

## **ARTICLE 3, GENERAL PROVISIONS**

### **Section 1, Conformance Required**

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

### **Section 2, Continuing Existing Uses**

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

### **Section 3, Agriculture**

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

### **Section 4, Public Utilities**

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

### **Section 5, Outdoor Advertising**

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

### **Section 6, Flood Plain Overlay District**

Nothing provided in these Zoning Regulations shall be so construed as to prohibit the owner of lands within any Flood Plain Overlay District from lawfully filling, draining, constructing levees or otherwise improving his land, so as to eliminate or reduce the

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danger of flood or erosion providing that such improvements do not cause surrounding properties to be flooded or harmed by the action.

### **Section 7, Retail Establishments and Places of Entertainment**

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

### **Section 8, Non-Conforming Uses or Buildings**

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

- A. Substitution or Extension. When authorized by the Planning & Zoning Commission, the substitution for a non-conforming use of another non-conforming use or the extension of a non-conforming use may be made.
- B. Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.
- C. Where, at the effective date of the adoption of this ordinance or amendment hereto, a lot of record exists and is held in separate ownership but fails to meet the minimum requirements for area or width of the Zoning District in which it is located, such lot may have one (1) single-family dwelling and customary accessory buildings erected upon it provided that:
  1. Said lot is in separate ownership and not of continuous frontage with other lots in the same ownership.
  2. Said lot is able to meet the yard requirement of the Zoning District in which it is located. Variance is obtainable only through Authorization by the Board of Adjustment.
- D. When authorized by the Planning & Zoning Commission, the extension or completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, providing that such lot was under the same

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ownership as the lot in question on the date the use of such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building.

- E. When authorized by the Planning & Zoning Commission, a nonconforming use may be extended throughout those parts of a building designed or arranged for such use before the date it became nonconforming, if no structural alterations, except those required by law, are made therein.
- F. Discontinuance. No building, structure or premises where a nonconforming use has ceased for one (1) year or more shall again be put to a nonconforming use. Whenever the Director has knowledge that a property has not been used in a nonconforming manner for a period of one year, the Director shall notify the owner and user of the non-conforming use building that they shall show cause to maintain current use to the next appropriate meeting of the Planning & Zoning Commission. The Planning & Zoning Commission shall, upon review, make recommendation to the County Commission whether to retain the non-conforming use or to re-zone as appropriate.
- G. Replacing Damaged Buildings. Any nonconforming building or structure damaged more than sixty (60) percent of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God; shall not be restored or reconstructed and used as before such happening; but if less than sixty (60) percent damaged above the foundation, it may be restored, reconstructed, or used as before, provided that it be done within twelve (12) months of such happening.
- H. Repairs and Alterations. Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Planning & Zoning Commission.

### Section 9, Conversion of Dwellings.

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

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### Section 10, Minimum Yard Requirements

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

Front Yards:

- a. Shall have a depth of not less than twenty-five (25) feet.
- b. Where lots have a double frontage, the required front yard shall be provided on both streets.
- c. On corner lots, a front yard setback shall be maintained on both streets.

Side Yards: 10 feet.

Rear Yards: 25 feet.

Corps of Engineers: 25 feet

Other: 10 feet between all structures

### Section 11, Traffic Visibility Across Corner Lot

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

### Section 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 proper authority.

## **Section 15, Building Permits**

- A. A building permit is not required for repair or maintenance of a structure, unless the repair or maintenance changes the elevation of the structure or the surface space occupied by the structure.
- B. Building Permits: Unless a building permit shall first have been obtained from the Office of the Planning and Zoning Director, or by staff subordinate to the authority of the Director:
  - (1) The construction, moving, or reconstruction of any structure shall not be commenced; and,
  - (2) The improvement of land preliminary to any use of such land shall not be commenced.

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

- C. Application for Building Permit: Every application for a building permit shall include at least the following:
  - (1) A site plan, in such form as may, from time to time, be prescribed by the Planning and Zoning Director, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, the structure lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Planning and Zoning Director for the proper enforcement of these regulations.
- D. Issuance of Building Permit: A building permit shall be either issued or refused by the Planning and Zoning Director within ten days after the receipt of an application or within such further period as may be agreed to by the applicant. No building permit shall be issued unless all the zoning requirements of these regulations are met.
- E. Period of Validity: A building permit shall become null and void six months after the date on which it is issued unless within such six-month period construction, structure, moving, or reconstruction of a structure is commenced or a use is commenced.

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

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

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

### **Section 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 Planning & Zoning Commission.

### **Section 17, Limit of One Dwelling Per Lot.**

Unless these regulations otherwise provide, only one single-family dwelling may be contained on a tract, parcel, or zoning lot.