of-way, said pedestal shall have an orange cap on the top with an orange flag affixed and displayed at least 12" above the cap.

4. Any utility line greater than 3" in diameter must be in a steel encasement from flow line of ditch to flow line of ditch.

5. In areas where solid rock is encountered within road right-of-way, the applicant may request approval of the County (in writing) to reduce the minimum bury depth to 18".

6. Any project requiring road bore or any cutting of road surface must receive prior approval by the County Commission.

7. For any road crossings where surface rock is disturbed, the trench must be filled with 1" crushed rock and within one year, any area that has settled must be filled and brought back to Christian County specifications. See figures 1 and 2.

8. One half of the roadway shall be open at all times.

9. When approaching bridges or a stormwater culvert, lines shall be greater than 18 feet minimum from the road centerline when within 15 feet of the stormwater culvert or bridge. No lines will be attached to bridges without prior permission in writing from the County Commission. See figures 3 and 4.

10. All lines installed by a utility company on County rights-of-way shall be set back as close to adjoining property lines as possible. No lines shall be laid parallel in the road surface or in the roadbed itself except as approved by the County.

11. The Utility Provider will put up a $1,000.00 deposit per crossing to cover installation across roads.

12. At the start of work at a job site, the necessary warning signs and traffic control must be in place for public safety. The signage shall be in accordance with the current addition of the Manual of Urban Traffic Control Devices.

13. The Applicant utility company or individual being authorized to bury lines will be responsible for all damage to County roads and

right-of-way. Reimbursement for any damages shall be made in full if adequate repairs are not made.

14. Any individual crossing County roads with a line of any kind shall make a deposit of $1,000.00. After the project is completed and has been inspected with the work having found to be satisfactorily by the County, the deposit will be refunded.

15. Any Applicant utility and/or cable company and contractor for such utility and/or cable company using a county right-of-way for installation of any utility or cable lines shall deposit with the County $20,000 in cash or an irrevocable letter of credit for each contract bid within the County for each project under 25 miles in total length, Projects 25 miles or greater in total length will require a bond equal to at least $1,000.00 per mile. When a company intends to start a project, the County will have an inspector check the area before construction begins. A county inspector can make routine checks on the project. If installations are not being done according to County specifications, the County can stop construction of the project until the correct action is taken. At the discretion of the County, construction can resume. After the project is totally completed, the County will inspect the work. The project shall then be re-inspected by the County one year after the inspection that was performed at completion. At this point the County may determine that the project has been done satisfactorily according to County specifications and can release the security deposit or irrevocable letter of credit associated with this project or will direct the applicant regarding any required corrective action.

16. The procedure outlined above supersedes all previous procedures and all future right-of-way construction must conform to this procedure.

# ARTICLE 19. AIRPORTS, i.e., FAA APPROVED and PRIVATE LANDING FIELDS

Approval of any airport in Christian County shall be conditional and subject to any and all requirements and standards provided herein and to approval by the Board of Adjustment and other official agencies having jurisdiction.

# ARTICLE 20. AIRPORT ZONE

## Section 1. Statement of Intent

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

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

**A.** Principal Permitted Uses

1. Agricultural uses, subject to the following modification.

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

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

   c. No public or private schools, libraries, sports arenas, day care centers, churches or other places of worship, auditoriums or buildings for public assembly or use, theaters or any other similar facility shall be permitted to be constructed in an airport zone.

   d. No building or structure shall be constructed nor shall any growth be maintained that exceeds fifty (50) feet in height in an airport zone; no building or structure shall be constructed nor any growth maintained that is more than one hundred (100) feet in height within any area located outside of an airport zone but located otherwise in an area two thousand (2,000) feet parallel to and on each side of the centerline of any runway extended ten thousand (10,000) feet from the end of and away from the runway.

   e. No use or activity shall be conducted in an airport zone that emits radio signals, electronic emissions or interference of

any kind with any navigational signal or radio communication between the airport or aircraft; nor anything that makes it difficult for pilots to distinguish airport lights or results in significant reflection of light or glare that impairs pilot visibility or otherwise light or glare that impairs pilot visibility or otherwise creates a hazard for aircraft.

# ARTICLE 21. HEIGHT LIMITS

## Section 1. Exemptions

**A.** Height limitations stipulated elsewhere in these Zoning Regulations shall not apply:

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

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

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

## Section 2. Projection Into Required Yards

**A.** Certain architectural features may project into required yards or courts as follows:

1. Into any required front yard, or required side yard adjoining a side street lot line:

   a. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two (2) feet, six (6) inches.

b. Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.

c. An uncovered stair and necessary landings may project a distance not to exceed six (6) feet, provided such stair and landings shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet.

d. Bay windows, balconies and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building on which they are located.

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

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

4. Fences, walls, and hedges may be located in required yards as follows:

a. If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, they may be located in any yard or court.

b. If not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot, abutting in the rear the side lot line of another lot in a Residential District, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.

c. Fences exceeding eight (8) feet but not greater than ten (10) feet in height in rear or side yards shall be permitted upon approval of a conditional use permit according to the provisions of Article 6.

## Section 3. Setbacks for Required Yards

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

1. The set back requirements for any Zoning District may be modified upon approval of a written request if the following conditions are met:

   a. The written request must include a survey or plot plan showing:

      (1) The tract with existing set backs

      (2) Adjacent tracts and set backs

      (3) Existing buildings on all tracts

   b. The tract must be a legally recorded tract and have one of the following characteristics:

      (1) Irregular shape,

      (2) Small size; and/or

      (3) Encroachment into existing setbacks.

   c. The request must be approved by the applicable Christian County or Special Road District Foreman, the Christian County Resource Manager, the Planning & Zoning Administrator, and the Chief Building Inspector within ten (10) days of receipt of the request. If the request is denied then the applicant may seek a variance through the Board of Adjustment.

2. Any setbacks modified by the procedure described above will then be the required setbacks for any future buildings on the lots affected.

# ARTICLE 22. NUISANCE

## Section 1. Statement of Intent

**A.** The intent of this regulation is to exercise the police power in relation to public nuisances and the abatement of such nuisances, to protect the public health, safety and welfare and to promote the economic development of Christian County.

**B.** It is also the purpose of this regulation to prevent and prohibit those conditions which reduce the value of private property, create or constitute fire and other safety and health hazards and generally create a menace to the health and welfare of the public and contribute to the degradation of the character of neighborhoods and depreciation of property values.

**C.** However, nothing contained herein shall be construed as a prohibition, limitation or denial of the right to engage in permitted use activities conducted in a normal and customary manner. Provided that such activities do not create a public health or safety hazard.

**D.** It is necessary for the public health, safety and welfare to regulate, prevent and prohibit conditions which may constitute disorderly, disturbing, unsafe, unsanitary, fly-producing, rat-harboring, and/or disease causing places, conditions or objects.

**E.** It is also necessary for the public social and economic welfare to regulate, prevent and prohibit conditions which degrade the scenic attractiveness, livability and economic development of the unincorporated areas of Christian County.

## Section 2. Specific Nuisances on any Premise in Any Zoning District

It shall be unlawful and a nuisance for any person who is the owner, agent, tenant or occupant of any premises in any zoning district to allow or cause any of the following to remain on such premises:

**A.** Any condition, substance or thing on public of private property that is injurious or dangerous to public health or safety.

**B.** Any condition or thing defined as a nuisance in this Article or by the Revised Statutes and decisions of the State of Missouri.

**C. Building Materials**

The keeping or storage of building materials outside on private property six (6) months after a Certificate of Occupancy is issued by the County, unless the building materials are kept or stored in an orderly manner and intended to used on site.

1. Any storage of material to be used in a different location or multiple properties will be considered a commercial use and must cease unless in a commercially zoned area in compliance with district guidelines.

2. Types of building materials shall not be intermingled and must be stored in a manner customary for that type of building material.

**D. Dangerous Structures**

A structure which is potentially hazardous to persons or property including, but not limited to:

1. A structure which is in danger of partial or complete collapse;

2. A structure with any exterior parts which are loose or in danger or falling;

3. A structure with any parts such as floors, porches, decks, railings, stairs, ramps, balconies or roofs which are accessible and which are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads;

4. A structure which consists of a fence, wall or enclosure device which is in danger of falling, collapse, or which does not function as a security devise or a barrier around potentially dangerous conditions, including but not limited to swimming pools.

**E. Dumped Snow**

Accumulated snow and ice that is brought in from another location and dumped, kept or stored in such a condition that litter, gravel or melting snow/ice create a dangerous or unhealthy condition.

**F. Fire Hazard**

Any thing or condition on the property which creates a fire hazard or which is a violation of the fire code.

**G. Garbage**

Any accumulation or deposits of garbage, trash or debris other that that which is temporarily store for lawful disposal provided that it is temporarily store in a leak proof container designed for the storage of garbage, trash or debris.

**H. Graffiti**

Any initials, marks, symbols, designs, inscriptions or other drawings, scratched, painted, inscribed or otherwise affixed upon any structure without the permission of the owner.

**I. Hazards**

Any thing or condition on a property which, may contribute to injury of any person present on the property.

1. Hazards shall include, but not be limited to, open holes, open foundations, open wells, unfenced or unsecured swimming pools, dangerous trees or limbs, abandoned refrigerators and trapping devices

2. or safety hazards obstructing the line of sight of a motor vehicle driver at a street, intersection or interferes with the passage of motor vehicles or pedestrians upon any public right-of-way

**J. Health Hazards**

Any thing or condition on the property which creates a health hazard or which is in violation of any health or sanitation law.

**K. Insects, Rodents, and Pest Harborage**

Conditions which are conductive to the presence, harborage or breeding or insects, rodents or other pests.

**L. Nuisance Building**

1. A vacant building or portion of a vacant building which has multiple housing code or building code violations

2. or has been ordered vacated and which has conditions constituting material endangerment,

3. or which has a documented and confirmed history as a blighting influence on the community.

**M. Odors**

Any substance that emits, generates or causes noxious or toxic odor, dust, vapor, fumes or mist in the neighborhood where they exist.

**N. Open Sewer Lines and Connections**

Any broken sewer line or defective connection to an underground sewer system which is open, broken, disconnected or which has not been properly sealed and which could allow the egress of rodents from the sewer.

**O. Pests**

Pests shall include, but not be limited to , pigeons, grackles, starlings, snakes, bats, skunks, raccoons, opossums, armadillos and squirrels.

**P. Pest Feeding**

1. The intentional feeding of pests where such feeding reasonably can be determined to cause or contribute to the harboring, breeding or pest infestation in that area or neighborhood.

2. The enforcement officer may take into account:

   a. The numbers of pests which are fed,

   b. the overall population of pests in the area,

   c. the danger and/or risk to the public health and welfare,

   d. and the increased difficulty of control of the pests in the area in making a determination.

**Q. Rank Plant Growth**

Overgrown, uncontrolled grass, weeds vegetation, shrubs, trees, vines that are conducive to the accumulation of refuse, debris or the harborage of vermin.

**R. Refuse, Noxious Substances, Hazardous Wastes**

Refuse, noxious substances or hazardous wastes laying, pooled, accumulated, piled, left, deposited, buried or discharged upon, in, being discharged or flowing from any property, structure or vehicle.

**S. Sanitary Structures**

1. Structures for sanitation such as vaults, sewers, private drains, septic tanks, cesspools and drain fields which have failed or do not function properly or which are overflowing, leaking or emanating odors.

2. Septic tanks, cesspools or cisterns which are abandoned or no longer in use unless they are emptied and filled with clean fill.

**T. Sewage**

Any malfunctioning private sewage disposal system that allows polluted, raw or partially treated waste water or effluent to be deposited or stand upon any premises.

**U. Stagnant Water**

Stagnant water standing on any property. Any property, container or material kept in such a condition that water can accumulate and stagnate, other than a pond, lake, detention basin or naturally occurring conditions.

**V. Vehicles**

Stationary and immobilized vehicle as regulated in Article 24. Large commercial vehicles, large commercial trailers and commercial vehicles as regulated under Article 7, Section 2 Off-Street Parking Space.

**W. Vermin Harborage**

Conditions which are conducive to the harborage or breeding of vermin.

**X. Vermin Infestations**

Infestations of vermin include but are not limited to such as rats, mice, squirrels, skunks, snakes, bats, grackles, starlings, pigeons, bees, wasps, cockroaches, mosquitoes or flies; except for animals kept as part of an agricultural or commercial operation.

# ARTICLE 23. WEEDS and OTHER RANK VEGETATION

## Section 1. Unlawful Weeds, Brush or Rank Vegetation

**A.** In any Residential, Commercial or Manufacturing District, or any platted subdivision, it shall be considered unlawful for the growth of weeds, brush or other rank vegetation to exceed twelve (12) inches in height.

1. These weeds constitute a nuisance when, in the opinion of the Zoning Enforcement Officer, any such growth in a lot or a piece of land may substantially endanger the health, safety or welfare of the public.

## Section 2. Nuisance Abatement Order

**A.** The Zoning Enforcement Officer shall notify the owner of the property of the order to abate the nuisance.

1. The owner shall be notified by certified mail.
2. If the nuisance is not abated within ten (10) days from the date the notice is sent, then the Zoning Enforcement Officer shall notify the applicable County or Special Road District official, giving him/her the location thereof, and
3. this official shall cause such nuisance to be abated by whatever means are necessary.

## Section 3. Cost of Cutting and Removing Weeds

**A.** The cost of cutting and removing weeds, brush and other rank vegetation shall be computed by the applicable County or Special Road District official, who shall certify the amount thereof to the County Commission.

1. The owner of the property who was such at the time that the nuisance was abated shall be personally liable to the County for the cost of such abatement and
2. there shall also be from the time of such certification a lien upon the land where such nuisance was abated,
   a. the same to run with the land for the full cost to the County for such abatement, and
   b. in favor of the County which may be foreclosed by appropriate proceeding in the Circuit Court of Christian County, Missouri.

# ARTICLE 24. STATIONARY VEHICLES

It shall be considered unlawful to place, assemble, park, store or display car hulks, junk vehicles, or any other form of unlicensed, immobilized vehicle, which is located outside of a structure in a stationary position for more than seven (7) days on any property other than those areas so designated by proper zoning.

# ARTICLE 25. RESIDENTIAL GROUP HOMES

## Section 1. Requirements and Limitations

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

1. The size of the facility and exterior appearance of the residential group home and property must be compatible with the surrounding neighborhood.

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

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

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

5. The residential group home must meet all County, State, and Federal requirements regarding each individual group home.

# ARTICLE 26.

This section left blank pursuant to Order No. 6-27-13-01 which amended these Regulations.

# ARTICLE 27. CLUSTER DEVELOPMENTS

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

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

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

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

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

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

**F.** In no case shall the dwellings be located nearer to the paved street than twenty (20) feet.

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

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

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

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

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

**L.** The development must meet all applicable subdivision regulations.

# ARTICLE 28. ADULT ENTERTAINMENT FACILITIES

## Section 1. Intent

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

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

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

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

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

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

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

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

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

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

**K.** In order to avoid a "skid row" effect, adult entertainment uses need to be separated from one another. It is the intent of this Section to implement a strategy to separate adult entertainment uses and avoid skid row effects in Christian County's land use zones.

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

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

## Section 2. Adult Entertainment Definitions

The following words and phrases shall have the meanings set forth below when used in reference to provisions for adult entertainment businesses and uses within this Article.

**Adult entertainer**

**A**ny person who provides live adult entertainment within an adult entertainment dance studio as defined in this Article whether or not a fee is charged or accepted for entertainment.

**Adult entertainment**

Any exhibition, performance or medium that contains, or is distinguished or characterized by:

1. Actual or simulated acts of sexual intercourse, masturbation, sodomy, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area;
2. Fondling or other touching of the human genitals, pubic region, buttocks or female breast;
3. Human genitals in a state of sexual stimulation or arousal;
4. Displays of less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola;
5. Human male genitals in a discernibly turgid state even if completely covered;
6. actual or simulated sexual acts;
7. actual or simulated violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture;
8. Any exhibition, performance or dance conducted in a premise where such exhibition, performance or dance is performed within the view of one or more members of the public and is intended or is likely to sexually stimulate any member of the public;
9. Adult entertainment shall not include the following:
    a. Plays, operas, musicals or other dramatic works that are not obscene;
    b. Classes, seminars and lectures which are held for serious scientific or educational purposes;
    c. Exhibitions or dances that are not obscene. For this Section, any exhibition, performance, dance, or other medium is obscene, if:

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

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

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

**Adult arcade**

An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projections, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, video disks or other photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas.

**Adult bookstore, adult novelty store, or adult video store**

A commercial establishment that has as one of its principal business purposes the offering for sale or rental for some form of consideration, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, video disks or other visual representations that are characterized by the depiction or description of specific sexual activities or specific anatomical areas.

**Adult entertainment facility**

All adult-oriented businesses including adult arcades, adult bookstores, adult novelty stores, adult video stores, similar adult uses and adult live entertainment facilities.

**Adult live entertainment center**

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

**Business area**

Any zoning district designated for office, government and institutional, commercial and industrial use.

**Cabaret**

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

**Commercial**

Relating to the sale of goods or services.

**Commercial vehicle**

Any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

**Compensation**

The receiving of goods, services, or money in exchange for or as a result of a service performed.

**Day care operation**:

1. **Day Care Home**

   A home where not more than six (6) children are kept in addition to the caregiver's own children, subject to state licensing requirements.

2. **Day Care Group Home**

   A home where not more than ten (10) children are kept in addition to the caregiver's own children, subject to state licensing requirements.

3. **Day Care Center**

   A commercial business where eleven (11) or more children are kept, subject to state licensing requirements.

**Entertainment**

Any exhibition or dance of any type, removal of articles of clothing, pantomime, modeling or any other performance.

**Establishment**

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

**Member of the public**

Any customer, patron or person, other than an employee, who is invited or admitted to an adult entertainment premise.

**Non-business area**

Any area within a residential Zoning District, including areas therein where legal non-residential uses are present.

**Nude or state of nudity**

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

**Premise**

Any tract of land. A premise may consist of one (1) or more lots, tracts, or units, under single or multiple ownership that operates as a functional unit. A **Shared Premise**, when developed, shall also possess one or more of the following criteria:

1. Shared parking;
2. Common management;
3. Common identification;
4. Common access; or
5. Shared circulation.

**Principal use**

The primary or predominant use of any lot.

**Restaurant**

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

**Specific anatomical areas**

1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specific sexual activities**

1. Human genitals in a state of sexual stimulation; and/or
2. Acts of human masturbation, sexual intercourse or sodomy; and/or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or the female breasts.

**Stock in trade**

The greater of:

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

**Tavern**

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

**Tea Room**

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

**Wholesale Trade**

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

**Youth oriented facility**

Facilities owned or operated by non-profit organizations for the purpose of providing recreational or educational opportunities for youth including, but not limited to, Boys and Girls Clubs, YMCAs, YWCAs, Little League, and other youth sports associations.

## Section 3. Adult Entertainment Facilities Permitted in Certain Land Use Zones Subject to Certain Restrictions and Standards

**A.** Adult arcades, adult live entertainment facilities, cabarets and any adult entertainment facility falling under the definitions of adult bookstores, adult novelty stores, adult video stores or other similar adult uses may be permitted in the following zones subject to the standards and requirements of Section 4 of this Article and spacing requirements identified below:

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

2. Spacing and buffering requirements.

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

   b. No adult entertainment facility shall be located, operated or maintained within one thousand (1,500) feet of any sensitive land uses, which includes property used for:

      (1) Public and private schools;

      (2) Licensed day-care operations;

      (2) Public parks;

      (3) Public libraries;

      (4) State-certified daycare;

      (5) Public community centers;

      (6) Churches, cemeteries or other religious facilities or institutions;

      (7) Residential and lodging uses and property zoned primarily for residential uses, including A-R Agricultural Residence District, R-1 Suburban Residence District, R-2 One and Two-Family Residence District, R-3 Multi-Family Residence District, and R-4 Multi-Family Residence District zones;

      (8) Any entertainment business that is oriented primarily toward children.

   c. General Standards: All the standards of Section 4 of this Article shall apply.

d. Measuring required distances: The distances between adult entertainment facilities and sensitive land uses identified in Section 3-A. (1.-b.) hereof or the spacing distances between adult entertainment facilities shall be measured by following a straight line, without regard to intervening structures or objects, from the nearest point of the property parcel upon which the proposed adult entertainment facility or use is to be located to the nearest point of the sensitive parcel of property or the Zoning District boundary line from which the proposed adult entertainment use is to be separated.

## Section 4. General Standards for Adult Entertainment Facilities

Adult entertainment facilities shall conform to the following general standards:

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

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

**C.** In addition to all on-premise sign requirements of Article 4, Section 5, and Article 13 the following signing provisions shall be followed:

1. There shall be no electronic reader boards or changing message center signs.

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

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

**E.** Nude entertainment shall only be available at an adult entertainment establishment from the hours of 4:00 p.m. to the following 1:30 a.m., on Monday through Saturday of each week.

**F.** Any adult entertainment facility operating at the effective date of this regulation in violation of Section 3 of this Article shall be allowed to continue operating without compliance herewithin for an amortization period of six (6) months. Six (6) months after this regulation becomes effective, all adult entertainment facilities must fully comply with this regulation, including Section 3 of this Article or be subject to the penalty provisions set forth herein.

**G.** No landowner or lessee shall knowingly permit an adult entertainment establishment to be operated or maintained upon a premise, property, or structure under his, her, or its control, in violation of Section 3 of this Article.

**H.** All standards of the underlying Zoning District must be met or complied with.

**I.** All adult entertainment facilities shall be required to comply with the requirements of the Comprehensive Plan to promote compatibility with surrounding land uses in both commercial and manufacturing zones.

**J.** Except for the amortization period set forth in subparagraph F above, each day of operation in violation of any provision of these Zoning Regulations shall constitute a separate violation.

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

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

**M.** Any adult entertainment establishment operating before the effective date of this Regulation shall comply with every provision of this Regulation and all future amendments to this Regulation, except as set forth in item F above.

## Section 5. Waiver of Distance Requirements

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

**A. Distance Waiver Required.**

Any party proposing to locate an adult facility within less than the required distances from uses or zones specified in this chapter may do so only after obtaining a waiver from the Board of Adjustment through a Conditional Use Permit process.

**B. Waiver Notice Requirements.**

In addition to the notice requirements for a Conditional Use Permit, first-class mailing notice shall be made to all parties within the distance set forth in Section 3 of this Article.

**C. Criteria for Decision.**

The final decision on the request for waiver of distance shall be made by the Board of Adjustment based on consideration of the following:

1. The extent to which the physical features would result in an effective separation in terms of visibility and access;
2. Compatibility with adjacent and surrounding land uses;
3. The availability or lack of alternative locations for the proposed use; and
4. The ability to avoid the adult facility by alternative vehicular and pedestrian routes.

## Section 6. Intervening uses

Sensitive land uses specified in Section 3 of this Article shall not be allowed to locate within the specified distances to an adult entertainment facility. Any party proposing to locate such a use or zone within the specified distances of an adult entertainment facility is considered an intervening use and may do so only after obtaining a distance waiver pursuant to the provisions of Section 5 of this Article regarding waiver of distance requirements.

# ARTICLE 29. CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

## Section 1. Specifications

**A.** Concentrated Animal Feeding Operations (CAFO) as defined by Article 2, Section 2 may be conditionally permitted in A-1, M-1, or M-2 districts with a conditional use permit approved by the Board of Adjustment.

**B.** The Board of Adjustment is to defer to the standards set forth within Sections 640.700 to 640.755 of the Missouri Revised Statutes concerning the issuance of a conditional use permit.

# ARTICLE 30. AGRICULTURAL RESERVE DISTRICT

## Section 1. Specifications

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

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

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

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

# ARTICLE 31. A-1 AGRICULTURE DISTRICT

## Section 1. Statement of Intent:

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

**B.** It is the intent of this Zoning District to allow accessory residential dwellings to the extent required for the safe and proper operation of a principal permitted use.

1. Single-family detached dwelling

   a. In the A-1 District to create tracts of less than twenty (20) acres requires an administrative subdivision. No more than two (2) tracts less than ten (10) acres may be created and the remaining tract must have a minimum of ten (10) acres.

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

   c. A legal parcel of land less than fifteen (15) acres in size, created prior to the effective date of the Zoning Regulations (August 9, 2010) shall **not** be required, if subdivided, to have a remaining tract, consisting of a minimum of ten (10) acres.

## Section 2. Principal Permitted Uses

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

**B.** Single-family detached dwelling.

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

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

**E.** Road Right-of-Way and Road Crossing Procedures for Buried Lines and other public utility uses according to the provisions of Article 18.

**F.** Private stables and dairies; provided that any building or enclosure in which fowl or animals are kept shall comply with the distance requirements of one hundred (100) feet from any Residential District.

## Section 3. Accessory Uses

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

1. Living quarters of persons employed on the premises; the keeping of roomers or boarders by a resident family.

2. A private garage, parking area or stable.

3. Customary incidental home occupations when conducted in a dwelling, provided that no stock in trade is kept or products sold, except such as are made on the premises.

4. Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

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

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

1. Such as, but not limited to, relatives of the occupants of a principal dwelling unit on the premises, or

2. In the case of the destruction or substantial damage to a dwelling by casualty, may be allowed for a time limit set by the Board of Adjustment, which may be renewed by the approval of the Board of Adjustment, for successive periods of time, with time limits set by the Board of Adjustment.

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

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

**E.** Concentrated Animal Feeding Operations (CAFOs) in conformance with Article 29.

**F.** The following commercial activities: mining, oil drilling, quarries and gravel pits, temporary sawmill for cutting timber grown on the premises;

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

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

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

**H.** Religious and charitable institutions.

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

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

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

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

**K.** Disposal of garbage or refuse by the County, a township or municipality, or agent thereof, subject to the provision of the Missouri State Statutes.

**L.** Radio and television transmitters, not to include class C or D (CB), but subject to FCC Regulations - towers only.

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

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

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

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

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

**O.** Golf courses.

**P.** Riding academies and public stables;

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

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

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

**Q.** Campground facilities

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

2. any lot or tract of land in such use shall be located no less than one thousand (1000) feet from any R District and that all areas designated as campsites be set back two hundred fifty (250) feet from neighboring parcels

3. an approved wastewater treatment plan shall be part of the site design

## Section 5. Area Requirements

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

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

**C.** Odd shaped tracts will be approved on a case by case basis by the Board of Adjustment.

**D.** Tracts may include road rights-of-way.

**Side Yard Widths**

| | Lot Area* | Minimum Frontage | Front Yard Depth | One Side Yard | Both Side Yards | Rear Yard Depth | Dwelling's 1st Floor Minimum Area |
|---|---|---|---|---|---|---|---|
| Lot Area Customarily agricultural uses, as specified in Article 31 | 5 acres | - | 50 feet | 50 feet | 100 feet | 50 feet | - |
| Individual single-family dwelling with individual well and approved on-site sewage system | 5 acres | 200 feet | 50 feet | 25 feet | 50 feet | 50 feet | 640 sq. ft. 1st floor minimum |
| Recreational facilities, hospitals | 5 acres | - | 100 feet | 75 feet | 150 feet | 100 feet | - |

*Lot Area may include all road rights-of-way

## Section 6. Road or Street Setback

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 32. A-R AGRICULTURAL - RESIDENCE DISTRICT

## Section 1. Statement of Intent

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

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

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

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

**D.** Only three (3) parcels may be created by Administrative (minor) Subdivision from the parent tract rezoned from another Zoning District. Other parcels may be created by platting as regulated by the Christian County Subdivision Regulations.

## Section 2. Principal Permitted Uses

**A.** Single family detached dwellings.

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

**C.** Residential Group Homes according to the provisions of Article 25.

**D.** Road Right-of-Way and Road Crossing Procedures for Buried Lines and other public utility uses according to the provisions of Article 18.

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

**F.** Private non-commercial recreational areas, including country clubs, swimming pools and golf courses, forest and wildlife preserves.

**G.** Wineries.

## Section 3. Accessory Uses

**A.** Accessory uses, buildings and structures customarily incidental to the Permitted Uses set out above.

**B.** Home occupations as defined in Article 10.

**C.** Temporary real estate and small announcement signs.

**D.** Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

**E.** Swimming pool incidental to a single family dwelling.

**F.** Day care homes, if not more than six (6) children are kept.

## Section 4. Conditional Uses Requiring Authorization by the Board of Adjustment

**A.** Public utility structures or uses, subject to the provisions set by the Board of Adjustment.

**B.** Schools; cultural, administrative, and public buildings; churches; and other places of worship expected to exceed one thousand five hundred (1500) gallons of wastewater per day, including parish houses and Sunday schools,

1. on a minimum of three (3) acres of land, to provide sufficient land area for off-street parking; and buffer yards and proper site design to lessen possible adverse impacts on adjoining properties, but

2. excluding overnight shelters and temporary outdoor revivals.

**C.** Cemeteries adjacent to or in extension of existing cemeteries, subject to the provisions set by the Board of Adjustment.

**D.** Day Care Group Homes, if not more than ten (10) children are kept.

**E.** Bed-and-Breakfast facilities.

## Section 5. Specific Prohibitions

**A.** The filling or drainage of marsh or wetlands, removal of topsoil, stripping of natural vegetative cover, the creation of ponds or damming or relocating of any water course shall not be permitted unless allowed according to the provisions of federal, state and county regulations.

**B.** Removal of forests, woods or other significant stands of foliage and cover unless by an approved plan.

**C.** Quarrying, mining or other excavation except as incidental to the construction of buildings to house permitted uses listed above.

**D.** Locating wastewater treatment systems closer than one hundred (100) feet from surface water or areas of discrete recharge to ground water sources.

## Section 6. Special Provisions

**A.** Location of wastewater treatment systems in those areas with environmental or physical constraints as described in the Statement of Intent of this Article shall only be installed after receiving approval from the Christian County Health Department.

**B.** Stricter requirements may be imposed for water and wastewater systems if the Christian County Health Department finds it necessary for the protection of the public health, safety, and welfare. Alternate wastewater systems may be allowed in areas deemed inappropriate for conventional septic tank systems.

**C.** Area requirements may be increased if the County Commission finds it necessary for the protection of the public health, safety and welfare.

**D.** Private roads are allowed:

1. provided that the private road shall be so described in deeds and legal descriptions.

1. further stated that private roads will not be accepted or maintained by the County in any Zoning District,

2. private roads shall have signs posted reading: “Christian County Maintenance Ends.”

3. private roads which serve (3) three or more parcels of land shall comply with the Road and Access Standards for Christian County, Missouri as they apply to road construction.

## Section 7. Area and Height Requirements

### Area and Height Measurements

| | Area* | Frontage | Height | Front Yard | Side Yard | Rear Yard |
|---|---|---|---|---|---|---|
| Individual single-family dwelling with individual well and approved on-site sewage system | 3 acres | 150 feet | 2½ stories (35 feet) | 40 feet | 25 feet | 50 feet |
| All other permitted uses (Article 32) | 3 acres | 150 feet | 50 feet | 25 feet | 50 feet | 50 feet |

*Lot Area may include all road rights-of-way

## Section 8. Road or Street Setback

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 33. RR-1 RURAL RESIDENCE DISTRICT

## Section 1. Statement of Intent

**A.** This Zoning District is intended to accommodate low density residential development on tracts three acres or larger.

**B.** This Zoning District provides a residential option between the lower density agriculture residential and the higher density urban residential.

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

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

**D.** Only three (3) parcels may be created by Administrative (Minor) Subdivision from the parent tract rezoned to this zoning classification. Other parcels may be created by platting as regulated by the Christian County Subdivision Regulations.

## Section 2. Principal Permitted Uses

**A.** Single family detached dwellings.

**B.** Residential Group Homes according to the provisions of Article 25.

**C.** Road Right-of-Way and Road Crossing Procedures for Buried Lines and other public utility uses in accordance with Article 18.

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

## Section 3. Accessory Uses

**A.** Accessory uses, buildings and structures customarily incidental to the Permitted Uses set out above.

**B.** Residential home occupations as defined in Article 2, Section 2 and Article 10.

**C.** Temporary real estate and small announcement signs.

**D.** Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

**E.** Swimming pool incidental to a single family dwelling.

**F.** Day care homes, if not more than six (6) children are kept.

## Section 4. Conditional Uses Requiring Authorization by the Board of Adjustment

**A.** Public utility structures or uses, subject to the provisions set by the Board of Adjustment.

**B.** Schools; cultural, administrative and public buildings; churches; and other places of worship expected to exceed one thousand five hundred (1500) gallons of wastewater per day, including parish houses and Sunday schools,

1. on a minimum of three (3) acres of land, to provide sufficient land area for off-street parking; and buffer yards and proper site design to lessen possible adverse impacts on adjoining properties, but

2. excluding overnight shelters and temporary outdoor revivals.

**C.** Day Care Group Homes, if not more than ten (10) children are kept.

## Section 5. Special Provisions

**A.** Location of wastewater treatment systems in those areas with environmental or physical constraints as described in the Statement of Intent of this Article shall only be installed after receiving approval from the Christian County Health Department.

**B.** Stricter requirements may be imposed for water and wastewater systems if the County Commission or the Christian County Health Department finds it necessary for the protection of the public health, safety, and welfare. Alternate wastewater systems may be required in areas deemed inappropriate for conventional septic tank systems by the Christian County Health Department.

**C.** Area requirements may be increased if the County Commission finds it necessary for the protection of the public health, safety and welfare.

**D.** Private roads.

1. A private road shall be so described in deeds and legal descriptions.

2. A private road will not be accepted or maintained by the County in any Zoning District,

## Section 6. Specific Prohibitions

**A.** The filling or drainage of marsh or wetlands, removal of topsoil, stripping of natural vegetative cover, the creation of ponds or damming or relocating of any water course shall not be permitted unless allowed according to the provisions of federal and state regulations.

**B.** Removal of trees, forests, woods or other significant stands of foliage and cover unless by an approved plan.

**C.** Quarrying, mining or other excavation except as incidental to the construction of buildings to house permitted uses listed above.

**D.** Locating wastewater treatment systems closer than one hundred (100) feet from surface water or areas of discrete recharge to ground water sources.

## Section 7. Area and Height Requirements

### Area and Height Measurements

| | Area* | Frontage | Height | Front Yard | Side Yard | Rear Yard |
|---|---|---|---|---|---|---|
| Individual single-family dwelling with individual well and approved on-site sewage system | 3 acres | 150 feet | 2½ stories (35 feet) | 40 feet | 25 feet | 50 feet |
| All other permitted uses (Article 33) | 3 acres | 150 feet | 2½ stories (35 feet) | 40 feet | 25 feet | 50 feet |

*Lot Area may include all road rights-of-way

## Section 8. Road or Street Setback

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 34. MH-1 MANUFACTURED HOME (MOBILE HOME) PARK SUBDIVISION DISTRICT

## Section 1. Statement of Intent

**A.** This Zoning District is intended to provide for areas of quality affordable housing in Christian County.

**B.** This Zoning District is intended to eliminate manufactured housing from commercial districts, and

**C.** To require said housing to be located in areas where public sewer and water services are available.

## Section 2. Principal Permitted Uses

**A.** Manufactured home or mobile home parks.

**B.** Manufactured home or mobile home subdivisions.

**C.** Modular homes.

**D.** Single-family detached dwellings, (subdivisions only)

**E.** Neighborhood parks, swimming pools, playgrounds, recreational and community center buildings and grounds, public golf courses, tennis courts and similar recreational uses, all of a noncommercial nature.

**F.** Residential group homes according to the provisions of Article 25.

**G.** Road Right-of-Way and Road Crossing Procedures for Buried Lines and other public utility uses according to the provisions of Article 18.

## Section 3. Accessory Uses - Distance Requirements -Reference General Provisions

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

1. Home occupations,
2. Temporary real estate signs and small announcement signs,
3. Temporary buildings for uses incidental to the permitted principal use of a single-family dwelling,
4. Swimming pools, incidental to the permitted principal use of a single-family dwelling,
5. Day care homes if not more than six (6) children are kept, subject to state licensing requirements,

6. Accessory Structures, awnings, storage cabinets and buildings, fences or windbreaks, carports, garages, porches, greenhouses, and other accessory structures.

## Section 4. Conditional Uses Requiring Authorization by the Board of Adjustment

**A.** Day care group homes if not more than ten (10) children are kept, subject to state licensing requirements.

**B.** Public utility structures or uses subject to the provisions set by the Board of Zoning Adjustment.

**C.** Churches and other places of worship, including parish houses and Sunday schools, but

1. Excluding overnight shelters and temporary outdoor revivals,

2. On a minimum of two (2) acres of land, to provide sufficient land area for off-street parking; and buffer yards and proper site design to lessen possible adverse impacts on adjoining properties.

**D.** Bed-and-breakfast facilities.

## Section 5. Special Provisions

**A. Common Open Space.**

1. All mobile home parks and subdivisions shall provide for common open space at the rate of three hundred (300) square feet per site or lot, or twenty thousand (20,000) square feet, whichever is greater.

2. At least fifty (50) percent of the common open space shall be suitable for active recreation such as playgrounds, swimming pools, or ball fields.

3. The common open space shall be landscaped, improved and maintained before the issuance of building permits.

4. Perimeter buffer yards and streets shall not be used to satisfy the common open space requirements.

**B. Perimeter Treatment.**

1. All mobile home parks and subdivisions shall provide a completely landscaped and maintained setback

   a. of at least twenty-five (25) feet from a public right of way, and

b. a setback of at least ten (10) feet from any other abutting property line.

c. The setback areas may be included as parts of adjacent lots but shall not be included as part of the required minimum area.

d. No structure shall be allowed in the setback area.

2. Landscaping in the perimeter area shall consist of the following:

a. Deciduous and/or evergreen trees spaced not more than thirty-two (32) feet apart all of which grow to a height of five (5) feet or more after one full growing season.

b. At least one row of shrubs spaced not more than eight (8) feet apart.

3. Where the adjoining land use is a street with a functional classification of arterial or higher, a six (6) foot solid wall or fence shall be provided to the aforementioned landscaping.

4. The perimeter area may include other trees, shrubbery, benches, fences, *et cetera.*

**C. Parking.**

1. Each site or lot shall contain at least two (2) paved parking spaces.

**D. Streets and drainage.**

1. All streets and stormwater drainage structures, whether public or private, shall be constructed to Christian County Road and Access Standards. The street surface shall measure twenty (20) feet in width, with a 2 foot shoulder on each side.

2. Each site or lot shall be directly accessible from an internal street with no direct access to any other street.

3. All streets, drainage facilities and utilities must be constructed and approved before issuance of any permit to locate a manufactured home in any manufactured home park.

**E. Utilities.**

1. All units in all mobile home parks or subdivisions shall be connected to a municipal sewer system.

2. All units in all mobile home parks or subdivisions shall be connected to a public water system or State approved well.

a. Fire hydrants shall be provided at six hundred (600) foot intervals. The design is to be approved by the Planning and Zoning Department.

**F.** **Lighting** - Streets and sidewalks shall be lighted during hours of darkness.

## Section 6. Design Requirements

**A.** Minimum Park or Subdivision Size - 5 acres.

**B.** Minimum Individual Site or Lot Size – 4,000 Square Feet.

**C.** No mobile home may be occupied until having received an occupancy permit from the Christian County Building Inspections Department.

**Area Measurements**

| | Lot Area* | Minimum Frontage | Front Yard Depth | Side Yard Width | Side Yard Width – Both Sides | Rear Yard Depth |
|---|---|---|---|---|---|---|
| Individual home site – Lot Size | 4,000 sq. ft. | 40 feet | 25 feet | 6 feet | Side yards may be reduced to zero lot lines, if the other side yard is not less than 12 feet, but two lots may not share the same zero lot line. | 10 feet |

*Lot Area may include all road rights-of-way

## Section 7. Road or Street Setback

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 35. UR-1 URBAN RESIDENCE DISTRICT

## Section 1. Statement of intent

This Zoning District is intended primarily for single-family-detached dwellings at lot densities of approximately seven (7) units per acre, in areas served by public sewage disposal and water supply. Certain other structures and uses necessary to serve governmental, educational, religious, recreational and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the Zoning District.

## Section 2. Principal Permitted Uses

**A.** Single-family-detached dwellings.

**B.** Road Right-of-Way and Road Crossing Procedures for Buried Lines and other public utility uses according to the provisions of Article 18.

**C.** Accessory apartments in owner-occupied-single-family detached dwellings.

**D.** Residential group homes according to the provisions of Article 25.

**E.** Police and fire stations.

**F.** Temporary uses.

**G.** Zero-lot-line construction.

**H.** Noncommercial, not-for-profit residential neighborhood facilities, including indoor and outdoor recreational facilities, community centers, offices, and maintenance facilities operated by a neighborhood or community organization or a property owners association.

## Section 3. Accessory uses - Distance Requirements - Reference General Provisions

**A.** Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, including:

**B.** Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

**C.** Home occupations as defined in Article 2, Section 2 and Article 10.

**D.** Temporary real estate signs and small announcement signs.

**E.** Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

**F.** Swimming pools, incidental to the permitted principal use of a single-family dwelling.

**G.** Noncommercial nurseries, greenhouses and gardens

1. but not including chicken farms, hog farms and other commercial animal farms or kennels.

**H.** Day care homes, if not more than six (6) children in addition to the caregiver's own are kept, subject to state licensing requirements.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization or Approval

The following Conditional Uses may be allowed, if the Board of Adjustment specifically authorizes or approves the use:

**A.** Day care group homes if not more than ten (10) children are kept, subject to state licensing requirements.

**B.** Churches and other places of worship, including parish houses and Sunday schools, but excluding emergency shelters and temporary outdoor revivals, with frontage on and primary access to an arterial or higher classification street and on a minimum of two (2) acres of land to provide sufficient land area for off-street parking, buffer yards, and property site design to lessen impact on adjoining residential neighborhoods.

**C.** Churches and other places of worship on less than two (2) acres of land at the time the Zoning District is mapped shall be considered conforming uses.

**D.** Schools, elementary and secondary, and schools or development centers for elementary and secondary-school-age children with handicaps or development disabilities, on a minimum of five (5) acres of land.

**E.** Country clubs, public parks, public and private golf courses and other private noncommercial recreational areas and facilities, including swimming pools, but not including miniature golf courses and driving ranges;

1. provided, that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in a Residential District.

**F.** Public buildings and properties of a cultural, recreational, administrative or service type;

1. Not including repair garages, storage or repair yards or warehouses;

2. Provided any such building shall be located not less than twenty-five (25) feet from any other lot in any Residential District.

**G.** Road Right-of-Way and Road Crossing Procedures for Buried Lines subject to the provisions set by the Board of Adjustment.

**H.** Cemeteries adjacent to or in extension of existing cemeteries, subject to the provision set by the Board of Adjustment.

**I.** A manufactured home subdivision is subject to all requirements of a single-family R District. In addition, each manufactured home in the subdivision must also comply with the following provisions:

1. Each manufactured home's roof must be pitched at least three (3) in twelve (12) or greater.

2. Each manufactured home's roof must be covered with roofing material similar to roofing material used on conventional residences.

   (a) including, but not limited to, approved wood, asphalt composition, or fiberglass shingles, but

   (b) excluding corrugated aluminum, corrugated fiberglass or metal roofing materials.

3. Each manufactured home's roof overhang must be not less than one (1) foot or greater than thirty (30) inches.

4. Each manufactured home's exterior siding must be similar to exterior siding used on conventional residences, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, wood shakes, or similar material, but excluding high-gloss finish, smooth, ribbed or corrugated metal, or plastic panels.

5. Each manufactured home shall have a garage or carport. The external roofing and siding material and design of the garage or carport must be the same as that of the dwelling unit.

   (a) The requirement for a garage or carport may be waived by the Planning and Zoning Administrator or his/her designee, in cases where the deletion is consistent with the surrounding neighborhood.

6. Each manufactured home must be placed on a permanent foundation that complies with the County's building code for residential structures.

7. Each manufactured home must be at least twenty (20) feet wide.

8. The hitch axles or wheels must be removed from each manufactured home.

9. Each manufactured home must be oriented on its lot such that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if the manufactured home has a building addition so that the narrow dimension, facing the street, is not less than fifty (50) percent of the long dimension.

10. The Board of Adjustment must determine that the manufactured home subdivision will be compatible with development in the surrounding area.

11. The manufactured home subdivision must meet all requirements of Article 34, MH-1 Manufactured Home (Mobile Home) Park or Subdivision District.

**J.** Bed-and-breakfast facilities.

**K.** Public museums and libraries on a minimum of two (2) acres.

## Section 5. Use Limitations

**A.** All uses shall operate according to the provisions of the standards contained in Article 5.

## Section 6. Lot Size Requirements

**A.** Minimum lot area: seven thousand (7,000) square feet.

**B.** Minimum lot width: Fifty (50) feet.

**C.** Minimum lot depth: One-hundred (100) feet.

## Section 7. Bulk and Open Space Requirements

**A. Maximum structure height:**

1. When side yards are less than fifteen (15) feet in width: Thirty-five (35) feet or two and one-half (2 ½) stories above the finished grade.

2. When side yards are fifteen (15) feet in width or greater: Forty-five (45) feet or three (3) stories above the finished grade.

3. Accessory structures: Sixteen (16) feet, except storage buildings, which shall not exceed ten (10) feet.

**B. Minimum yard requirements:**

1. Front yard: Twenty-five (25) feet.

2. Side yard: Five (5) feet.

3. Rear yard: Twenty (20) percent of the lot depth, but may not be less than ten (10) feet nor shall more than twenty-five (25) feet be required.

4. **Road or Street Setback.**

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

**C.** Maximum building coverage (including accessory buildings) of the lot area shall not exceed forty (40) percent.

**D.** Minimum open space of the lot area.

1. Not less than thirty (30) percent of the total lot area shall be devoted to open space including required yards and buffer yards.

2. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets.

3. Open space shall contain living ground cover and other landscaping materials.

**E.** Maximum Impervious Area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of storm water shall not exceed seventy (70) percent of the total lot area.

## Section 8. Density Requirements

**A.** The maximum density shall be seven-thousand (7,000) square feet per dwelling unit provided that the required rights-of-way for adjacent streets as classified by the Major Thoroughfare Plan is dedicated during subdivision of any tract being developed.

**B.** For tracts 20 acres or larger proposed to be subdivided into tracts smaller than 8,000 square feet, a left hand turn lane at all the entrances of the proposed subdivision shall be provided.

**C.** If a proposed subdivision (with lots of less than 8,000 square feet) fronts a major transportation facility, then acceleration and deceleration lanes may be required.

## Section 9. Other Requirements

**A.** A site plan shall be submitted and approved for all uses except single-family-detached dwellings.

**B.** A plot plan shall be submitted and approved for all single-family detached dwellings.

**C.** A landscaping plan shall be submitted and approved for all uses except single-family-detached dwellings.

**D.** All off-street parking lots and vehicular use areas for permitted non-residential uses shall be screened from all residential uses.

**E.** Refuse storage areas for permitted non-residential uses shall be screened from view.

**F.** Required front yards shall be landscaped with grass, ground cover, plants, shrubs or trees. Decorative landscaping materials such as rock, bark and much are also permitted. Impervious surfaces in required front yards shall be minimized and shall be limited to driveways leading to off-street parking areas located outside the required front yard and walkways necessary for access to structures on the property. Circular drives are permitted if sufficient room is available and if approved by the Christian County or applicable Special Road District.

**G.** Storage of maintenance or other equipment incidental to any permitted use or a conditional use except a single-family-detached dwelling shall be screened from view.

**H.** Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

## Section 10. Buffer Yard Requirements

Whenever any non-residential development in this Zoning District is located adjacent to a residential use in any Zoning District or a different Residential District, screening and a buffer yard shall be provided as follows:

**A.** Required Plantings per 100 linear feet:

1. Two (2) canopy trees;
2. Two (2) understory trees;
3. Two (2) evergreen trees;
4. Fourteen (14) shrubs.

**B.** Buffer yard depth requirements.

1. 20 feet;
2. 30 feet with a reduction of planting of 50 percent.
3. 10 feet with a six (6) foot high fence, masonry wall, brick wall, or solid evergreen hedge.

# ARTICLE 36. R-1 SUBURBAN RESIDENCE DISTRICT

## Section 1. Statement of Intent

This Zoning District is intended to provide for detached single-family residential development in areas served by public sewage disposal and public water supply or tracts three acres or larger if not served by public sewage disposal and public water supply.

## Section 2. Principal Permitted Uses

**A.** One-family detached dwellings, limited to one driveway, unless on a corner lot and the street is classified as "local".

**B.** Road Right-of-Way and Road Crossing Procedures for Buried Lines and other public utility uses according to the provisions of Article 18.

**C.** Neighborhood parks, swimming pools, playground, recreational and community center buildings and grounds, public golf courses, tennis courts and similar recreational uses,

1. all of a noncommercial nature; and
2. provided that any such principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any Residential District.

**D.** Residential group homes according to the provisions of Article 25.

## Section 3. Accessory Uses - Distance Requirements -Reference General Provisions

**A.** Accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:

**B.** Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

**C.** Home occupation as defined in Article 2, Section 2 and Article 10.

**D.** Temporary real estate signs and small announcement signs.

**E.** Temporary buildings for uses incidental to construction work,

1. Which buildings shall be removed upon completion or abandonment of the construction work.

**F.** Swimming pool, incidental to the permitted principal use of a single-family dwelling.

**G.** Noncommercial nurseries, greenhouses and gardens, but not including chicken farms, hog farms and other commercial animal farms and kennels.

**H.** Day care homes if not more than six (6) children in addition to the caregiver's own are kept, subject to state licensing requirements.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** Day care group homes if not more than ten (10) children are kept, subject to state licensing requirements.

**B.** Churches and other places of worship, including parish houses and Sunday schools, schools, cultural, administrative and public buildings, but

1. Excluding overnight shelters and temporary outdoor revivals;
2. On a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, buffer yards, and proper site design to lessen possible adverse impacts on adjoining residential neighborhoods.

**C.** Country clubs, public parks, golf courses and other private noncommercial recreational areas and facilities including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District.

**D.** Public buildings and properties of a cultural, recreational, administrative or service type,

1. Not including repair garages, storage or repair yards or warehouses;
2. provided any such building shall be located not less than twenty-five (25) feet from any other lot in any R District.

**E.** Public utility structures or uses subject to conditions set by the Board of Adjustment.

**F.** Cemeteries adjacent to or in extension of existing cemeteries, subject to conditions set by the Board of Adjustment.

**G.** A manufactured home subdivision subject to all requirements of a single-family R District. In addition, each manufactured home in the subdivision must also comply with the following provisions:

1. Each manufactured home's roof must be pitched at least three (3) in twelve (12) or greater
2. Each manufactured home's roof must be covered with roofing material similar to roofing material used on conventional residences.

(a) Including, but not limited to, approved wood, asphalt composition, or fiberglass shingles, but

(b) excluding corrugated aluminum, corrugated fiberglass or metal roofing materials.

3. Each manufactured home's roof overhang must be not less than one (1) foot or greater than thirty (30) inches.

4. Each manufactured home's exterior siding that must be similar to exterior siding used on conventional residences, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, wood shakes, or similar material, but excluding high-gloss finish, smooth, ribbed or corrugated metal, or plastic panels.

5. Each manufactured home shall have a garage or carport. The external roofing and siding material and design of the garage or carport must be the same as that of the dwelling unit. The requirement for a garage or carport may be waived by the Board of Adjustment, in cases where the deletion is consistent with the surrounding neighborhood.

6. Each manufactured home must be placed on a permanent foundation that complies with the County's building code for residential structures.

7. Each manufactured home must be at least twenty (20) feet wide.

8. The hitch axles or wheels must be removed from each manufactured home.

9. Each manufactured home must be oriented on its lot such that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if the manufactured home has a building addition so that the narrow dimension, facing the street, is not less than fifty (50) percent of the long dimension.

10. The Board of Adjustment must determine that the manufactured home subdivision will be compatible with development in the surrounding area.

11. The manufactured home subdivision must meet all requirements of Article 34, MH-1 Manufactured Home (Mobile Home) Park or Subdivision District.

**H.** Bed-and-breakfast facilities.

## Section 5. Height Regulations

**A.** The maximum height of buildings in an R-1 District shall not exceed two and one-half (2½ ) stories or thirty-five (35) feet above the average finished grade,

1. except the height may be increased by not more than ten (10) feet when each side yard is not less than fifteen (15) feet.
2. Such dwelling, however, shall not exceed three (3) stories in height.

**Area Measurements**

| | **Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Width** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| Single-family dwelling with public sewer and public water supply | 10,000 sq. ft. | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Other permitted uses | - | 100 feet | 40 feet | 20 feet | 40 feet | 50 feet |
| Single-family dwelling without public sewer and public water supply | 3 acres | 150 feet | 40 feet | 25 feet | 50 feet | 50 feet |

## Section 6. Road or Street Setback

| **Roadway** | **Required Setback** |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 37. R-2 ONE and TWO-FAMILY RESIDENCE DISTRICT

## Section 1. Statement of Intent

This Zoning District is intended to provide for medium density residential development limited to one and two-family homes in areas served by public sewer and public water supply.

## Section 2. Principal Permitted Uses

**A.** Any use or structure permitted and as regulated in the R-1 District, except as is herein modified.

**B.** Two-family dwelling.

**C.** Cluster developments and townhouses comprised of buildings containing not more than two (2) families in any one (1) building, subject to the requirements of this Article.

**D.** Residential group homes according to the provisions of Article 25.

## Section 3. Accessory Uses, District Requirements, Reference General Provisions

**A.** Any accessory use or structure permitted and as regulated in the R-1 District,

1. Except that the raising or keeping of farm animals shall not be permitted on any lands used or platted for residential purposes, and

2. Except as is modified in these Zoning Regulations.

**B.** Home occupations as defined in Article 2, Section 2 and Article 10.

**C.** The keeping of not more than three (3) roomers or boarders by a resident family.

**D.** Any accessory use or structure customarily accessory and incidental to a permitted principal use.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** Any conditional use permitted and as regulated in the R-1 District.

## Section 5. Height Regulations

**A.** The maximum height of buildings in an R-2 District shall not exceed two and one-half (2½) stories or thirty-five (35) feet above the average finished grade, except

1. The Board of Adjustment may allow the height to be increased by not more than fifteen (15) feet.

2. Such dwelling, however, shall not exceed three (3) stories in height.

| **Area Measurements** | **Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Width** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| Single-family dwelling | 9,000 sq. ft. | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Two-family dwelling | 10,000 sq. ft. | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Cluster development and townhouses | 5,000 sq. ft. | 40 feet each unit | 30 feet each unit | Zero on common wall | 12 feet per dwelling | 25 feet |
| Other permitted uses | 1 acre | 100 feet | 40 feet | 15 feet | 30 feet | 50 feet |

## Section 6. Road or Street Setback

| **Roadway** | **Required Setback** |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 38. R-3 MULTI-FAMILY RESIDENCE DISTRICT

## Section 1. Statement of Intent

This Zoning District is intended to provide for residential development of low-rise residential buildings housing two (2) or more families,

**A.** where all dwelling units do not have ground level occupancy,

**B.** or private entrance,

**C.** in those areas where such development would be compatible with surrounding uses,

**D.** where the density would not create service problems and

**E.** here public sewer and public water supply are available.

## Section 2. Principal Permitted Uses

**A.** Any use or structure permitted and as regulated in the R-2 District.

**B.** Condominium, multi-family dwellings for any number of families or housekeeping units.

**C.** Churches and other places of worship, including parish houses and Sunday schools, schools, cultural, administrative and public buildings,

1. but excluding overnight shelters and temporary outdoor revivals,

2. On a minimum of two (2) acres of land, to provide sufficient land area for off-street parking, buffer yards, and proper site design to lessen possible adverse impacts on adjoining properties.

**D.** Residential group homes according to the provisions of Article 25.

## Section 3. Accessory Uses, District Requirements and Reference General Provisions

**A.** Any accessory use or structure permitted and as regulated in the R-2 District.

**B.** Any accessory use or structure customarily accessory and incidental to a permitted principal use.

**C.** Daycare group homes if not more than ten (10) children are kept, subject to state licensing requirements.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** The keeping of not more than six (6) roomers or boarders by a resident family in a multi-family dwelling unit.

**B.** Any conditional use permitted and as regulated in the R-2 District.

**C.** Clubs, fraternities, lodges and other meeting places of other organizations,

1. Not including any use that is customarily conducted as a gainful business,

2. Provided that buildings in which such meeting places are housed shall be located at least twenty (20) feet from any R or A District.

**D.** Children's day care centers, rest homes, or nursing homes for convalescent patients, provided that any buildings for such use shall be distant no less than twenty (20) feet from any other lot in any R or A District.

**E.** Day care group homes if not more than ten (10) children are kept, subject to state licensing requirements.

**F.** Bed-and-breakfast facilities.

## Section 5. Height Regulations

**A.** There shall be no maximum height for buildings in an R-3 Multi-Family District,

1. provided that the front, side and rear yards of any building exceeding forty-five (45) feet be increased one (1) foot for each foot which exceeds forty-five (45) feet up to a height of seventy-five (75) feet; and

2. thereafter, no increase in front, side or rear yards shall be required for any height in excess of seventy-five (75) feet.

**Area Measurements**

| | **Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Width** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| One-family dwelling | 9,000 sq. ft. | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Two-family dwelling | 9,000 sq. ft. 4,500 sq. ft. per double unit | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |
| Multi-family dwelling | 3,000 sq. ft. per unit | 70 feet | 30 feet | 6 feet | 12 feet | 25 feet |

**B.** Other permitted uses, same as R-2 District.

## Section 6. Road or Street Setback

| **Roadway** | **Required Setback** |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 39. R-4 MULTI-FAMILY RESIDENCE DISTRICT

## Section 1. Statement of Intent

**A.** This Zoning District is intended to provide for residential development of buildings housing two (2) or more families,

1. where all dwellings do not have ground level occupancy
2. or private entrances,

**B.** in those areas where such development could be compatible with surrounding uses

**C.** and where public sewer and public water supply are available.

## Section 2. Principal Permitted Uses

**A.** Any use or structure permitted and as regulated in the R-3 District.

**B.** Apartment hotels, and short-term rentals for any number of guests,

1. but not primarily for transients,
2. including incidental accessory services,
   a. such as restaurants, and news stands,
   b. provided that there is no exterior display or advertising except for an indirectly illuminated announcement sign not exceeding six (6) square feet in area which if not attached to the building, shall be at least twelve (12) feet from all street lines.

**C.** Hospital and clinics for human care.

**D.** Residential group homes according to the provisions of Article 25.

## Section 3. Accessory Uses, District Requirements and Reference General Provisions

**A.** Any accessory use or structure permitted and as regulated in the R-3 District.

**B.** Any other accessory use or structure, customarily accessory and incidental to a permitted principal use.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** Any conditional use permitted and as regulated in the R-3 District.

## Section 5. Height Regulations

**A.** There shall be no maximum height for buildings in an R-4 Multi-family District,

1. provided that the front, side and rear yards of any building exceeding forty-five (45) feet be increased one (1) foot for each foot that exceeds forty-five (45) feet up to a height of seventy-five (75) feet; and

2. Thereafter, no increase in front, side or rear yards shall be required for any height in excess of seventy-five (75) feet.

**Area Measurements**

| | **Lot Area** | **Minimum Frontage** | **Front Yard Depth** | **Side Yard Width** | **Side Yard Width – Both Sides** | **Rear Yard Depth** |
|---|---|---|---|---|---|---|
| Three-family dwelling | 9,000 sq. ft. | 70 feet | 25 feet | 6 feet | 12 feet | 25 feet |
| Four-family dwelling | 10,000 sq. ft. | 75 feet | 25 feet | 6 feet | 12 feet | 25 feet |
| Over four-family dwelling | 2,000 sq. ft. per unit | 100 feet | 25 feet | 6 feet | 12 feet | 25 feet |

## Section 6. Road or Street Setback

| **Roadway** | **Required Setback** |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 40. O-1 PROFESSIONAL OFFICE DISTRICT

## Section 1. Statement of Intent

**A.** This Zoning District is intended to provide for new construction of, and conversion of older dwellings into professional offices to act as a buffer between single-family residence districts and major thoroughfares without compromising the integrity of existing single-family neighborhoods.

**B.** To qualify for this Zoning District, a property must abut both an R-1 Suburban Residence District and a street with a functional classification of "arterial" or higher.

## Section 2. Principal Permitted Uses

**A.** Any use or structure permitted and as regulated in the R-1 Suburban Residence District.

**B.** Offices of professionals specifically listed below:

1. Attorney-at-law
2. Architect
3. Certified Public Accountant
4. Consultant
5. Registered Engineer
6. Land Planner
7. Minister, Rabbi or Priest
8. Registered Land Surveyor

**C.** Any other use as determined by the Christian County Commission to be of the same general character as the above permitted uses.

1. This does not include any use first allowed in the O-2 General Office District.

## Section 3. Accessory Uses

**A. Exterior signs**

1. Each office structure may have one sign that pertains only to the permitted use on the premises and shall indicate only the name, insignia and/or address of the use.

2. Signs must be integral with or attached flat against the building, or project not more than four (4) feet beyond the building.

   a. The sign may not project above the roof line and must face the major thoroughfare that the property abuts.

3. Signs allowed under this Section may be a maximum of fifty (50) square feet, and

   a. may only be indirectly illuminated with non-colored light, and

   b. shall not have images or light that flashes or moves.

4. One (1) free standing directional sign of no more than two (2) square feet may be hung at the office driveway entrance.

   a. The sign may not overhang the street right-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.

5. Portable signs and commercial vehicles serving as portable signs are prohibited.

B. Any accessory use permitted in the R-1 Suburban Residence District.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** Nonprofessional offices limited to those with administrative functions, not to include services available to the general public.

**B.** Exterior alteration of any structure existing on the effective date of these Zoning Regulations that had already been, or was currently being converted into a professional office.

**C.** Structural alteration of, or addition to, any structure existing on the effective date of these Zoning Regulations that had already been, or was currently being converted into a professional office. Interior structural alterations that do not change the exterior appearance of the structure are permitted.

**D.** Construction of any new professional office structure.

**E.** Location only, of a sign that does not conform to the requirements of Section 3 of this Article when the professional office is located more than one hundred (100) feet from the right-of-way of the major thoroughfare.

1. Providing that the conditional use permit does not allow for more than one (1) non-directional sign.

**F.** All conditional use permits must adhere to the standards of Sections 7, 8 and 9 of this Article.

## Section 5. Prohibited Uses

**A.** Any use not specifically listed as a principal permitted use or accessory use.

**B.** Any use that produces more than one thousand five hundred (1500) gallons of wastewater per day without being connected to a public sewer system.

## Section 6. Home Occupations.

**A.** Any single-family home located in this Zoning District, that has not been converted into a professional office, may establish those home occupations which are permitted in the R-1 Suburban Residence District, as regulated in that Zoning District.

## Section 7. Use Standards

**A.** No more than thirty (30) percent of any lot may be occupied by the professional office and its accessory uses, including parking area.

**B.** The conversion of a dwelling into a professional office may not result in an increase of more than fifty (50) percent of the floor area of the structure prior to the conversion,

1. Except, when the structure is located on a lot of more than two (2) acres, the floor area of the structure before conversion, may be doubled.

2. The construction of a new professional office may be no more than fifty (50) percent larger than the average floor area of the single-family dwellings within one thousand (1000) feet of the site.

   A. unless the proposed site has an area of over two (2) acres, in which case an additional fifty (50) percent of the floor area will be allowed.

**C.** All structural alterations to converted professional offices and new construction of professional offices must be in architectural harmony with the existing single-family homes in the area

1. including exterior appearance, and

2. exterior materials used.

**D.** The conversion of a dwelling into a professional office and the new construction of a professional office must include the construction of a six (6) feet tall solid board fence of uniform color along any property line that abuts an R-1 Suburban Residence District. Evergreen trees must also be planted at ten (10) feet intervals along such property line.

**E.** No more than fifty (50) percent of any side or front yard may be used for parking.

**F.** No driveway, parking area or accessory structure may be located closer than twenty-five (25) feet from any R-1 Suburban Residence District.

**G.** No new parcel may be created which does not have the required amount of road frontage on and direct access to the major thoroughfare.

1. No access may be gained from residential or collector streets.

2. Parking areas for corner lots shall be screened from the side street by evergreen trees planted at ten (10) foot intervals.

## Section 8. Height and Area Regulations

**A.** The maximum height for structures in the O-1 Office District shall be two and one-half (2 ½) stories or thirty-five (35) feet.

**Area Measurements**

| Lot Area | Minimum Frontage | Front Yard Depth | Side Yard Depth | Rear Yard Depth |
|---|---|---|---|---|
| 20,000 sq. ft. minimum | 100 feet | 50 feet | 25 feet | 50 feet |

**B.** Area and yard requirements may be waived for existing structures with the stipulation that the existing area and yards shall not be reduced when converting to a professional office.

## Section 9. Road or Street Setback

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 41. O-2 GENERAL OFFICE DISTRICT

## Section 1. Statement of Intent

**A.** This Zoning District is intended to provide for professional, management and other office uses.

**B.** Uses except for parking shall be conducted within an enclosed building.

**C.** No use shall be permitted that involves manufacturing, wholesaling or retailing.

## Section 2. Principal Permitted Uses

**A.** Offices of any kind.

**B.** Cultural facilities including art galleries, museums, and libraries.

**C.** Any other use that is determined by the County Commission to be of the same general character as the above permitted uses.

**D.** Any use permitted and as regulated in the R-4 Multi-Family Residence District.

## Section 3. Accessory Uses

**A.** Parking incidental to permitted uses.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** Medical or dental laboratories.

**B.** Barber or beauty shops.

## Section 5. Prohibited Uses

**A.** Any use first permitted in a C-1 District

**B.** Any use which produces more than one thousand five hundred (1500) gallons of wastewater per day without being connected to a public sewer system.

## Section 6. Height and Area Requirements

### Area and Height Measurements

| | Lot Area | Height | Lot Frontage | Front Yard Depth | Side Yard Width – Both Sides | Rear Yard Depth |
|---|---|---|---|---|---|---|
| Non-residential buildings | 20,000 sq. ft. | 2½ stories | 100 feet | 50 feet | None, except where adjoining R District, then not less than 15 feet each side | 10 feet |

## Section 7. Road or Street Setback

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 42. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

## Section 1. Statement of Intent

**A.** This Zoning District is intended to provide for individual or small groups of retail and customer service establishments benefitting local residential neighborhoods which

1. do not create more than one thousand five hundred (1500) gallons per day of wastewater, unless connected to a public sewer system,
2. do not require water suppression systems beyond what the site can supply
3. and create no objectionable noise, glare, or odor hazards.

**B.** It is intended that C-1 Districts be located along collectors or higher classification streets.

**C.** Uses should be limited to those which do not generate substantially increased traffic in the neighborhood.

## Section 2. Principal Permitted Uses

**A.** Day care centers

**B.** Any local retail business or personal service establishment including grocery, fruit or vegetable stores, pharmacies, beauty parlors, barber shops, dry cleaning and laundry pickup, shoe repair, self-service Laundromats.

**C.** Restaurants, cafes, and soda fountains excluding dancing or those with drive-in, pick-up, or drive-thru facilities.

**D.** Business and professional offices,

1. Provided that they retain the character of the neighborhood in which they locate, and
2. that the total impervious surface area does not exceed fifty (50) percent of the total lot area.

**E.** Road Right-of-Way and Road Crossing Procedures for Buried Lines and other public utility uses according to the provisions of Article 18.

**F.** On-premise outdoor advertising signs and structures,

1. subject to the provisions of the laws of the State of Missouri, and
2. all current Zoning Regulations.

**G.** Billboards and other off-premise outdoor advertising signs and structures,

1. Subject to the provisions of the laws of the State of Missouri, and
2. All current Zoning Regulations.

**H.** Other uses deemed by the County Commission to be of the same nature as outlined by the Statement of Intent so long as

1. not requiring any pretreatment of waste water, and
2. not creating more than one thousand five hundred (1500) gallons of waste water per day, unless connected to a public sewer system.

## Section 3. Accessory Uses

**A.** Exterior, directional and other incidental signs,

1. Provided that such signs shall comply with existing sign regulations at the time any building or occupancy permits are received.

**B.** A single-family residential unit, with the following conditions:

1. The residence is occupied by the owner and operator or a full-time employee of the principal permitted use;
2. the structures, if separate, must remain on the same property and may not be subdivided independent of each other.

**C.** Any other accessory use or structure, not otherwise prohibited, customarily accessory and incidental to a principal permitted use.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** The following uses will be allowed with the authorization of a conditional use permit by the Board of Adjustment.

1. Banks and financial institutions, except those including automatic teller machines and drive-through facilities.
2. Gas stations or service stations.
3. Convenience stores with gas pumps.
4. Mini-storage units.
5. Retail establishments located within a completely enclosed building not specifically permitted but in conformance with the Statement of Intent.

6. Outdoor dining areas associated with restaurants, cafes, and soda fountains.

7. Law enforcement and fire stations, and other emergency vehicle services.

8. Public utility structures or uses subject to the provisions set by the Board of Adjustment.

9. Any use permitted and as regulated in the C-2 General Commercial District.

**B.** Requirements and limitations regarding conditional use permits shall be based on the following considerations:

1. Size of the structure, amount of traffic generated and number of employees associated with the use.

2. Impact of the use on the character of the surrounding neighborhood.

3. Impact of the use on the surrounding natural environment.

4. Operating hours of proposed use.

5. Any other conditions deemed necessary by the Board of Adjustment.

## Section 5. Use Limitations

**A.** All activities and permitted uses except off-street parking and loading facilities and those permitted with conditional use permits shall be conducted entirely within a completely enclosed building.

**B.** No permitted use shall have a floor area open to the public, including display, service and sales, greater than four thousand (4,000) square feet.

**C.** No accessory use shall have a floor area (excluding garage) exceeding four thousand (4,000) square feet.

**D.** No use shall be allowed which produces more than one thousand five hundred (1500) gallons of wastewater per day without being connected to a public sewer system.

**E.** No uses which require a water suppressions system greater than what the site can supply.

**F.** No construction of any type of dwelling unit shall be allowed as a principal permitted use.

1. However, any dwelling unit legally existing in the C-1 District at the time of adoption of these Zoning Regulations, or any

amendment thereto, shall not be classified as a nonconforming use.

## Section 6. Bulk and Intensity of Use Restrictions

**A. Maximum structure height:**

1. Principal building: Thirty (30) feet.
2. Accessory structure: Twenty-five (25) feet.

**B. Minimum yard requirements:**

1. Lot frontage: Seventy (70) feet.
2. Front yard: Thirty (30) feet.
3. Side yard: Six (6) feet.
4. Rear yard: Twenty-five (25) feet.
5. Lots without public water and sewer service must have 100 feet of road frontage.
6. Maximum structural coverage of lot (including accessory buildings): thirty-five (35) percent.

**Area Measurements**

| | Minimum Frontage | Front Yard Setback | Side Yard | Both Side Yards | Rear Yard | Maximum Lot Coverage (all structures) |
|---|---|---|---|---|---|---|
| Principal structure served by public sewer and water | 70 ft. | 30 feet | 6 feet | 12 feet | 25 feet | 35 percent |
| Principal structure without public sewer and water | 100 ft. | 30 feet | 6 feet | 12 feet | 25 feet | 35 percent |

## Section 7. Road or Street Setbacks

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

## Section 8. Open Space Requirements

**A. Minimum open space:**

1. Not less than forty (40) percent of the total lot area shall be devoted to open space including required yards and buffer yards.

2. Open space shall not include areas covered by structures, parking areas, driveways and internal streets.

**B. Maximum impervious surface:**

1. The combined area occupied by all permitted and accessory structures, paved parking areas and any other surfaces which reduce and prevent absorption shall not exceed sixty (60) percent of the total area.

## Section 9. Design Requirements

**A.** A site plan, showing the overall concept of the proposed use must be submitted and approved by the Planning & Zoning Department. At a minimum, the site plan must include the following:

1. A legal description or a survey completed by a Registered Land Surveyor.

2. The type of structure to be built

3. The classification of the business

4. All dimensions of proposed building, accessory uses, drives, and parking areas.

5. The surrounding land use and zoning classification.

**B.** A landscaping plan, meeting all requirements in effect in the Zoning Regulations at the time of application for permits.

**C.** All structures in the C-1 Zoning District shall be constructed in a complementary nature of the most restrictive residential Zoning District abutting the property.

1. All materials, surface textures and colors should be compatible with the residential Zoning District it is intended to complement.

2. If no residential development abuts the property, materials and colors shall be similar to the closest residential development to the proposed site.

3. The following criteria will be considered in determining compatibility:

a. Roof lines;

b. Scale;

c. Orientation; and

d. Proportion of surrounding development.

4. Design review shall be performed as part of site plan review.

**D.** Refuse disposal areas shall be landscaped and screened in accordance to landscape plans.

**E.** Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view.

**F.** Lighting shall be designed to reflect away from adjacent residential areas.

# ARTICLE 43. C-2 GENERAL COMMERCIAL DISTRICT

## Section 1. Statement of Intent

**A.** This Zoning District is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and service facilities serving a larger community trade area.

## Section 2. Principal Permitted Uses

**A.** Any use permitted and as regulated in the C-1 Commercial District except as hereinafter modified.

**B.** Automobile, truck, trailer, farm implement, boat sales and marine supply establishments for display, hire, sales and repair, including sales lots,

1. provided all operations, other than display and sales, shall be conducted within a completely enclosed building, and

2. buildings used for repair work shall be not less than one hundred (100) feet from any R District.

**C.** Banks and finance companies, including drive-in type, department and variety stores, specialty shops, discount stores, studios, including commercial broadcasting schools.

**D.** Bar, restaurant, cocktail lounge, liquor store, billiard parlor, pool hall, bowling alley and similar enterprises, provided that:

1. Such use is conducted within a completely enclosed building(s), and

2. such building(s) shall not be less than two hundred (200) feet from any R District.

**E.** Travel trailer parks and Recreational Vehicle Parks

1. Subject to the provisions of Article 8, and

2. provided any travel trailer or recreational vehicle is distant at least one hundred (100) feet from any Residential District.

**F.** Drive-in eating and drinking establishments, summer gardens and road houses, including entertaining and dancing, providing the principal building is distant at least two hundred (200) feet from any R District.

**G.** Indoor theaters.

**H.** Self-service laundry and dry cleaning shops, interior decorating and paper hanging shops.

**I.** Hotels and motels, subject to the provisions of these Zoning Regulations.

**J.** Carpenter shops, electrical, plumbing and heating shops, printing, publishing, or lithographing shops, funeral homes or mortuaries, or furniture upholstering shops,

1. Provided that any use shall be conducted within a completely enclosed building, and

2. Shall be a distance of one hundred (100) feet of any Residential District.

**K**. Pet shops, animal hospitals, veterinary clinics or kennels

1. Provided any structure or premises used for such purposes shall be distant at least fifty (50) feet from any Residential District, and

2. Provided further, that all animals shall be kept indoors.

**L.** Skating rinks, dance halls, arcades, sheet metal and sign painting shops, bakeries, laundries, commercial greenhouses; but not within one hundred (100) feet of an R District.

**M.** Bottlers of soft drinks and milk, or distribution stations, providing a building used for such processing and distribution shall be at least one hundred (100) feet from a Residential District.

**N.** The following uses:

1. when conducted wholly within a completely enclosed building, or

2. when conducted within an area enclosed on all sides with a solid wall or uniformly painted solid board fence, not less than six (6) feet high.

3. In any circumstance, such use may not take place within two hundred (200) feet of any R District or one hundred (100) feet of any dwelling unit.

a. Building material sales yards, not including concrete mixing.

b. Contractor's equipment storage yards or plants, or storage and rental of equipment commonly used by contractors.

c. Trucking and motor freight stations or terminals.

d. Warehousing and storage.

e. Retail lumber yards, including mill work only when incidental.

f. Storage and sale of grain, livestock feed or fuel; provided dust is effectively controlled during all operations.

g. Carting, express or hauling establishments, including storage of vehicles.

h. Stone or monument works not employing power driven tools; or if employing such tools, then only within a completely enclosed building.

i. The storage of no more than five (5) vehicles involved in a wrecking or towing business.

**O.** Any other use which is determined by the County Commission to be of the same general character as the above permitted uses, but not including any use which is first permitted in an M-1 District.

**P.** Adult Entertainment Establishments and Uses as regulated in Article 28, Adult Entertainment Facilities.

## Section 3. Accessory Uses

**A.** Exterior, directional and other such signs incidental to the permitted use, provided that such signs comply with existing sign regulations at the time any building or occupancy permits are received.

**B.** Any other accessory use or structure, not otherwise prohibited, customarily accessory and incidental to principal permitted use.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** Drive-in theaters, commercial baseball fields, swimming pools, golf driving ranges, livery stables and riding academies, amusement parks, massage parlors, health care, night clubs, or recreational uses including water slides, race tracks or similar uses, companionship services.

**B.** A single dwelling unit with the following conditions:

1. The residence is occupied by the owner and operator or full-time employee of the principal permitted use.
2. The structures, if separate, must remain on the same property and may not be subdivided independent of each other.

**C.** Requirements and limitations regarding conditional use permits shall be based on the following conditions:

1. Size of the structure, amount of traffic generated and number of employees associated with the use.
2. Impact of the use on the character of the surrounding neighborhood.
3. Impact of the use on the surrounding natural environment.
4. Operating hours of proposed use.
5. Any other conditions deemed necessary by the Board of Adjustment.

## Section 5. Use Limitations

**A.** No use shall be allowed which produces more than one thousand five hundred (1500) gallons of wastewater per day without being connected to a public sewer system.

**B.** No uses shall be allowed which are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, glare, vibration, refuse matter or water-carried waste.

**C.** No construction of any type of dwelling unit shall be allowed as a principal permitted use.

1. However any dwelling unit legally existing in the C-2 District on the effective date of these Zoning Regulations shall not be classified as a nonconforming use.

## Section 6. Bulk and Intensity of Use Restrictions

**A.** Maximum structure height: According to the provisions of Article 21.

1. Principal building: Forty-five (45) feet
2. Accessory building: Twenty-five (25) feet

**B.** Minimum Yard Requirements:

1. Front yard: Fifty (50) feet,
2. Side yard: none, unless adjacent to a more restrictive Zoning District; then twenty-five (25) feet.
3. Rear yard: Ten (10) feet, unless adjacent to a more restrictive Zoning District, then twenty-five (25) feet.
4. Lots without public water and sewer service must have one hundred (100) feet of road frontage.
5. Maximum structural coverage of lot (including accessory buildings): Forty-five (45) percent.

**Area Measurements**

| | **Minimum Lot Width** | **Front Yard Setback** | **Side Yards** | **Rear Yard** | **Maximum Lot Coverage (all structures)** |
|---|---|---|---|---|---|
| Structure(s) served by public sewer and public water | - | 50 feet | None, unless adjacent to more restrictive Zoning District, then 25 feet | 10 feet, unless adjacent to more restrictive Zoning District, then 25 feet | 45 percent |
| Structure(s) without public sewer and public water | 100 ft. | 50 feet | None, unless adjacent to more restrictive Zoning District, then 25 feet | 10 feet, unless adjacent to more restrictive Zoning District, then 25 feet | 45 percent |

## Section 7. Road or Street Setback

| **Roadway** | **Required Setback** |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

## Section 8. Open Space Requirements

**A. Minimum open space**:

1. Not less than thirty (30) percent of the total lot area shall be devoted to open space, including required yards and buffer yards.

2. Open space shall not include areas covered by:

   a. structures,

   b. parking areas,

   c. driveways and

   d. internal streets.

**B. Maximum impervious surface:**

1. The combined area occupied by all permitted and accessory structures, paved parking areas and any other surfaces that reduce and prevent absorption,

2. shall not exceed seventy percent (70%) of the total area.

## Section 9. Design Requirements

**A.** A site plan, showing the overall concept of the proposed use must be submitted and approved by the Planning & Zoning Department. At a minimum, the site plan should include the following:

1. A legal description or a survey completed by a Registered Land Surveyor.

2. All dimensions of proposed building, accessory uses, drives, and parking areas.

3. The surrounding land use and zoning classification.

**B.** A landscaping plan, meeting all requirements in effect in the Zoning Regulations at the time of application for permits.

**C.** Refuse disposal areas shall be landscaped and screened in accordance to landscape plans.

**D.** Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view.

**E.** Lighting shall be designed to reflect away from adjacent residential areas.

# ARTICLE 44. M-1 LIGHT MANUFACTURING or INDUSTRIAL DISTRICT

## Section 1. Statement of Intent

This Zoning District is designed to accommodate those manufacturing establishments that are either:

**A.** free of objectionable influences in their operation and appearance, or

**B.** that can readily obviate or control any objectionable features that may otherwise result from the manufacturing processes by installation of appropriate abatement devices.

## Section 2. Principal Permitted Uses

**A.** Any use permitted and as regulated in the C-2 District, except as is modified in this Section.

**B**. Except for uses and processes prohibited in these Zoning Regulations, the manufacturing, compounding, processing, packaging and assembling of products such as:

1. Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except fish or meat products, sauerkraut, vinegar, yeast and the rendering and refining of fats or oils.

2. Products from the following previously prepared material: Bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, sheet metal yards (except where presses over twenty (20) tons rated capacity are employed).

3. Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.

4. Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.

5. Mechanical and electric appliances, instruments and devices, television sets, radios, phonographs.

6. Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.

7. Laboratories. Experimental, film, or testing laboratories, provided no operation shall be conducted or equipment used that would create hazards, noxious, or offensive conditions.

**C.** The following uses, provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits, within five hundred (500) feet of any R residential District:

1. Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise producing machine operated tools.

2. Foundry, casting lightweight, non-ferrous metal or electric foundry, not causing noxious fumes or odors.

3. Carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust and fumes.

4. Ice manufacturing and cold storage plant; creamery and bottling plant.

**D.** Road Right-of-Way and Road Crossing Procedures for Buried Lines and other public utility uses according to the provisions of Article 18.

**E.** The following uses, when located not less than two hundred (200) feet from any Residential District:

1. Inflammable liquids, underground storage only.

2. Building materials sales yards, including concrete mixing, lumber yards, including mill work, open yards for storage and sale of feed and/or fuel.

**F.** Any other use that is determined by the County Commission, to be of the same general character as the above permitted uses but not including any uses that are first permitted in an M-2 District, or that are prohibited in said Zoning District under Article 45.

**G.** Adult entertainment establishments and uses as regulated in Article 28.

## Section 3. Accessory Uses

**A.** Any uses and structures customarily accessory and incidental to a principal permitted use, except for uses not otherwise permitted in an M-1 District.

## Section 4. Conditional Uses Requiring Board of Adjustment Authorization

**A.** Concentrated Animal Feeding Operations in conformance with Article 29.

**B.** When authorized by the Board of Adjustment, subject to Article 45, any use permitted in the M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District, subject to such conditions

and requirements as may in the opinion of the Board of Adjustment, be necessary to protect adjacent property and prevent conditions of which may become objectionable or offensive.

## Section 5. Required Conditions

**A.** All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building, provided that uses specified in Section 2 (E) (2) of this Article shall not be subject to this provision.

**B.** No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall be within one hundred (100) feet of any Residential District, and any space used for loading or unloading commercial vehicles in connection with such operation shall not be within one hundred (100) feet of any Residential District.

## Section 6. Prohibited Uses

**A.** Any use that is first permitted in the M-2 District, or that is prohibited in said Zoning District under Article 45.

**B.** No use shall be permitted or authorized to be established or maintained that, when conducted in compliance with the provisions of these Zoning Regulations and any additional conditions or requirements prescribed by the Board of Adjustment, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or waste.

**C.** Dwellings and residences of any kind, including hotels, motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-1 District on the effective date of these Zoning Regulations, or any amendment thereto, shall not be classified as a non-conforming use as defined in Article 2.

**D.** Any use that produces more than one thousand five hundred (1,500) gallons of wastewater per day without being connected to a public sewer system.

## Section 7. Area Requirements

**A.** Dwellings or residential parts of non-residential buildings are not permitted in an M-1 District.

**B.** Existing dwellings or residential parts of existing nonresidential buildings without connection to a public sewer services may not be subdivided on lot(s) less than three (3) acres.

**C.** The following minimum area measurements shall be observed:

**Minimum Area Measurements**

| | Minimum Lot Area | Lot Frontage | Front Yard Depth | Side Yard Widths | Rear Yard Depth |
|---|---|---|---|---|---|
| Non-residential (not served by public sewer) | None | 100 feet | 50 feet | None, except where adjoining A or R districts, then not less than 100 feet each side | 50 feet |
| Non-residential (served by public sewer) | None | 50 feet | 50 feet | None, except where adjoining A or R districts, then not less than 100 feet each side | 50 feet |
| Residential dwelling (existing) | 3 acres | 150 feet | 40 feet | 25 feet each side | 50 feet |
| Residential dwelling (new) | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted |

## Section 8. Road or Street Setback

| Roadway | Required Setback |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 45. M-2 GENERAL MANUFACTURING or INDUSTRIAL DISTRICT

## Section 1. Statement of Intent

**A.** This Zoning District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the M-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls.

**B.** Certain offensive uses permitted in this Zoning District must observe greater setback and yard requirements when adjacent to residential areas.

## Section 2. Principal Permitted Uses

**A.** Any use permitted in an M-1 District or permitted in certain parts subject to Board of Adjustment authorization or this is not prohibited in the M-2 District by this Article or by any other law or order.

**B.** Any of the following uses, when located not less than three hundred (300) feet from any R District, and not less than one hundred (100) feet from any other Zoning District, except an M-1 District.

1. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
2. Automobile assembly.
3. Bleaching, cleaning and dyeing of large scale production.
4. Boiler shops, machine shops, structure steel fabricating shops, railway care or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty (20) tons rated capacity.
5. Brewing or distilling of liquors.
6. Brick, pottery, tile and terra cotta manufacturing.
7. Bulk station.
8. Candle or sperm oil manufacturing.
9. Coal yards.
10. Cooperage works.
11. Dextrine, starch or glucose manufacturing.
12. Disinfectant, insecticide or poison manufacturing.

13. Dye and dyestuff manufacturing.
14. Enameling, lacquering or japanning.
15. Emery cloth or sandpaper manufacturing.
16. Felt manufacturing.
17. Flour or grain mill.
18. Forge or foundry works.
19. Gas generation or storage for illumination or heating.
20. Grain drying or poultry feed manufacturing, from refuse, mash or grain.
21. Hair or hair products manufacturing.
22. Lime or lime products manufacturing.
23. Linoleum, oil cloth or oiled goods manufacturing.
24. Match manufacturing.
25. Meat packing; but not stockyards or slaughterhouses.
26. Oil, paint, shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine.
27. Paper and pulp manufacturing.
28. Perfume manufacturing.
29. Pickle, sauerkraut or sausage manufacturing.
30. Plaster manufacturing.
31. Poultry slaughterhouse, including packing and storage for wholesale.
32. Printing ink manufacturing.
33. Radium extraction.
34. Sandblasting or cutting.
35. Sawmill, the manufacture of excelsior, wood fiber or sawdust products.
36. Shoe blacking or polish or stove polish manufacturing.
37. Soap manufacturing.

38. Steam power plant, except where necessary to a permitted principal use.

39. Sugar refining.

40. Tar distillation or manufacturing.

41. Vinegar manufacturing.

42. Wire or rod drawing-nut, screw or bolt manufacturing.

43. Yeast manufacturing.

**C.** Any other use that is determined by the County Commission to be of the same general character of the above permitted uses.

**D.** Adult entertainment establishments and uses as regulated in Article 28.

## Section 3. Conditional Uses Requiring Board of Adjustment Authorization.

**A.** Concentrated Animal Feeding Operations in conformation with Article 29.

**B.** Sewage disposal plants.

**C.** Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clippings, including sorting, refining, bailing, wood pulling and scouring.

**D.** Commercial mines, quarries and gravel pits in conformation with Article 15.

**E.** Any other use that in the opinion of the Board of Adjustment is of a similar character to these specified.

**F.** Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any Residential District, and not less than two hundred (200) feet from any other Zoning District except an M-1 District; and unless authorized by the Board of Adjustment as provided in Article 53 subject to such conditions and requirements as may in the opinion of the Board of Adjustment be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.

1. Ammonia, chlorine, or bleaching powder manufacturing.

2. Animal black, lamp black, bone black or graphite manufacturing.

3. Celluloid or pyroxylin manufacturing, or explosive or inflammable cellulose or pyroxylin products manufacturing or storage.

4. Cement, lime gypsum or plaster of paris manufacturing.

5. Creosote manufacture or treatment.

6. Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacturing of gas.

7. Explosives manufacture or storage for small arms ammunition.

8. Fertilizer, compost manufacture or storage.

9. Fish curing, smoking or packing, fish oil manufacturing or refining.

10. Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage, salvage yards.

11. Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal or offal.

12. Petroleum or inflammable liquids production, refining and storage above ground.

13. Rubber, caoutchouc or gutta percha manufacture and treatment from crude or scrap material.

14. Slaughtering of animals or stockyards.

15. Smelting of ferrous or non-ferrous ores.

16. Storage, curing or tanning of raw, green or salted hides and skins.

17. Sulphurous, sulfuric, nitric, picric, carbolic or hydrochloric or other corrosive acid manufacture.

18. Any other use that in the opinion of the Board of Adjustment is of a similar character to those specified above.

## Section 4. Accessory Uses

**A.** Accessory uses and structures permitted and as regulated in the M-1 District except as is modified by this Section.

**B.** Other uses and structures customarily accessory and incidental to a permitted principal use, except of a type that is permitted only subject to Board of Adjustment authorization.

**C.** Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board of Adjustment as provided by Article 53, subject to such conditions and requirements as may, in the opinion of the Board of Adjustment, be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.

## Section 5. Required Conditions

**A.** The requirement that certain business, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted under Article 44 in the M-1 District.

1. Any such use may be conducted in the M-2 District within or without a building or enclosure, subject to any applicable distance limitations set forth in Article 44.

**B.** All junk or salvage yards shall be enclosed by a solid board fence or wall not less than ten (10) feet high of new material and well maintained.

## Section 6. Prohibited Uses

**A.** Dwellings and residences of any kind,

1. Including hotels, motels, mobile home parks, schools, hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use;

2. Provided, however, that any of the aforesaid uses legally existing in the M-2 District on the effective date of these Zoning Regulations, or any amendment thereto, shall not be classified as a non-conforming use as defined in Article 2, Section 2.

**B.** No use shall be permitted or authorized to be established or maintained that, when conducted in compliance with the provisions of these Zoning Regulations and any additional conditions or requirements prescribed by the Board of Adjustment, is or may become hazardous, noxious or offensive due to the emission of odor, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.

**C.** Any use that produces more than one thousand five hundred (1500) gallons of wastewater per day without being connected to a public sewer system.

## Section 7. Area Requirements

**A.** Dwellings or residential parts of non-residential buildings are not permitted in an M-2 District.

**B.** Existing dwellings or residential parts of existing nonresidential buildings without public sewer service may not be subdivided on lot(s) less than three (3) acres.

**C.** The following minimum area measurements shall be observed:

| | **Minimum Lot Area** | **Lot Frontage** | **Front Yard Depth** | **Side Yard Widths** | **Rear Yard Depth** |
|---|---|---|---|---|---|
| Non-residential (not served by public sewer) | None | 100 feet | 50 feet | None, except where adjoining A or R districts, then not less than 100 feet each side | 50 feet except where adjoining A or R District, then 300 feet unless specified otherwise |
| Non-residential (served by public sewer) | None | 50 feet | 50 feet | None, except where adjoining A or R districts, then not less than 100 feet each side | 50 feet except where adjoining A or R District, then 300 feet unless specified otherwise |
| Residential dwelling (existing) | 3 acres | 150 feet | 40 feet | 25 feet each side | 50 feet |
| Residential dwelling (new) | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted | New residential construction not permitted |

## Section 8. Road or Street Setback

| **Roadway** | **Required Setback** |
|---|---|
| Off major State and Federal Highways | 10 feet from adjoining right-of-way plus required yard setback |
| Off all subdivision roads | 25 feet from right-of-way center line plus required yard setback |
| Off all County roads | 25 feet from right-of-way center line plus required yard setback |

# ARTICLE 46. PUD Planned Unit Development

## Section 1. Statement of Intent

**A.** This Zoning District is intended to provide for the establishment of particular plots of land having specific use assignments.

**B.** The Planned Unit Development is calculated to promote flexibility and more inventive design than is generally possible under customary zoning regulations.

**C.** It is hereby intended to permit Planned Unit Developments upon application and upon approval of site and use plans.

1. Suitability of such tracts for a Planned Unit Development designation shall be determined by and shall be made according to the provisions of the Comprehensive Development Plan, and
2. designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers,
3. To promote health and the general welfare,
4. To provide adequate light and air, to prevent the overcrowding of land,
5. To avoid undue concentration of population,
6. To preserve features of historical significance,
7. To facilitate the adequate provision of transportation, water, sewerage, schools, parks, other public requirements,
8. With a reasonable consideration being given to, among other things, the character of the Zoning District and its peculiar suitability for particular uses, and
9. with a view to conserving the land throughout the County.

**D.** In a Planned Unit Development, the regulations that are imposed are intended to accomplish the same purposes as do zoning regulations and other applicable regulations in zoning districts that are developed on a lot-by-lot basis, rather than on a unified basis.

**E.** Nothing in this Section shall be construed to prevent an applicant from submitting, at his option, a subdivision plat or site plan for simultaneous review with the Planned Unit Development Plans.

## Section 2. General Procedures

**A.** Pre-Application Conference.

1. A Pre-Application Conference is an informal procedure to assist the applicant in meeting various requirements of Christian County and to provide a preview of the proposed Planned Unit Development's conceptual layout.

2. To obtain further information in connection with the preparation of the Planned Unit Development application, each applicant shall confer with representatives from the Planning & Zoning Department and any other pertinent agency.

**B.** The Preliminary Plan shall be prepared in compliance with the directives stated herein.

1. The owners of a tract of land located in any Zoning District containing no less than five (5) acres may apply for a Planned Unit Development (PUD) and submit for the Planning & Zoning Commission's review, a preliminary plan for the use and development of such tract of land for a Planned Unit Development project.

2. In accepting such a plan for review, the Planning & Zoning Commission must be satisfied that the proponents of the Planned Unit Development (PUD) project intend to complete it within a reasonable time as determined by the Planning & Zoning Commission.

3. Such plan shall be prepared by a registered engineer or architect and shall contain, at a minimum, the following information:

   a. A legal description of the proposed PUD project with total number of acres in the project and the number of acres allocated for each respective land use for the proposed PUD.

   b. A written report describing the overall concept of the plan (including supporting graphics); at a minimum the plan shall include the following information:

      (1) The total land area, expressed in acres and as a percentage of the total area at full development to be devoted to various land uses and intensities.

      (2) The approximate total number of dwelling units proposed by type of structure and approximate number of bedrooms for multi-family units.

(3) Square footage devoted to non-residential uses.

(4) The gross and net residential density within the project and within each component of the Zoning District. Flood area and open space ratios, and other data relating to intensity of development.

(5) The proposed number of off-street parking and loading spaces for each use.

(6) A generalized description of water service, sanitary sewerage, utilities, management of storm water runoff, maintenance of common areas, and other essential services.

**C.** A PUD site plan illustrating the requested use allocations and their respective location within the Zoning District. The plan shall include, at a minimum, the following:

1. A general land use plan with a description of the type, location, and nature of each land use allocation within the Zoning District.

2. A circulation plan which illustrates both external and internal traffic ways, including proposed and existing right-of-ways, pedestrian travel ways, and other transportation improvements.

3. A generalized landscape plan including buffers, perimeter treatments, and berming, and screening of adjacent properties.

4. A sign plan that coordinates the size, location, and illumination of signs proposed within the Zoning District.

5. A PUD improvement plan including potential problems and proposed solutions to:

   a. Wastewater disposal.

   b. Storm water disposal and/or interior drainage.

   c. Water supply and supplier.

   d. Electrical supply and supplier.

   e. Soils and geological conditions.

   f. Topography.

6. A final PUD development plan will be required only if the County Commission or the Planning & Zoning Commission determines that a final and more detailed development plan is required to adequately safeguard the public interest.

## Section 3. Permitted Uses

**A.** A Planned Unit Development shall specify both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses that are to be permitted, and may include or exclude uses from the Planned Unit Development or include uses with conditions as appropriate to achieve the intent of these provisions.

**B.** In making its determination of the uses to be permitted within the Planned Unit Development, the County Commission may consider:

1. The compatibility and relationship of permitted uses adjoining or in proximity to the Planned Unit Development,
2. the appropriateness of permitted uses for the area in general,
3. their overall impact on the community, and
4. the consistency of the permitted uses with the Comprehensive Plan and other adopted plans and policies.

## Section 4. Regulations

**A.** The Development Plan shall contain provisions to regulate the intensity of development within the Planned Unit Development. Such provisions may apply to the project as a whole or to subareas within the project as appropriate.

**B.** The following regulations shall apply to Planned Unit Developments:

1. For non-residential development, the intensity of development may be regulated:
   a. by specifying maximum square footage or gross leasable area,
   b. by specifying setbacks, height and bulk restrictions, or
   c. by a combination of such restrictions for the project as a whole or for components or subareas within the project.
2. In addition, non-residential Development Plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial and other non-residential activities.

3. The County Commission may impose such Standards and restrictions necessary to achieve the intent of this Article.

4. In making its determination regarding the intensity of development and appropriate performance standards, the Planned Unit Development may consider:

   a. the character and scale of similar developments,

   b. the character and scale of surrounding development, and the area in general,

   c. the real or anticipated impact on public facilities and services, and

   d. consistency with the Comprehensive Plan and other adopted plans and policies.

**C.** Maximum Number of Dwelling Units equals the entire area of the property (exclusive of all road right-of-ways to be utilized for residential purposes) divided by the maximum density permitted within the Zoning District(s) in effect for the property at the time of Planned Unit Development application, as shown by the table below:

| **Zoning District** | **Maximum Residential Density** |
|---|---|
| A-1 Agriculture | 1 dwelling unit/5 acres |
| A-R Agriculture Residence | 1 dwelling unit/3 acres |
| R-1 Suburban Residence | 4 dwelling units/acre |
| R-2 One-and Two-Family Residence | 8 dwelling units/acre |
| R-3 Multi-family Residence | 15 dwelling units/acre |
| R-4 Multi-family Residence | 22 dwelling units/acre |

1. The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this Article.

2. The Development Plan shall specify distribution of residential density for the project as a whole or for subareas within the project as appropriate.

**D.** In making its determination regarding the distribution of residential densities, the County Commission may consider:

1. the compatibility of residential densities with other uses within the Zoning District as well as outside the Zoning District,

2. the impact of residential densities on public facilities and services, and

3. the consistency with the Comprehensive Plan and other adopted plans and policies.

**E.** The Planned Unit Development design shall specify:

1. Conditions, restrictions and standards relating to the timely provisions of necessary public facilities as appropriate.

2. The County Commission may impose conditions, restrictions and standards as appropriate to achieve the intent of these regulations.

3. In making its determination regarding such conditions, restrictions and standards, the County Commission may consider

   a. the adequacy of existing facilities,

   b. the timely provision of adequate facilities,

   c. the impact of the proposed development on existing and/or planned facilities and

   d. the overall cost to the community.

   e. Approved water and sewer systems shall be required.

**F.** The Planned Unit Development design shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate.

1. The County Commission may impose such access standards and restrictions as necessary to protect the integrity and function of the County's thoroughfare system and to otherwise achieve the intent of these regulations.

2. In making its determination regarding such access standards and restrictions, the County Commission may consider:

   a. the classification and function of the thoroughfare system, existing and projected traffic volumes,

   b. the condition and design of the affected thoroughfares,

   c. the effect of the proposed development on traffic flow and circulation patterns and

d. the consistency with the Comprehensive Plan and other adopted plans and policies.

**G.** Unless specifically modified by the Planned Unit Development design, the off-street parking and loading requirements contained within the zoning regulations shall apply.

1. Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking will be less due to:

a. Design and/or occupancy characteristics of the project, and/or

b. The availability of public transportation.

**H.** Unless specifically modified by the Planned Unit Development design, the sign regulations contained within the zoning regulations shall apply.

1. Modifications to the sign regulations shall be approved only if the general intent of the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.

**I.** The Planned Unit Development shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve any appropriate transition between land uses and densities.

1. The County Commission may impose such standards and requirements for perimeter treatment it deems necessary:

a. to protect adjoining properties from adverse effects, and

b. to achieve an appropriate transition of land uses and densities.

## Section 5. Determination

**A.** Upon determination by the Planning & Zoning Administrator that the proposed Planned Unit Development plan, as reviewed during the pre-application conference, appears to conform to the requirements of this Article and all other applicable requirements of these Zoning Regulations, the applicant shall prepare and submit a development plan which shall incorporate any changes or modifications required or suggested by the Planning & Zoning Commission, and, if necessary, an application for a change of zoning.

1. The Planning & Zoning Commission shall hold a public hearing on the proposed Planned Unit Development. If the Planned Unit Development design is found to comply with the requirements set

forth in this Article and other applicable provisions of these Zoning Regulations, the Planning & Zoning Commission shall submit said plan with the required application by the proponents of the necessary change in classification of the site of the proposed Planned Unit Development together with its report and recommendation to the County Commission.

2. The County Commission may modify the plan consistent with the intent and meaning of these Zoning Regulations and may rezone the property to the classification permitting the proposed Planned Unit Development in substantial conformity with the final plan as approved by them.

3. After the Planned Unit Development design has been approved by the County Commission, and in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, loading areas, entrances, heights or yards may be requested by the proponents and provided such requests conform to the standards established by the final Planned Unit Development design and these Zoning Regulations, such adjustments or rearrangements may be authorized by the County Commission upon recommendation by the Planning & Zoning Commission.

4. Minor adjustments to the final Planned Unit Development design shall be an administrative function of the Planning & Zoning Administrator. Preliminary and final plats will be required after Development Plan approval.

5. After the final Planned Unit Development design has been approved by the County Commission, and in the course of carrying out this plan, if the proponents deviate from the approved final Planned Unit Development design without proper authority, the project's development shall be stopped and the matter referred to the Christian County Commission for subsequent review.

# ARTICLE 47. USA URBAN SERVICE AREAS OVERLAY DISTRICT

## Section 1. Statement of Intent

**A.** The Urban Service Areas Overlay District is intended to provide for increased coordination between the County and City Governments resulting in better management and control of land use and development.

1. The intent of the Urban Service Areas is designating, maintaining, and enhancing areas for urban development in a thoughtful and deliberate way involving coordinated land use, transportation, and natural resource planning between governmental entities.

**B.** This Overlay District will allow for the concentrating of urban land uses and densities in areas specifically designated for such development and affords for greater efficiency in the delivery of services such as:

1. potable water
2. stormwater management
3. sanitary sewer
4. street right-of-way maintenance
5. design specifications
6. and right-of-way maintenance and management.

**C.** Coordinated planning efforts also present a measure of predictability to land owners and residents concerning the location of future public services and urban level land use densities which will be permitted.

## Section 2. Recognition of Community Comprehensive Plans and Urban Service Areas

**A.** The Christian County Commission recognizes the adopted Comprehensive Plans and Urban Services Areas (USA) Tier One, Two, and Three that have been approved by the incorporated communities within Christian County. Therefore, where the cooperation between Christian County and its incorporated communities is authorized by the constitution and laws of the State of Missouri, it is determined by the Christian County Commission that for the purposes of:

1. Establishing effective coordination procedures between Christian County and it's municipalities regarding the urbanization of rural areas;
2. Assuring that local and regional comprehensive plans are followed;

3. Assuring that urban development densities occur only as urban level facilities and services are able to be provided;

4. Assuring that urban development occurs only within and/or adjacent to the incorporated areas within the County;

5. Assuring that property owners serviced by municipal services agree to annex said properties into the corporate limits of the municipality once the property in question becomes compact and contiguous to said municipality for the purpose of assuring the affordable and effective maintenance of public improvements; and

6. Assuring that land use and development in the vicinity of an incorporated community does not negatively impact road and storm drainage systems and said public improvements follow the most recent design guidelines for such public improvements; and

7. Assuring that the standards, definitions, and procedures set forth in this Article shall promote increased coordination and result in better management of urban level development for the purpose of achieving a more healthy and sustainable Christian County.

## Section 3. Definitions

### Urban Service Area (USA)

An area outside, of an incorporated community's city limits in which a comprehensive land use and infrastructure master plan has been adopted for the purpose of effectively managing land use in a sustainable manner by applying sound planning principals to land use decisions and where each incorporated community considers to be that area where the greatest local level of public investment for installation and/or maintenance of capital improvements existing or is planned in the next 1-5 years. The USA boundary shall consist of planning "Tiers" One, Two, and Three based on adopted comprehensive master plans.

### Tier One: Urban Service Area

An area where the incorporated community can, is willing, or intends to annex and offer access to public water and sewer infrastructure for property deemed appropriate for urban level development. (Generally a 1-5 year plan).

### Tier Two: Rural/Low Density Planning Area

An area beyond Tier 1 that a city recognizes in their comprehensive land use plan but that is not within reasonable proximity to be serviced by public water and sewer infrastructure without significant off site private assistance. This area, although in advance of urban level development proposals shall require Christian County decision makers to refer to local and regional plans prior to approving development proposals.

**Tier Three: Extended Planning Area (Agricultural)**

An area beyond Tier One and Tier Two that is recognized in a community's comprehensive plan as a future urbanized area where public services will be provided at a later date. Generally, it is assumed that this area will not be developed within the immediate 10-years with urban level densities due to the lack of urban level public services such as water and sewer. The Christian County Commission shall evaluate development proposals within this Tier to ensure compliance with local, county, and regional comprehensive plans.

**Irrevocable Consent Agreement to Annexation**

An agreement between a property owner and a municipality which states that a particular parcel of property may connect to available public services as long as the developers of said property agree to follow all municipal development regulations and allow said property to be annexed into the municipality providing public services at such time it becomes contiguous to the corporate limits of that municipality.

## Section 4. Establishment of USA Boundaries

**A.** Any incorporated community wishing to create a USA shall meet the following requirements:

1. Have an adopted Comprehensive Land Use and Infrastructure Master Plan.
2. Submit a map identifying the geographic boundary of the proposed USA planning Tiers One, Two, and Three to the Christian County Commission.
3. Seek approval of the USA boundary by the County Commission.

## Section 5. General Guidelines for Subdivision & Development within the Urban Service Area Overlay District

**A.** All new County and subdivision roads within the Adopted Urban Service Areas shall be comprised of hot mix asphalt, meeting the established minimum design standards set forth in the Christian County Road and Access Standards.

## Section 6. Standards for Subdivision & Development within a Tier 1 USA

**A.** For the purpose of simplifying the development processes Christian County agrees to forward all development proposals within this designated area to the appropriate municipality. Those properties not compact and contiguous which cannot be immediately annexed shall be required to enter into an irrevocable consent to annex agreement, as defined by this Article, with the appropriate municipality. All development guidelines,

processes, and fees of the municipality shall apply unless otherwise exempted by this section.

1. A request to develop property within this designated area shall be required to contact the appropriate municipality and follow all policies, procedures, zoning, subdivision, and public improvement design guidelines of said municipality's comprehensive plan, infrastructure design guidelines, and code of ordinances.

2. No subdivision application shall be allowed proposing lots of record less than ten (10) acres in size unless the exemptions stated in this section exist, or a written recommendation from the municipality has been provided. Once documentation is obtained, the county planning and zoning department shall proceed with their regular application process.

3. The Christian County Planning and Zoning Department agrees not to issue permits within this designated area unless the exemptions stated in this section exist, or a written recommendation from the municipality has been provided. Once documentation is obtained, the county planning and zoning department shall proceed with their regular application process.

4. Any property contiguous to a municipality's corporate limits requesting to develop, obtain permits or connect to public services from said municipality shall first be required to annex the property in question in accordance with State and Local annexation laws.

5. Commercial and Industrial development of property on which an irrevocable consent to annex agreement has been negotiated between the municipality and landowner shall require all structures having property lines within 1320 (a quarter of a mile) linear feet of public services to connect to said services. At such time the property becomes contiguous to a municipality's city limits the city, at its discretion, shall annex said property. The cost of extending public services shall be at the expense of the applicant unless a cost sharing agreement is negotiated with the municipality.

6. Where the USA boundaries of different adjacent municipalities overlap, the municipality willing and able to provide public infrastructure services shall be the jurisdiction to annex or consent to annex said property.

7. **Exemptions**: Building permits for single family residential dwellings that do not require subdivision of property and the proposed structure is not within 300 linear feet of an existing public utility shall obtain the applicable permits from the appropriate County Departments.

## Section 7. Standards for Subdivision & Development within a Tier 2 & 3 USA

**A.** If the subject property is within a defined Tier Two or Three planning area the Christian County Planning and Zoning Department shall follow standard County permitting procedures. Christian County staff shall inform, in writing, the nearest municipality of any application within these designated areas and include the municipality's comments, if any, in both the application for Planning and Zoning Commission and County Commission review.

**B.** Proposed developments within these designated areas shall comply with the Ozark Transportation Organization (OTO) Major Thoroughfare Plan.

**C.** Proposed developments within these designated areas shall comply, with local and regional comprehensive plans.

**D.** Incorporated municipalities reserve the right to NOT annex any right-of-way of any County Road until such road is improved to the affected municipality's design standards, provided, however, if a municipality annexes property contiguous to and on both sides of a County Road then the Municipality shall annex said Road and right of way. Annexation on both sides of a County Road shall not constitute a transfer of right-of-way ownership and maintenance responsibility of said roadway from the County to the annexing municipality. Notwithstanding the foregoing, if a municipality shall annex property contiguous to and on both sides of a Special Road District road said annexation shall not constitute a transfer of right–of-way ownership or maintenance responsibility of said roadway from one governmental entity to another without the written consent of both governmental entities. Improvements to such County Roads may be made by Developer's of land adjacent to the right-of-way; joint projects with the County, City and Developer; or joint projects with the County and the City. This section does not supercede any Intergovernmental Governmental Agreement.

**E.** Any amendments to this Section, including the USA map, shall be in accordance with established growth policies of both the City and County comprehensive plans.

**F.** Any proposed amendment to this Article, including the USA map, shall require written notification from Christian County Staff to any City potentially affected by such amendment prior to the approval by both the Planning and Zoning Commission and the Christian County Commission.

# ARTICLE 48. CONSERVATION DEVELOPMENT DISTRICT

## Section 1. Statement of Intent

This Zoning District is intended to encourage residential development in the rural areas of Christian County to conserve open space and by doing so promote the following:

**A.** Efficient use of the land while preserving agricultural land, significant stands of trees, open space, historical features, vistas, drainage systems, sinkhole watershed, and other significant environmental or cultural items on a case by case basis.

**B.** Housing located and grouped to promote efficiency and viable open space, and reduce impervious surface area.

**C.** Housing with access to parks, trails, greenways, and other open areas for recreation.

**D.** Economic viability of farms and farmland.

**E.** Open space for private or public use for recreation or agriculture production.

**F.** Preservation of historic areas or landscapes as well as the rural image of the County.

**G.** Diversity of housing sizes and styles in the County.

**H.** Preservation of the County's cultural history.

## Section 2. Principal Permitted Uses

**A.** Single family detached dwelling on parcels of a minimum size of two (2) acres, as determined by a soils profile conducted by a registered soil scientist, that will have room for planned improvements, an on-site waste water disposal system and a replacement location for the soil absorption field, unless otherwise approved during platting.

**B.** The open space portion of the development can be used for one or more of the following:

1. Conservation of significant natural or cultural features and views.
2. Agricultural uses that will support the conservation of open space.
3. Common horse stables and associated trails.
4. Recreational trails for non-motorized uses.

5. Recreational uses for the property owners, as regulated by the property owners' association.

   a. Trails

   b. Picnicking

   c. Gardens

   d. Passive areas for use

   e. Ball fields

   f. Playgrounds

   g. Tennis, basketball and other courts

   h. Swimming pools

   i. Community building

   j. Stables and equestrian trails and facilities

   k. Rifle, skeet, trap, and pistol ranges, and similar uses.

6. Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.

## Section 3. Accessory Uses

Accessory uses may include buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:

**A.** Uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses.

**B.** Home occupations as listed in Article 10.

**C.** Temporary real estate and small announcement signs.

**D.** Temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work.

**E.** Swimming pool incidental to a single family dwelling, provided the pool will not hamper the use or location of the on-site waste water system.

**F.** Day care homes, if not more than six (6) children are kept, in addition to the caregiver's own children.

**G.** Accessory apartments.

## Section 4. Development Standards

**A.** Density bonus

1. A density bonus will be considered for each conservation development. A set aside of forty (40) percent for open space will yield a bonus based upon approval during public hearing by the Board not to exceed fifty (50) percent over the allowable density in the Agricultural-Residence District.

2. With a significant cultural preservation area or public use area, the percent of required set aside may be reduced, but maximum density bonus will not exceed fifty (50) percent.

**B.** Residential requirements

1. Single family detached structures

2. The residential lot shall be a minimum of two (2) acres and shall be large enough to accommodate an onsite disposal system and a replacement system. The area requirements will be based on soils and size of the structure.

3. Setbacks and yard requirements will follow the R-1 Suburban Residence District guidelines.

4. Accessory buildings will follow location guidelines as shown in the R-1 residential regulations.

5. Maximum lot coverage will be thirty-five (35) percent and maximum height of all structures will be thirty-five (35) feet.

6. The property owners' association will provide for maintenance of the on-site waste water system within the context of their covenants. Covenants must receive the discretionary approval of the County Commission.

**C.** Minimum required acreage - 20 acres

**D.** Development considerations

1. Community commons

2. Residential and/or open space siting

   a. Open space shall be arranged so that large contiguous areas of open space can be formed.

   b. Impact on natural, environmental, and historical areas is to be minimized by the location of residential development.

3. Protection of scenic views.

4. Minimize the impact on mature stands of trees.

5. Protect historic buildings, views or landscapes.

6. Avoid prime farm land with residential development.

7. Roads will not be extended through open space; however, open space accessory parking and structures can be located in the open space.

8. Variance to design standards will be considered and may be approved as the Conservation Development is approved.

## Section 5. Submittal Requirements

**A.** A completed change of zoning application will be required for an open space development.

**B.** In addition, a conservation development report and site plan shall be required and shall include the following items. (The development report and site plan must be prepared by a land development professional that is qualified by their education and experience to do site plan work.)

1. Ten foot contour lines

2. Rock outcrops

3. Slopes of more than fifteen (15) percent

4. Soil

5. Water features and flood plains

6. Sinkholes, caves and springs

7. Land cover and sue

8. Visual or historical resources

9. Special environmental considerations

10. Existing buildings or improvements

11. Identify the maximum number of five (5) acre tracts that could be developed

12. Site design to show the open space, lots, roads, and storm water facilities

13. Phasing, if any

14. Location map

15. Conservation easement

**C.** No open space development will be considered approved until all hearings are complete and the conservation easements are recorded permanently preserving the open space. The requirement for a conservation easement may be waived by the County Commission if the development's property owners' association retains ownership of the open space.

# ARTICLE 49. ZONING DISTRICT CHANGES and REGULATIONS

## Section 1. Zoning District Changes

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Commission may by order, after receiving a recommendation and report from the Planning & Zoning Commission, and subject to the procedure provided in this Article, amend, supplement, or change the Zoning District boundaries now or hereafter established by these Zoning Regulations.

**A.** It shall be the duty of the Planning & Zoning Commission to submit its recommendations to the County Commission regarding all applications or proposals for district changes.

**B.** A Zoning District change may be initiated by passing a resolution therefore by the Planning & Zoning Commission, on its own initiative, or by an application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by said resolution.

## Section 2. Procedure for Change of Zoning District Boundary or Change of Zoning Classification of Property

**A. By Owner or Lessee of Property.**

Applications for any change of zoning district boundary or change of zoning classification of property as shown on the zoning map shall be submitted to the Planning & Zoning Administrator upon such forms prescribed by the Planning & Zoning Administrator, and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning & Zoning Commission or the Planning & Zoning Administrator, so as to assure the fullest practicable presentation of facts for the permanent record.

1. Each application shall be signed by at least one (1) of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application.

2. The application shall be submitted at least thirty (30) days before the public hearing date to be held by the Planning & Zoning Commission.

3. The applicant must provide names and addresses of the owners of all properties lying within the area sought to be changed and within one thousand (1,000) feet of any part of the premises the zoning classification of which is proposed to be changed.

**B. By Planning & Zoning Commission.**

The Planning & Zoning Commission may by motion or resolution propose a change of zoning district boundaries or change of zoning classification of property.

**C.** Before submitting its recommendations concerning a proposed zoning change to the County Commission, the Planning & Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by at least one (1) publication in a newspaper of general circulation in the county at least fifteen (15) days before the hearing.

1. A notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in at least two (2) conspicuous places on the premises the zoning classification of which is proposed to be changed.

2. The notice shall state the place or places and time at which the proposed change to the Zoning District, including text and maps, may be examined.

**D.** The Planning & Zoning Commission shall recommend to the County Commission the approval, denial, or modification of the proposed change of zoning district boundary or change of zoning classification of property within twenty-five days after the conclusion of the public hearing together with such application or resolution and the text and map pertaining thereto.

1. If the County Commission deems it desirable, an application or resolution may be tabled to the next meeting for one (1) additional hearing, in which case the recommendation shall be submitted within twenty-five (25) days after the second hearing.

**E.** In case of written protest against any proposed amendment, such amendment may not be passed except by the favorable vote of two-thirds of all the members of the County Commission when

1. signed and acknowledged by the owners of thirty (30) percent of the frontage within one thousand (1,000) feet of the right or left of the frontage proposed to be changed,

2. or by the owners of thirty (30) percent of the frontage directly opposite,

3. or directly in the rear of the frontage proposed to be altered,

4. 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 the

municipality, made by resolution of the city council or board of trustees thereof, and filed with the county clerk.

**F.** Any person adversely affected by an order of the County Commission adopting, amending or rescinding a zoning district change may appeal to the Circuit Court of Christian County on the grounds that said County Commission failed to comply with the law in adopting, amending, rescinding, publishing or distributing such zoning district change, or that the change, as adopted or amended by said County Commission is unreasonable or unlawful.

**G.** Each application for zoning change, except those initiated by the Planning & Zoning Commission, shall be accompanied by a check payable to Christian County Planning and zoning, or a cash payment in an amount to be determined by the County Commission, to cover the cost of application review, publishing, posting and/or mailing the notices of the hearing or hearings required by the foregoing provisions.

## Section 3. Zoning Regulation Amendments

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Commission may by order, after receiving a recommendation and report from the County Planning & Zoning Commission, and subject to the procedure provided in this Article, amend, supplement or change the Zoning Regulations, now or hereafter established by the Regulations created under authority of Sections 64.510 through 64.695 of the Revised Statutes of Missouri.

**A.** It shall be the duty of the Planning & Zoning Commission to submit its recommendations to the County Commission regarding all proposals for amendments to the zoning regulations.

**B.** An amendment, supplement or change of the text of these Zoning Regulations may be initiated by:

1. by the Planning & Zoning Commission, on its own initiative, through motion or resolution

2. upon written petition to the County Commission by any citizen of Christian County.

**C.** In any case, it shall be the duty of the Planning & Zoning Commission, in the interest of public necessity and good zoning practice, to conduct a review of the Zoning Regulations from time to time, and report its findings and recommendations to the County Commission.

## Section 4. Procedure for Change

**A.** Before submitting its recommendations on a proposed amendment to the County Commission, the Planning & Zoning Commission shall hold at least one (1) public hearing thereon.

1. Notice of the hearing shall be given at least fifteen (15) days in advance thereof by at least one (1) publication in a newspaper of general circulation in the County.

2. The notice shall state the place and time of the hearing and the place and time at which the proposed amendment to these Zoning Regulations may be examined.

**B.** The County Planning & Zoning Commission, after consideration of the proposed amendment shall, within a reasonable time after the conclusion of such public hearing or hearings, recommend the approval or denial of the proposed amendment or the approval of some modification thereof to the County Commission.

**C.** If the proposed amendment is adopted by the County Commission, an attested copy shall be certified to the County Clerk and a copy shall be recorded in the office of the Recorder of Deeds.

**D.** Any person adversely affected by an order of the County Commission adopting, amending or rescinding a regulation, may appeal to the Circuit Court of Christian County.

## Section 5. Limitation on Applications for Rezoning

No application for rezoning of any tract, lot or parcel of land within the unincorporated area of Christian County, other than an application initiated by the Planning & Zoning Commission as set forth in Section 1 of this Article

**A.** shall be filed or allowed prior to the expiration of four (4) months from the time that the Christian County Commission shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel of ground,

**B.** unless the application previously acted upon was initiated by the Planning & Zoning Commission, or

**C.** unless during said four (4) months interval property adjoining or abutting the lot, tract or parcel of land or within one thousand (1,000) feet, as provided in Section 2 (c) of this Article, of the lot, tract or parcel of land shall have been rezoned by the County Commission or by any other appropriate zoning authority.

# ARTICLE 50. COMMON OPEN SPACE AND COMMON IMPROVEMENT REGULATIONS

## Section 1. General Provisions

The provisions of this Article shall apply to all developments in which the following features are held in common ownership by a property owners' association or by persons or entities owning property within a development.

**A.** All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons owning property within a development, where such lands are not dedicated to or conveyed for public use whether or not such lands are required by the provisions of this Article, and

**B.** All private streets, driveways, parking facilities and buildings or portions thereof, as may be provided for the common use, benefit and/or enjoyment of the occupants of the development; whether or not such improvements are required by the provisions of this Article.

## Section 2. Condominium Property Act

**A.** All lands and improvements as set forth in Section 1 above shall be established and maintained according to the provisions of the Condominium Property Act, Chapter 448 of the Revised Statutes of Missouri, or subsequent amendments, except where the Board of Adjustment determines that the provisions of this Article can otherwise be satisfied.

**B.** Should this Article conflict with the provisions of the Condominium Property Act, Chapter 448 of the Revised Statutes of Missouri, or subsequent amendments, the provisions of the Condominium Property Act shall prevail.

## Section 3. Subdivision Approval Required

All subdivision of property containing common open space and common improvements shall originally be classified as a major subdivision and subject to review according to the provisions of the Subdivision Regulations. Amendments or revisions to an improved subdivision plat containing a common open space and common improvements may be classified as a minor subdivision according to the provisions of the County's Subdivision Regulations.

## Section 4. Property Owner's Association

If common open space and common improvements are not dedicated to and accepted for public use, they shall be protected by legal arrangements, satisfactory to the County Commission sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify:

**A.** ownership of the common open space and common improvements;

**B.** method of maintenance,

**C.** responsibility for maintenance; maintenance taxes and insurance coverage;

**D.** compulsory membership and compulsory assessment provisions;

**E.** guarantees that any association formed to own and maintain common open space, and common improvements will not be dissolved without the consent of the County; and

**F.** any other specifications deemed necessary by the Planning & Zoning Commission and the County Commission.

## Section 5. Covenants, Rules and By-laws

The Planning and Zoning Administrator and the County Counselor shall review and discretionarily approve the restrictive covenants, rules and bylaws of the unit ownership, as prepared according to the provisions of this Article and the Condominium Property Act, Chapter 448 of the Revised Statutes of Missouri. This approval shall be obtained before any final plat is recorded or final site plan approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.

## Section 6. Maintenance of Common Open Space and Common Improvements

**A.** If the Planning & Zoning Commission and County Commission determines that the public interest requires assurance concerning adequate maintenance of common open space areas and improvements, the County Commission may require that the restrictive covenants, rules and by-laws creating the unit ownership shall provide that if the unit owners establish and maintain such common open space, improvements, or any successor unit owners, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition according to the provisions of the approved plans,

1. The County may serve notice in writing upon such unit owners.
2. The notice shall describe how the unit ownership has failed to maintain the common open space/improvements in reasonable condition, and shall require that such deficiencies of maintenance be remedied within thirty (30) days thereof, and
3. Hearing shall be held within twenty (20) days of notice.

**B.** At such hearing the County Commission may modify the terms of the original notice concerning the deficiencies and may grant an extension of time to remedy these deficiencies.

**C.** If said deficiencies are not corrected, the County may enter upon said common open space and maintain the same for one (1) year in order to preserve the taxable values of the properties within the development and to prevent the common open space/improvement from becoming a public nuisance.

**D.** Said entry and maintenance shall not grant the public any rights to use the common open space/improvements unless the owners voluntarily dedicate the same to the public and such dedication is accepted by the County.

**E.** Before the expiration of said one (1) year period and upon its initiative or upon the request of the unit owners theretofore responsible for the maintenance of the common open space/improvements, the County Commission shall call a public hearing upon notice in writing to such organization or to owners of the unit ownership. At said hearing, the unit owners shall show cause why such maintenance by the County shall not, at the election of the County Commission, continue for a succeeding one (1) year period.

**F.** If the County Commission determines that said unit ownership is ready and able to maintain the common open space/improvements in reasonable condition, the County shall cease to maintain the common open space/improvements at the end of said one (1) year period or at any earlier

date prescribed by the County Commission.

**G.** If the County Commission determines that such organization is not ready and able to maintain the common open space/improvements in a reasonable condition, the County Commission may, at its discretion, continue to maintain the common open space and/or improvements during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

**H.** The rules and bylaws creating the unit ownership shall further provide that the County's cost of maintenance, including cost of insurance, shall be assessed ratably against the individual properties within the development that have a right of enjoyment of the common open space and/or improvements. This assessment:

1. Shall become a charge on said properties,

2. The charges shall be due and payable by the owners of said properties within thirty (30) days after the receipt of same.

3. The assessments shall constitute a lien against all properties within the unit ownership.

## Section 7. Maintenance Responsibility

**A.** Except as provided in Section 6, the County shall not be responsible for the maintenance of any common open space/improvements required by this Article.

**B.** Initial maintenance of the common open space/improvements within a development shall be the responsibility of the developer.

1. The restrictive covenants, rules and bylaws of the unit ownership may prescribe a method for transfer of maintenance responsibility to a duly constituted property owner's association.

2. In the event no method for transfer or maintenance responsibility is prescribed, the developer shall retain this responsibility until fifty (50) percent of the development has been sold to the unit owners or other clients.

3. When at least fifty (50) percent of the development has been sold, the established unit ownership, comprised of the development's unit owners shall be deeded the common open space/improvements and such owners shall become fully responsible for its maintenance and upkeep.

**C.** The maintenance responsibilities of the developer listed in Section 4 shall be specifically indicated in a letter of agreement between the developer and the County. The developer shall submit said letter to the Planning & Zoning Commission at the time of final plat review.

# ARTICLE 51. ENFORCEMENT

## Section 1. Enforcement by Planning & Zoning Administrator

**A.** The Planning & Zoning Administrator is charged with the enforcement of the Zoning Regulations and Subdivision Regulations.

**B.** All departments, officials and public employees of Christian County, vested with the duty of authority to issue permits or licenses shall conform to the provisions of these Zoning Regulations and shall issue no permit or license for any use, building or purpose, in conflict with the provisions of these Zoning Regulations; any permit or license issued in conflict with the provisions of these Zoning Regulations shall be null and void.

## Section 2. Filing Plans

**A.** Every application for a zoning certificate or change shall be

1. Accompanied by plans in such numbers as are specified by the Planning & Zoning Administrator,

2. Drawn to scale in black line or blueprint, showing

   a. the actual shape and dimensions of the lot to be changed in its use, in whole or in part;

   b. the location, size and height of any building or structure to be erected or altered;

   c. the existing and intended use of each building or structure or part thereof;

   d. the number of families or housekeeping units the building is designed to accommodate; and,

   e. when no buildings are involved,

      (1) The location of the present use and proposed use to be made on the lot, and

      (2) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of these Zoning Regulations.

3. One (1) copy of such plans may be returned to the owner when such plans have been approved by the Planning & Zoning Administrator, together with such Zoning Certificate as may be granted.

4. All dimensions shown on the plans relating to the location and size of the lot to be built upon shall be based on actual survey.

5. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

**B.** In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sewerage by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Department of Christian County of the proposed method of water supply and/or disposal of sanitary wastes.

## Section 3. Zoning Certificate

**A.** It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Planning & Zoning Administrator.

1. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of these Zoning Regulations.

2. It shall be the duty of the Planning & Zoning Administrator to issue a zoning certificate, provided he or she is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste, conform to all the requirements of these Zoning Regulations.

**B.** No permit for excavation or construction shall be issued by the Planning & Zoning Administrator unless the plans, specifications and the intended use conform to the provisions of these Zoning Regulations.

**C.** The Planning & Zoning Administrator shall act upon each application on which he or she is authorized to act by the provisions of these Zoning regulations within thirty (30) days after the application is filed, in full compliance with the applicable requirements as specified under this Article.

1. Planning & Zoning Administrator shall either issue a Zoning Certificate within said thirty (30) day period or shall notify the applicant in writing of the refusal of such Certificate and the reasons therefor.

2. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.

**D.** Under written request from the owner or tenant, the Planning & Zoning Administrator shall issue a zoning certificate for any building or premises existing at the time of enactment of these Zoning Regulations, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms to the provisions of these Zoning Regulations.

**E.** A zoning certificate shall not be required for platted subdivisions in the R-1 District.

## Section 4. Fees

**A.** No fees shall be charged for an original zoning certificate applied for coincident with the application for a building permit, where such permit is required and issued under the county building code.

**B.** For all zoning certificates a fee shall be charged, as determined by the County Commission.

## Section 5. Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of these Zoning Regulations, or any amendment or supplement thereto, adopted by the County Commission of Christian County, Missouri.

## Section 6. Procedures Upon Discovery of Violations

The Planning and Zoning Administrator shall have the power to cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of the Zoning Regulations, Subdivision Regulations, Stormwater and Erosion Control Regulation or the Road and Access Standards.

**A.** Any owner, lessee or tenant who, having been served with an order in writing signed by Planning and Zoning Administrator to correct or remove any such violation, shall fail to comply with the order within ten days after service, or who shall continue to violate any of the regulations or orders, shall be guilty of a misdemeanor.

**B.** Any person or entity violating any of the provisions of these Zoning Regulations, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars ($1000.00).

**C.** Each and every day during which such illegal location, erection and/or construction may be deemed a separate offense.

## Section 7. Violations – Remedies

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of these Zoning Regulations or any amendment or supplement thereto, the Planning & Zoning Administrator, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

# ARTICLE 52. PLANNING and ZONING COMMISSION

## Section 1. Members

**A.** Upon the adoption of the county plan there is created in the county a county planning commission. The Christian County Planning and Zoning Commission shall consist of the county highway engineer or head of the highway department, and one resident of the county appointed by the county commission, from the unincorporated part of each township in the county, except that no such resident shall be appointed from a township in which there is no unincorporated area, as provided in sections 64.510 to 64.695. The township representatives are hereinafter referred to as appointed members.

1. The term of each appointed member shall be four years or until a successor takes office, except that the terms shall be overlapping and that the respective terms of the members first appointed may be less than four years.

2. The term of the county highway engineer shall be only for the duration of the engineer's tenure of official position.

3. Members shall be removable for cause by the County Commission upon written charges and after public hearings.

4. **Officers**
At its first meeting in February of each year, the Planning and Zoning Commission shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairperson, one member to serve as vice-chairperson, and one member to serve as secretary. The people so designated shall serve in these capacities for terms of one year. The Chairperson shall serve no more than two consecutive terms in that position. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Planning & Zoning Commission membership (excluding vacant seats). The chairman, vice-chairman, and secretary may take part in all deliberations and vote on all issues.

5. **Quorum**
A quorum of the Planning and Zoning Commission shall consist of a majority of the membership (excluding vacant seats). A quorum is necessary for the Planning and Zoning Commission to take official action.

## Section 2. Meetings

**A.** The Planning and Zoning Commission may create and adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and recommendations.

**B.** All members of the county planning commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses may be paid to the appointed members of the planning commission in an amount, as set by the county commission, not to exceed twenty-five dollars for each meeting.

**C.** Parliamentary procedure in Board meetings shall be governed by "Roberts Rules of Order, Newly Revised," except as specifically modified herein.

**D.** **Notice Letters**
Notice letters shall be mailed to the applicant and property owner, if different than the applicant and all property owners within one thousand (1,000) feet by certified mail at least fifteen (15) days prior to the public hearing. In sparsely populated areas, staff may require additional notification. The applicant shall provide the Planning Office with addressed, stamped notices for this purpose, as well as a list of property owners to whom notices are sent. Notices will be mailed by staff at the applicant's expense.

**E.** **Notice of Public Hearings**
Public hearings of applications shall be preceded by at least one (1) notice, published at least fifteen (15) days before the hearing in the official County newspaper (s). The applicant shall bear the costs of notice publication and shall submit an affidavit of publication as evidence that proper notice has been published.

# ARTICLE 53. BOARD OF ADJUSTMENT

## Section 1. Members

**A.** The Christian County Commission which appointed a County Planning and Zoning Commission and which has adopted a comprehensive plan, as provided in sections 64.510 to 64.695, shall appoint a County Board of Adjustment.

1. The Board shall consist of five residents of the county, but not more than two shall be residents of the incorporated area of the county and not more than one may be a member of the county planning and zoning commission.

2. The membership of the first board appointed shall serve respectively:

   a. One for one year, one for two years, one for three years, and two for four years.

   b. Thereafter members shall be appointed for terms of four years each.

3. Members shall be removable for cause by the County Commission upon written charges and after public hearings.

4. Vacancies shall be filled by the County Commission for the unexpired term of any member whose term becomes vacant.

5. **Quorum**
   Four members in attendance at any meeting shall constitute a quorum of the Board of Adjustment.

   a. If at any meeting of the Board of Adjustment, a quorum shall fail to be present, or if at any meeting of the Board of Adjustment it should be suggested that a lack of quorum exists and the Board so finds, then the Chairperson or Acting Chairperson, shall adjourn such meeting to the earliest possible date in order to afford a full hearing upon such appeal or application pending.

6. **Chairperson**
   The Board of Adjustment shall elect its own Chairperson and Vice Chairperson, and shall adopt rules of procedure consistent with the provisions of the zoning regulations and the provisions of sections 64.510 to 64.695.

   a. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

(1) All interested witnesses wishing to speak will be sworn in before all the hearings are heard.

(2). When the speaker approaches the podium they must state their name, address, and whether they have been sworn in previously.

**7. Secretary**

The person acting as Administrator of Planning and Zoning for Christian County shall act as Secretary for the Board of Adjustment and is hereby authorized and directed to publish, deliver, mail, and sign for on behalf of the Board of Adjustment on notices required.

a. The Planning and Zoning Administrator shall not accept any applications for any meeting which are not filed at least thirty (30) days prior to said meeting.

8. **Election**

The Board shall, at its regular May meeting each year, elect by a majority of its membership, a Chairperson of the Board who shall serve until the successor has been elected and qualified, and in the same manner shall elect a Vice-Chairperson, who shall serve in the absence or inability of the Chairperson to act or perform the functions of his or her office.

## Section 2. Meetings

**A.** All meetings of the Board of Adjustment shall be open to the public and held at the call of the Chairperson and at such other times as the Board may determine, but unless otherwise specified, the regular meeting shall be the first Tuesday, or Wednesday as an alternate date, of each month at 9:00 a.m. on the second floor of the Historic Courthouse at 100 West Church Street, Room 208, Ozark, Missouri.

**B.** Members of the board shall serve without compensation, but may be reimbursed for expenses incurred for attendance at not more than four meetings per year in an amount to be set by the county commission, not to exceed ten dollars per meeting.

**C.** Parliamentary procedure in Board meetings shall be governed by "Roberts Rules of Order, Newly Revised," except as specifically modified herein.

**D. Continued Meetings**

Motions for continuance in any case pending before the Board may be granted by the Board, within its discretion, and should for any reason a cause be continued, then such case will be automatically set for hearing on the next regularly scheduled meeting of the Board or at such sooner time appear for such hearing without further notice.

**E. Tabled Meetings**

An applicant to the Board may waive this provision by filing in writing, a request that this matter be tabled or by requesting in person or by legal representative, that this matter be tabled, which personal request shall be followed by an identical request in writing.

1. If the Board tables a matter upon such a request, the Board is required to take action upon such matter following bringing such matter off the table at the next regular meeting of the Board at which such matter may be considered.

2. All matters tabled for a period of 180 days without substantive amendment or final action shall be denied and removed from the agenda without further action by the Board.

**F. Voting**

The concurring vote of four-fifths of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrative officer or body; or to decide in favor of the appellant / applicant any matter upon which it is required to pass under any ordinance, or to grant any variance.

1. If a motion to reverse or modify is not made then a motion to uphold the decision appealed from shall be in order.

2. This motion is adopted as the board's decision if supported by more than four-fifths of the board's membership (excluding vacant seats).

**G. Records**

All meetings of the Board of Adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the board and shall be a public record.

## Section 3. Appeals

**A.** Appeals to the Board of Adjustment may be taken by any aggrieved 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 a county zoning ordinance.

**B.** Such appeals shall be taken within a period of not more than ninety days of the date of such decision, and in the manner provided by the rules of the board.

## Section 4. Authority

**A.** The Board of Adjustment shall have the following powers and it shall be its duty to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the County Zoning Regulations:

1. To hear and decide all matters referred to it or which it is required to determine under the zoning regulations adopted by the County Commission as herein provided;

**B.** In exercising the above powers, the Board may in conformity with the provisions of statute and the regulations reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

1. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment or of the county commission, respectively, under the provisions of sections 64.510 to 64.695, or board, commission or other public official, may present to the circuit court having jurisdiction in Christian County, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief there from.

2. Upon the presentation of the petition the circuit court shall allow a writ of certiorari directed to the board of adjustment or the County Commission, respectively, of the action taken and data and records acted upon.

3. The court may reverse or affirm or may modify the decision brought up for review.

   a. After entry of judgment in the circuit court in the action under review, any party to the case may file an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law.

## Section 5. Stay of Proceedings

A. An appeal shall stay all proceedings in furtherance of the action appealed from,

1. 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 / her opinion, cause imminent peril to life or property.

## Section 6. Variances

**A.** The County Commission shall provide for a Board of Adjustment with powers to modify or vary the regulations, in specific cases, in order that unwarranted hardships, which constitute an unreasonable deprivation of use as distinguished from the mere grant of a privilege, may be avoided, the intended purpose of the regulations being strictly observed and the public welfare and public safety protected.

1. The county Board of Adjustment shall be appointed to serve as the board of adjustment for the building or setback line regulations.

**B.** Where, by reason of exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.510 to 64.695 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Adjustment may authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

**C.** In authorizing a variance, the Board of Adjustment may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the regulations and in the public interest.

1. In authorizing a variance, with guarantee or bond as it may deem to be necessary, that the conditions attached are being and will be complied with.

**D.** No such variances in the provisions or requirements of the regulations shall be authorized by the Board of Adjustment unless the Board finds, beyond a reasonable doubt, that all the following facts and conditions exist:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning districts.

2. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same

vicinity.

3. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the regulations or the public interest.

E. No grant of a variance shall be authorized unless the Board of Adjustment specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought, one or the other in combination is not of so general or recurrent a nature as to make reasonable practicable the formulation of a general regulations for such conditions or situation.

## Section 7. Application for Board of Adjustment Variance and Appeal Hearings

### A. Public Notice

The applicant will provide public notice of the Board of Adjustment hearing by certified mail and newspaper notice. Notice of public hearings shall be posted on the property described in the application for the permit. The notice shall include the time, date and location of said hearing. The notice shall be supplied and posted by the staff at least fifteen (15) days prior to the hearing.

### B. Application

Application shall be filed thirty (30) days before a scheduled hearing. All information to be discussed before the Board should in most cases to be submitted fifteen (15) days prior to the scheduled meeting. This will allow sufficient time for the staff to prepare the packets to the Board and give the Board a reasonable amount of time to review the information and to perform an on-site inspection, if needed. Substantial evidence submitted during the hearing may result in continuation or tabling the meeting to allow the Board sufficient time to review all evidence before a decision is made.

**C.** Application must be submitted with the following documents:

1. **Application Fee**: Fees must be paid to the department before a hearing can be held. Fees are non-refundable.

2. **Property Description**: Provide a copy of the recorded deed with the legal description attached.

3. **Property Owners:** Provide a list of property owners that was obtained from the Assessor's office.

4. **Reason:** Provide a typewritten description of the applicants reason for the appeal or variance requested.

5. **Plot Plan:** Provide a plot plan and/or a survey of the property. If a setback variance is requested, the survey must have the structure, easements, and property lines included.

6. **Evidence:** Provide any evidence 15 days prior to the scheduled hearing to be sent to the Board of Adjustment.

**D. Notice Letters**

Notice letters shall be mailed to the applicant and property owner, if different than the applicant and all property owners within one thousand (1,000) feet by certified mail at least fifteen (15) days prior to the Board of Adjustment hearing. In sparsely populated areas, staff may require additional notification. The applicant shall provide the Planning Office with addressed, stamped notices for this purpose, as well as a list of property owners to whom notices are sent. Notices will be mailed by staff at the applicant's expense.

**E. Notice of Public Hearings**

Public hearings of applications shall be preceded by at least one (1) notice, published at least fifteen (15) days before the hearing in the official County newspaper (s). The applicant shall bear the costs of notice publication and shall submit an affidavit of publication as evidence that proper notice has been published.

F. Any party to any proceeding before the Board shall, insofar as it may be possible, prepare and submit in advance for hearing, six (6) copies of any exhibits proposed to be used in the proceeding, which said submission shall be made to the Board by filing the same in the office of the Planning and Zoning Department. The applicant and other proponents shall submit exhibits at least fifteen (15) days in advance of the hearing; the Planning and Zoning Department, other governmental agencies and departments, and opponents of the applicant's request shall submit exhibits at least ten (10) days in advance of the hearing. Each exhibit shall be identified as to the party who intends to sponsor the exhibit and shall be consecutively numbered or lettered. All material so submitted shall be deemed a public record and shall be open for inspection and copy by any person whomsoever. Any exhibit not so filed shall be admitted by the Board only upon a clear showing that such filing was not in good faith reasonably possible.

**G. Proceedings**

A proceeding before the Board consisting of an appeal by any aggrieved person from a decision of an administrative officer is a fact finding appeal made shorter than the Planning and Zoning Commission meetings on applications requesting a change of land use. Decisions will be based on any new information or evidence and based on incorrect or misleading information

presented in leading to the administrative decision. This is not a chance to rehear all the information presented in the planning and Zoning meeting. A copy of the file, letter of record, and minutes of the meeting will be submitted by the staff for evidence prior to the meeting.

## Section 8. Board of Adjustment Hearing

**A.** **Agenda**

The Secretary shall prepare an agenda for such meeting and the order of business therein shall be as follows:

1. Roll Call
2. Approval of Minutes
3. Unfinished Business
4. Communication
5. Swearing in of All Witnesses
6. Hearings
7. Exceptions
8. Variances
9. Appeals
10. New Business
11. Closed meeting
12. Adjournment

**B.** All witnesses wishing to testify on any matter set for hearing by the Board of Adjustment shall be sworn before testifying.

**C.** Any witness may be cross-examined by any member of the Board.

**D.** **Meeting Order**

Each case coming before the Board shall be heard in the following order:

1. The presentation of the Planning and Zoning Department or any other public agency and cross-examination of their witness.

2. The presentation of the applicant (limited to 15 minutes for primary speaker, 5 minutes for each additional) and cross-examination.

3. Any public agency.

4. The presentation of parties in support to the applicant's position.( Limited to 5 minutes).

5. The presentation of parties opposed to the applicant's position (limited to 15 minutes for primary speaker, 5 minutes for each additional), not representing any governmental agency, and cross-examination of their witnesses.

6. The presentation of rebuttal testimony by the applicant and cross-examination of the rebuttal witnesses. Rebuttal testimony shall be limited to new matters made necessary in explanation of matters raised following the applicant's original presentation or in answer to matters so raised and shall not be for the purpose of merely resubmitting or restating matters previously submitted by the applicant in his original presentation. The applicants shall be given three additional minutes for rebuttal argument, if desired.

7. Each person addressing the Board shall step up to the podium, state his name and address for the record, and whether they had been sworn in by the chairman. Unless further time is granted by the Board, the witness shall limit his address to five (5) minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Chairman. No question shall be asked of a member of the Board except through the presiding officer.

**E.** Following presentation of all cases and requests at a meeting, the public session of the Board shall be declared at an end by the Chairman so that the Board may make its decisions.

## Section 9. General Provisions

**A. Burden of Proof**

It shall be the burden of the applicant in any case before the Board to present sufficient facts and testimony that an affirmative decision by the Board in favor of the applicant will be based upon competent and substantial evidence upon the whole record of proceedings before the Board. Nothing shall prohibit any member of the Board inquiring of any witness or party at any time during the proceedings upon any fact or matter related to the proceedings, but it shall not be the duty of the Board to supply any deficiencies in or to seek to provide facts in any proceedings.

**B. Presentation of Information or Evidence**

If the applicant or the County staff provides the Board of Adjustment with information or evidence that was not included in the packet of information provided by the County staff to the Board approximately ten (10) days prior to the Board's scheduled meeting to consider the case, then said case may be tabled for one meeting.

**C. Compel of Witnesses**

The Chairman or Acting Chairman may compel the attendance of any witness so requested to be at such hearing for examination, cross-examination, or both. The office making such service of a subpoena shall

be entitled to receive therefore such fees as are allowed by law for similar service, to be paid by the County. The chairman shall have the power to administer oaths to witnesses.

**D. Finding of Facts**

Each member present at each meeting of the Board will make his separate findings in regard to each special exception and request for variance and taken together collectively, such findings will constitute the findings of the Board of Adjustment in each particular case. The staff shall be required to serve the Board's finding of facts and conclusions of law to the applicant by regular mail within five (5) days from the date of his notification of the Board's decision.

**E. Request to Re-schedule Meeting**

No affirmative relief will be granted to any applicant or appellant in any case unless the applicant, appellant, or his agent or attorney appear in person or by affidavit in writing duly verified which meets the required burden of proof, in any case in which the applicant, appellant or his agent or attorney fail to appear either in person or by written verified affidavit and no interested person appears protesting the granting of such relief, then such case will be dismissed by the Board without prejudice to the applicant to request another hearing in the time and manner necessary for the first hearing and upon

**F**. The Board of Adjustment shall adopt rules of procedure consistent with the provisions of the Zoning Regulations and the provisions of Sections 64.800 to 64.895 of the Revised Missouri Statutes.

## Section 10. Powers of the Board of Adjustment

**A.** The Board of Adjustment shall have the power to hear and decide, in accordance with the provisions the Regulations, applications that are properly filed in the manner provided for:

1. Conditional uses,
2. Special exceptions,
3. Interpretation of the Zoning Map, or
4. For decisions upon other special questions on which these Zoning Regulations provide that the Board of Adjustment shall decide.

**B.** In considering an application for a conditional use, a special exception or interpretation of the zoning map, the Board of Adjustment shall give due regard to the nature and conditions of all adjacent uses and structures;

**C.** In authorizing a conditional use or special exception, the Board of Adjustment may impose such requirements and conditions with respect to location, construction, maintenance and operation in addition to those

expressly stipulated in these Zoning Regulations for the particular conditional use or special exception as the Board of Adjustment may deem necessary for the protection of adjacent properties and the public interest.

## Section 11. Conditional Uses and Special Exceptions

**A.** In addition to permitting the conditional uses and special exceptions specified in these Zoning Regulations, the Board of Adjustment shall have the power to permit the following conditional uses and special exceptions:

1. **Nonconforming Uses.** The substitution of a nonconforming use existing at the time of enactment of these Zoning Regulations by another nonconforming use, if no structural alterations, except those required by law or resolution, are made provided, however, that

   a. in an Residential District, no change shall be authorized to any use that is not a permitted use or a conditional use in any Residential District and

   b. in a Commercial District, no change shall be authorized to any use that is not a permitted use or a conditional use in any Commercial District.

2. The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot, provided that:

   a. such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming, and

   b. that such extension is necessary and incidental to such existing nonconforming use provided that

      (1) The value of such extension shall not exceed in all one-third (1/3) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use,

      (2) That such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises, and

      (3) Provided further that such extension shall in any case be undertaken within five (5) years of the enactment of these Zoning Regulations.

   c. Provided, however, that the Board of Adjustment shall not authorize any extension or enlargement that would result in extending the useful life of a nonconforming building, or

that would result in violation of the provisions of these Zoning Regulations with respect to any adjoining premises.

## Section 12. Extension of Use on Border of Zoning District

**A.** The extension of a use or building into a more restricted Zoning District immediately adjacent thereto, but not more than twenty-five (25) feet beyond the dividing line of the two (2) Zoning Districts, under such conditions as will safeguard development in the more restricted Zoning District.

## Section 13. Conditional Industrial Uses

**A.** Permitting in such parts of any M-2 District as are more than six hundred (600) feet distant from any R District and more than two hundred (200) feet from every other Zoning District except an M-1 or F-1 District,

1. Any of the industries or uses listed in Article 44 and permitted in any M-1 District as an accessory use,

2. Any use permitted in an M-2 District as a principal use, as specified in Article 45.

**B.** In doing so, the Board of Adjustment may require the installation, operation and maintenance in connection with the proposed use of such devices or such methods of operation as may, in the opinion of the Board of Adjustment, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water carried waste, noise, vibration or similar objectionable features, and

**C.** May impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties as will tend to prevent or reduce the harm that might otherwise result from the proposed use of surrounding properties and neighborhoods.

## Section 14. Temporary Structures and Uses

**A.** Any use designated as temporary such as neighborhood block parties, fairs, and festivals, re-enactments, or outdoor concerts including seasonal uses such as fireworks stands, Christmas tree sales, roadside produce stands, not including those agricultural products grown on-site, but including other uses requiring retail sales must have a conditional use permit to be allowed in any Agricultural or Residential Zoning District.

1. Activities conducted as fund raising events for non-profit organizations such as churches, libraries and museums do not require a conditional use permit so long as they do not exceed six (6) events per calendar year and each event shall not exceed a period of three (3) consecutive days.

2. The Board of Adjustment shall have the authority to allow any conditional use proposed, finding that such use is not inappropriate for neighborhood or for adjacent properties. The Board of Adjustment may make requirements, limitations or conditions with respect to the location, construction, maintenance and operation deemed reasonably necessary for the protection of the neighborhood or adjacent properties.

3. No permit shall be granted for a period exceeding six (6) days except to promote seasonal sales or to allow a reasonable period in which to erect and take down temporary structures.

4. A site plan must be submitted with all applications showing temporary structures, parking facilities and drives, emergency access easements and any applicable setbacks.

**B.** Outdoor events must include provisions for public safety, assurance of sanitary conditions, and adequate site design to accommodate vehicles, pedestrians, and temporary structures. At a minimum an applicant must include:

1. Provisions for adequate parking facilities,

2. Estimates of the expected attendance for adequate restroom and wastewater disposal facilities,

3. Access easements for ambulance and other emergency services to the entire festival area,

4. A litter control plan showing location of all trash receptacles,

5. Arrangements must be made for policing during and after the hours of the event, and

6. Provisions must be made for any temporary street closure with the proper County office.

## Section 15. Interpretation of Zoning Map

**A.** Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot line as shown on the zoning map, the Board of Adjustment, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of these Zoning Regulations.

**B.** In case of any question(s) as to the location of any boundary line between Zoning Districts, a request for interpretation of the zoning map may be made to the Board of Adjustment and a determination shall be made by said Board of Adjustment.

# ARTICLE 54. VALIDITY AND EFFECTIVE DATE

## Section 1. Validity

If any article, section, subsection, paragraph, sentence or phrase of these Regulations is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Zoning Regulations.

## Section 2. Effective Date

**A.** These Zoning Regulations shall be given an effective date when enacted by the County Commission in the manner provided by Sections 64.510 through 64.695 of the Revised Statutes of Missouri.

**B.** The subdivision regulations formerly known as Section 4-70 and 4-80 of the Unified Development Codes (UDC), the Road and Access Standards formerly known as Chapter Fifteen of the UDC and the Stormwater and Erosion Control Regulations formerly known as Chapter Nineteen of the UDC have been separated and removed from the UDC, resulting in the creation of three sets of regulations to be cited separately as the Christian County Subdivision Regulations, the Christian County Road and Access Standards and the Christian County Stormwater and Erosion Control Regulations;

1. each to have the same effective date as the Zoning Regulations.

**C.** The Zoning Regulations shall be in force and effect in all unincorporated portions of the County.

**ORDER NO. 7-8-10-01**

**ORDER of the**
**CHRISTIAN COUNTY COMMISSION**
**OZARK, MISSOURI**

**DATE: July 8, 2010**

**SUBJECT: Adoption of Amendments to Zoning Regulations for Christian County, Missouri**

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**WHEREAS**, Christian County, Missouri desires to coordinate physical development in accordance with its present and future needs; so as to conserve the natural resources of the County, to insure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of its inhabitants; and

**WHEREAS**, the Planning and Zoning Commission has held public hearings in order to obtain public input concerning the amendment of the Unified Development Codes (UDC) for Christian County, Missouri, which henceforth shall be known as the "Zoning Regulations for Christian County, Missouri", in accordance with the requirements of Section 64.670 of the Missouri Revised Statutes; and

**WHEREAS**, the Christian County Planning and Zoning Commission has recommended adoption of the "Zoning Regulations for Christian County, Missouri"; and

**WHEREAS**, the Christian County Planning and Zoning Commission has further recommended the removal and separation from the Zoning Regulations the subdivision regulations formerly know as Section 4-70, 4-75, 4-76, 4-77, 4-78 and 4-80 of the UDC, the Road and Access Standards formerly known as Chapter Fifteen of the UDC and the Stormwater and Erosion Control Regulations formerly known as Chapter Nineteen of the UDC, resulting in the creation of three sets of regulations to be cited separately as the "Christian County Subdivision Regulations", the "Christian County Road and Access Standards" and the "Christian County Stormwater and Erosion Control Regulations"; each to have the same effective date as the Zoning Regulations.

**NOW, THEREFORE,** on this 8th day of July, 2010, at a duly called meeting of the Christian County Commission, having received the report and recommendation of the Planning and Zoning Commission and, after public notice, and in open session, upon motion made by Commissioner Tom Huff, seconded by Commissioner Bill Barnett, and concurred by Presiding Commission Grubaugh, the Christian County Commission did vote unanimously to amend the Unified Development Codes for Christian County, Missouri, by adopting amended zoning regulations to be known as the "Zoning Regulations for Christian County, Missouri", for the purpose of regulating the use of land in the unincorporated areas of Christian County pursuant to the provisions of Chapter 64.510 through 64.695 of the Revised Statutes of Missouri to promote the orderly development of the County in accordance with the Comprehensive Development Plan of Christian County as adopted by the Planning Commission and approved by the County Commission, and to effectuate the use of other accepted purposes of zoning. Existing zoning regulations of the Unified Development Code of Christian County, Missouri, are repealed and superceded to the extent of their inconsistency with the Zoning Regulations of Christian County, Missouri adopted this date.

**IT IS HEREBY ORDERED** that the Unified Development Codes for Christian County, Missouri, are hereby amended and in lieu thereof zoning regulations to be known as the "Zoning Regulations for Christian County, Missouri" are hereby adopted and enacted as described in the Zoning Regulations which are attached hereto and incorporated herein by this reference and a copy shall be on file in their entirety at the Christian County Planning & Zoning office, 202 West Elm Street, Ozark, Missouri 65721.

**IT IS FURTHER ORDERED** that the Zoning Regulations for Christian County, Missouri adopted hereunder provide penalties for the violation thereof, and authorize said Regulations to be amended from time to time by Order of the Christian County Commission.

**IT IS FURTHER ORDERED** that the map portion of these regulations may be cited separately as the Christian County Zoning Map, a copy of which is incorporated into the Zoning Regulations for Christian County, Missouri. The zoning map shall be on file at the Christian County Planning and Zoning office.

**IT IS FURTHER ORDERED** that the following parcels numbers shall be amended upon the Christian County Zoning Map as specified below:

| Parcel Number | Property Owner | Proposed Zoning Map Designation | Amended Zoning Designation |
|---|---|---|---|
| *9-0.2-9-0-0-6* | *Journagan Construction* | *M-2* | *A-1* |
| *20-0.6-13-3-2-5* | *Christopher Snyder* | *R-1* | *C-2* |
| *20-0.6-23-0-0-14* | *Steven & Melissa Stewart* | *A-R* | *A-1* |
| *18-0.6-24-0-0-17* | *Rex & Phoebe Snapp* | *A-R* | *A-1* |
| *10-0.8-28-1-1-4* | *Ben & Cathryn Sayle* | *A-R* | *A-1* |
| *12-0.7-26-0-0-5* | *Roy & Connie Goins* | *A-R* | *A-1* |

**IT IS FURTHER ORDERED** that upon the recommendation of the Planning & Zoning Commission, the Christian County Commission may establish by Rule fees for any service the Planning and Zoning Department provides in order to pay for any costs incurred in carrying out the administration and enforcement of these Regulations in the unincorporated areas of Christian County, Missouri pursuant to Section 64.540, RSMo.

**IT IS FURTHER ORDERED** that the Zoning Regulations for Christian County, Missouri shall become effective on 4th day of August, 2010, and a copy of this Order shall be filed in the office of the County Clerk before 5:00 p.m. this date.

**Done this 8th day of July, 2010, at 11:15 o'clock a .m.**

**CHRISTIAN COUNTY COMMISSION**

John Grubaugh
Presiding Commissioner

Yes X
Dated: 7-8-10

Tom Huff
Commissioner, Eastern District

Yes X
Dated: 7-8-10

Bill Barnett
Commissioner, Western District

Yes X
Dated: 7-8-10

ATTEST:

Kay Brown
County Clerk

23385-000\ 383506.doc

The ZONING REGULATIONS FOR CHRISTIAN COUNTY, MISSOURI, were first adopted on July 8, 2010. Various amendments have been made to the original regulations. Those amendments to the original regulations are listed in the order that they were adopted by the Christian County Commission:

## AMENDMENTS – Adopted December 9, 2010 (Effective January 1, 2011)

**Article 2, Section 2**

Amend the definition of **Guest House** to the following:
A living area in an accessory building of 1,000 square feet or less.

Add the following definitions:
**Manufactured Home Park**
See Mobile Home Park

**Manufactured Home Subdivision**
See Mobile Home Subdivision

Add the following language to the definition of **Mobile Home Park:**
mobile homes or

Add the following language to the definition of **Mobile Home Subdivision:**
manufactured homes

**Article 3, Section 2**

Add the following language to A-1 Quick Reference Guide:
Individual single-family dwelling with individual well and approved on-site sewage system.

**Article 4, Section 10**

Amend all of Article 4, Section 10, by replacing with a new Section 10, Accessory Buildings and Uses.

**Article 9, Section 1**

Add the following language to Section 1:
Manufactured homes shall be constructed pursuant to the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 United States Code §5401 *et seq*.; 24 CFR Part 3280 and Part 3282, that became effective June 15, 1976.

**Article 9, Section 2**

Add the following language to Section 2:
Manufactured home or

**Article 9, Section 3**

Delete the following language from Section 3:
No mobile home shall be placed in any district, other than in a MH-1 District or an A-1 Agriculture District, except in a previously approved or grandfathered mobile home park or mobile home subdivision.

Add the following language to Section 3:
Manufactured homes and mobile homes shall be allowed within a MH-1 District.

**Article 9, Section 4**

Amend all of Article 9, Section 4, by replacing with a new Section 4, Allowed in A-1 and A-R Districts with Provisions.

**Article 9, Section 5**

Rename the former Article 9, Section 4 as Article 9, Section 5.

**Article 9, Section 6**

Add a new Article 9, Section 6.

**Article 31, Section 1**

Add an new Article 31, Section 1 (B,1,c)

**Article 31, Section 5**

Add the following language to A-1 Chart:
Individual single-family dwelling with individual well and approved on-site sewage system.

**Article 34, Section 2**

Add the following language to Section 2 (A&B):
or mobile home

**Article 51, Section 6**

Add a new Article 51, Section 6.

## AMENDMENTS – Adopted July 11, 2011 (Effective August 1, 2011)

**Article 7, Section 2**

Add the following language to Subsection 1:
Recreational Vehicles

Add a new Article 7, Section 2, Subsection 1, Item 5.
Rename former Article 7, Section 2, Subsection 1, Item 5 as Item 6

# AMENDMENTS – Adopted June 27, 2013 (Effective June 27, 2013)

**Article 2, Section 2**

Add the following definition:

**Campground**

An area or premises in which space is provided for temporary occupancy or use by tourists occupying recreational vehicles, camping trailers or tents where no camper shall occupy the premises for a period exceeding thirty (30) consecutive days.

Delete the following definition:

**Group Home, Non-Residential**

Amend the definition of **Group Home, Residential** to the following:

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

**Article 26**

Deleted

**Article 31, Section 4**

Add Item Q as follows:

Q. Campgound facilities

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

2. any lot or tract of land in such use shall be located no less than one thousand (1000) feet from any R District and that all areas designated as campsites be set back two hundred fifty (250) feet from neighboring parcels

3. an approved wastewater treatment plan shall be part of the site design

**Article 32, Section 2**

Item C amended to read:

Residential Group Homes according to the provisions of Article 25.

**Article 33, Section 2**

Item B amended to read:
Residential Group Homes according to the provisions of Article 25.

**Article 38, Section 4**

Item E - Deleted

## AMENDMENTS – Adopted July 7, 2014 (Effective August 28, 2014)

**Article 12**

Amended in it's entirety