

ARTICLE 4, SPECIAL PROVISIONS

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

A. Off-Street Loading Space

1. In any Zoning District, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, that is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet.
2. Each loading space shall not be less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.
3. Subject to the limitations of this Article, such space may occupy all or any part of the required yard or court space.
4. No loading space shall be located closer than fifty (50) feet to any lot in any R District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six (6) feet in height.

Section 2, Off-Street Parking Space

A. Required Automobile Parking Spaces

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

B. Size and Access.

1. Each off-street parking space shall have an area not less than two hundred (200) square feet (20 feet x 10 feet) exclusive of access drives or aisles, and shall be of usable shape and condition. Except for dwellings, no parking area shall be less than one thousand (1,000) square feet in area.

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2. There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width in the case of a dwelling, and not more than thirty (30) feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in connection with a use permitted in an R District, such easement of access or access drive shall not be located in any R District.

C. Handicapped Parking

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

D. Floor Area Defined

1. For purpose of applying the requirements of these Zoning Regulations, "Floor Space," in the case of offices, merchandising or service type of uses, means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise.
2. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.

E. Number of Parking Spaces Required

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

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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 spaces 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
Boat docks	1 parking space for each 3 boat stalls or boat slips

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

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- front lot line facing premise, shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In case the capacity of the parking area exceeds thirty (30) vehicles, it shall be screened by a masonry wall not less than four (4) feet or more than eight (8) feet in height.
2. **Minimum Distances and Set-Backs.** No part of any parking area shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall of acceptable design. If not in an R District but adjoining an R District, the parking area shall be set back at least twenty-five (25) feet from the established street right-of-way line for a distance of fifty (50) feet from any R District.
 3. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any nearby or adjoining premise in any R District.
 4. Handicapped parking will be sited, designed, and marked for the benefit of handicapped persons.
- G. The Planning & Zoning Commission may authorize on appeal a modification, reduction, or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential business, trade, industrial, or other use, or the exceptional shape or size of the property or other exceptional situation or condition would justify such action.
- H. Large Commercial Motor Vehicles, Large Commercial Trailers and Commercial Vehicles. In all Zoning Districts the parking of large commercial motor vehicles, large commercial trailers and commercial vehicles shall require an off-street parking area with an access drive that is designed and constructed in a manner to be used by said vehicles.

Section 3, Restricted Business or Industrial Accessory Parking Areas.

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

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

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- B. Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any R District.
- C. The parking lot shall be subject to all conditions or requirements, in respect to development, maintenance, and operation, that the Planning & Zoning Commission deems necessary or desirable for the protection of adjacent property or the public interest.
- D. No sign of any kind, other than designating entrances, exits, and conditions of use, shall be maintained on such parking lot.
- E. No commercial repair work or services of any kind shall be conducted on such parking lot.
- F. No charge shall be made for parking in such parking lot.
- G. Any person, firm or corporation desiring to secure permission to establish and maintain a restricted business or industrial parking lot within the meaning of this subsection shall make application to the Planning & Zoning Commission, accompanied by a plan that clearly indicates the proposed development, including the location, size, shape, design, landscaping, curb cuts and other features and appurtenances of the parking lot. Such application shall also be accompanied by the names and addresses of all owners of all properties within the same block as the proposed parking lot, and all properties separated therefrom by not more than one (1) street, any part of any one of which properties is within two hundred (200) feet of any part of said proposed parking lot and is located in an R District.
- H. Before making its final determination, the Planning & Zoning Commission shall hold a public hearing, notice of which shall be given to owners of property above described. If the Planning & Zoning Commission approves the aforesaid application, the Planning & Zoning Director shall thereafter issue a zoning certificate in accordance therewith, subject to any modification of the foregoing requirements and to any additional requirements that may be stipulated by the Planning & Zoning Commission.
- I. Any permit authorized by the Planning & Zoning Commission and issued by the County Planning & Zoning Director may be revoked at the time that the aforementioned requirements are not complied with.

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

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

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

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

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

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

1. **Mandatory Connection to Public or Central Sewer System.**

All travel trailers or recreational vehicles stationed within an authorized trailer park shall be connected to a public or central sewer system within seventy-two (72) hours.

2. **Mandatory Connection to Public or Central Water System.**

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

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

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

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

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

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

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

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

J. Travel Trailer Park - Submission of Plans/Platting

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

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

a. Park Area

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

b. Distance Between

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

c. Screening

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

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K. Utilities

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

L. Recreation Areas

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

M. Supplementary Requirements

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

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

1. Campsites. Each tent location (campsite) shall be specifically designated and have a distinct boundary to distinguish it from other campsites.
2. Sewer. Toilet facilities must be accessible to all campsites. This may be provided through a public or central facility located no further than 500 feet from any campsite. A vault toilet system, similar to those found in federal campgrounds, may be used in lieu of a sewer system with running water and a septic tank.
3. Potable water. Water must be provided for use by all campsites through a public or central (well) water system approved by the Missouri Department of Natural Resources. This may be provided through a central facility no further than 500 feet from any campsite.

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4. Cooking facilities. Each campsite shall have a prepared location in which to build campfires. This may consist of a circle of rocks or bricks, metal enclosure, metal grate, concrete pad or simply a hole (pit).
5. Trash & garbage. Garbage cans or a dumpster must be provided for the placement of refuse.
6. Other requirements. Except for the foregoing, travel trailer park requirements specified in Paragraph J, Subparagraph 2 of this section may be waived for campgrounds by the County Commission and/or Director of Planning and Zoning.

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

A. Outdoor Commercial Advertising:

1. This Section regulates the use of outdoor advertising. The purpose of the ordinance is:
 - a. to allow businesses to inform and direct the general public,
 - b. to protect the physical appearance of the county, and
 - c. to ensure public safety along county streets and roadways.
2. Outdoor advertising shall be classified as a commercial use and shall be permitted in the following Zoning Districts: C-1, C-2, C-3, M-1 and M-2, subject to the regulations of the Missouri Department of Transportation.

B. Legal Nonconforming Signs:

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

C. General Provisions:

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

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2. Any outdoor advertising structure located within one hundred (100) feet of any R District shall not face the front or side lot line of any residential lot; or when any outdoor advertising structure is located within three hundred (300) feet of any public parkway, public square, library, church or similar institution, it shall not face such a use.
3. No sign shall be constructed that resembles any official marker or that by reason of position, shape, or color would conflict with any official traffic control device.
4. All sign structures shall be constructed according to the provisions of any applicable County regulations.
5. Signs shall be maintained in good and safe structural condition.
6. No off-premise sign shall be located on property without the consent of such property's owner or legal representative.
7. The area in the vicinity of any freestanding sign shall be kept clear of any trash and debris.
8. No sign shall be allowed in any neighborhood or subdivision public or private open space, except signs pertaining to the neighborhood or subdivision as a whole or to a property owners' association.

D. Size of Signs:

1. The maximum sign area for any one (1) face of any outdoor advertising structure not located on roads designated as interstate highways and freeways on the federal-aid primary system shall not exceed eight hundred (800) square feet, excluding the base, supports, and other structural elements.
2. The maximum sign area on roads designated as interstate highways and freeways on the federal-aid primary system is twelve hundred (1200) square feet inclusive of embellishments but not including the base, supports or other structural elements.
3. Temporary embellishments for off-premise signs shall not exceed twenty (20) percent of the maximum sign area allowed.
4. The sign area shall be measured by the smallest square, circle, or rectangle that will encompass the entire sign.

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

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

E. Maximum Height and Length:

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

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

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

F. Spacing for Off-Premise Signs:

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

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

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

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

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

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

G. Minimum Setbacks for Off-Premise Signs:

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

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

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

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

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

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

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

a. Such written authority must accompany any permit request.

H. Lighting of Signs:

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

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

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3. The Planning & Zoning Department may require any sign receive a conditional use permit if it includes flashing, moving or bright lights, variable electronic messages, emits a substance such as smoke or bubbles, or has moving parts.
 4. Signs must be effectively shielded to prevent light beams or rays from being directed toward any public right-of-way, dwelling unit or any R District.
 5. No sign shall be illuminated as to interfere with the effectiveness of or to obscure an official traffic sign, or signal.
- I. **Sign Permits.** All off-premise signs are required to have a building permit. Information required for the issuance of a building permit includes:
1. A legal description from a legal document,
 2. A site plan, and
 3. Written authority from the easement holder if a sign is to be located within an easement.
- J. Small announcement or professional signs where permitted,
1. Shall not exceed six (6) square feet in area;
 2. Except that a church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board
 - a. not over twelve (12) square feet in area,
 - b. that, if not attached flat against a building, shall be at least twelve (12) feet from all road right-of-ways.
 - c. Any such sign(s), if lighted, must be sited so that the light does not become a nuisance to residential structures.
- K. Political signs shall be allowed in any Zoning District.
1. At no time shall a sign be placed on a corner lot that would obscure the vision of a motorist.
 2. All signs shall be removed within twenty-five (25) days following the election for which they are used.

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

Section 7, Cluster Developments.

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

- A. The total density of dwellings per acre does not exceed the density provided for that Zoning District.
- B. The development shall be provided with approved sewage disposal system other than conventional septic tank. Approval shall be subject to the discretion of the Planning & Zoning Commission.
- C. The developer must be able to satisfy the Planning & Zoning Commission and the County Commission that the remaining private open space shall be maintained by the residents or a responsible agent.
- D. In no case may a dwelling occupy more than seventy-five (75) percent of the lot area.
- E. The development shall be supplied by an approved water supply. Approval shall be subject to the discretion of the Planning & Zoning Commission.
- F. In no case shall the dwellings be located nearer to the paved street than twenty five (25) feet.
- G. In addition to submittal of the preliminary and final plats, a plot plan shall also be required and shall be approved before the filing of a final plat. The plot plan shall show the proposed coverage on each lot.
- H. The appropriate variances pertaining to side yards and front and rear yards shall become automatic with the approval of the preliminary plat; however, the development shall remain subject to the Zoning District regulations pertaining to dwelling height and floor area.
- I. A cluster development shall also be subject to any further restrictions deemed necessary by the Planning & Zoning Commission to protect the public health, safety and welfare.
- J. Before the submittal of a preliminary plat a sketch plan shall be reviewed by the Planning & Zoning Department.
- K. Calculation of dwelling spaces per acre will exclude areas used for road rights-of-ways.

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- L. The development must meet all applicable subdivision regulations.

Section 8, Commercial Mines, Quarries, Gravel Pits.

- A. Any owner, lessee or other person or entity having an interest in mineral lands may file with the Planning & Zoning Director an application for authorization to mine minerals, provided that such person or entity shall comply with all requirements of the Zoning District in which said mining is allowed by these Zoning Regulations and with the following additional requirements:
 - B. No quarrying operation shall be carried on or any stockpile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the Planning & Zoning Commission where such is deemed necessary for the protection of adjacent property; however, this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of abutting property;
 - C. In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;
 - D. Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Planning & Zoning Commission, such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Planning & Zoning Commission;
 - E. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition.

Section 9, Crushing, Washing and Refining.

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

- A. In accepting such plan for review, the Planning & Zoning Commission and the County Commission must be satisfied that the proponents are financially able to carry out the proposed mining operation according to the provisions of the plans and specifications submitted.
- B. An application for such operation shall set forth the following information:
 - 1. Name of the owner or owners of land from which removal is to be made.

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2. Name of the applicant making request for such a permit.
 3. Name of the person or corporation conducting the actual removal operation.
 4. Location, description and size of the area from which the removal is to be made.
 5. Location of processing plant used.
 6. Type of resources or materials to be removed.
 7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
 8. Description of equipment to be used.
 9. Method of rehabilitation and reclamation of the mine area.
- C. Upon receipt of the application, the Planning & Zoning Commission shall set the matter for a public hearing in the same manner as for a zoning change.
- D. The Planning & Zoning Commission shall make a complete record of all testimony and witnesses heard at the public hearing and shall recommend to the County Commission within thirty (30) days of completion of said hearing, either approval, denial, or conditional approval of the application.
- E. The County Commission shall act on the application within thirty (30) days of receipt of the report and recommendation of the Planning & Zoning Commission.

Section 10, Restoration, Rehabilitation and Reclamation

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

- A. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:
1. That the excavated area shall not collect and permit to remain therein stagnant water; or

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2. That the surface of such area that is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently rolling surface that will minimize erosion due to rainfall and that will be in substantial conformity to the adjoining land areas.
- B. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where this Section provides that such area is not to be submerged under water.
- C. The banks of all excavations not backfilled shall be sloped to the water line at a slope that shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- D. In addition to the foregoing, the County Commission may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operations of such mines, quarries, or gravel pits as the County Commission may deem necessary for the protection of adjacent properties and the amount of the performance bond shall be determined by the County Commission before issuance of the permit.
- E. Bonds required by this Section shall be:
1. a performance bond or surety bond issued by an insurance company licensed pursuant to the laws of the State of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The bond shall be written on terms acceptable to the County Commission.
 2. a cash bond,
 3. cash that shall be deposited and held by the County,
 4. a certified check that shall be cashed and the proceeds deposited and held by County, or
 5. an irrevocable standby letter of credit issued by a Federal Home Loan Bank with offices in Missouri, possessing the highest rating issued by at least one nationally recognized statistical rating agency. The letter of credit shall be written on terms acceptable to the County Commission, and shall contain an assurance that the letter of credit will be automatically renewed or replaced by the issuing bank upon expiration, until such time as the letter of credit is released by the County.

Section 11, Oil Drilling.

The extraction of oil and other hydrocarbons is expressly prohibited in all Zoning Districts other than A-1 and M-2. Drilling sites shall be fenced and all oil or gas produced

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shall be carried away by pipelines unless stored in underground tanks. Applications for drilling permits shall be accompanied by a performance bond in an amount to be determined by the County Commission.

E. Bonds required by this Section shall be:

1. a performance bond or surety bond issued by an insurance company licensed pursuant to the laws of the State of Missouri whose claims-paying ability is rated in the highest category by at least one nationally recognized statistical rating agency. The bond shall be written on terms acceptable to the County Commission.
2. a cash bond,
3. cash that shall be deposited and held by the County,
4. a certified check that shall be cashed and the proceeds deposited and held by County, or
5. an irrevocable standby letter of credit issued by a Federal Home Loan Bank with offices in Missouri, possessing the highest rating issued by at least one nationally recognized statistical rating agency. The letter of credit shall be written on terms acceptable to the County Commission, and shall contain an assurance that the letter of credit will be automatically renewed or replaced by the issuing bank upon expiration, until such time as the letter of credit is released by the County.

Section 12, Agricultural Reserve District

- A. To help encourage the preservation of agricultural land and provide landowners protection from development pressures, any landowner who holds title to at least ten (10) acres may request that his/her property be designated by the Planning & Zoning Commission as an Agricultural Reserve Area.
- B. Said designation shall assure the landowner that property taxes shall be assessed at the rates set for agricultural use, even if the reserve area lies within an area designated for another land use.
- C. A reserve designation shall run with the property and shall be recorded in the County Recorder's Office, as well as the County Planning & Zoning Department.
- D. While an area is designated as a reserve area, there shall be no building permits issued other than for customary residential and accessory buildings directly related to agricultural uses.

Section 13, Use Standards

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

B. Existing Uses

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

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

Conditions:

1. No noise from any operation conducted on the premise, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the M-1 District.
2. No toxic matter, noxious matter, smoke, gas or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located.
3. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located.
4. Exterior lighting fixtures shall be shaded whenever necessary to avoid casting light upon property located in any R District.
5. The manufacture of flammable materials that produce explosives, vapors or gases is prohibited.

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

C. Enforcement

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

Section 14, Conditional Uses

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

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

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

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

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

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

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

Section 16, Airport Zone

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

Beginning at a point on the end of any runway and on the centerline of the runway; thence to the right a distance of five hundred (500) feet on a course

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

A. Principal Permitted Uses

1. Agricultural uses, subject to the following modification.

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

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

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

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

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

Section 17, Flood Hazard and Waterway Contamination.

- A. Whenever the Planning & Zoning Commission or County Commission are required to make decisions about matters concerning protection of life and property from flood hazards, a report may be requested from the Federal Emergency Management Agency (FEMA) or the United States Army Corps of Engineers.
- B. Nothing in this Article shall be so construed as to prohibit the rehabilitation or reclamation of any land, provided that any fill, drainage, works, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be subject to review and authorization by the Planning & Zoning Commission.
- C. It shall be the developer's responsibility to document the exact delineation of flood hazards.
- D. This request shall be at the discretion of the County reviewing officials.
- E. It shall also be the developer's responsibility to document compliance with accepted procedures designed to prevent contamination or pollution of adjacent waterways according to the provisions of Section 208 of the Federal Water Pollution Control Act, and other state water quality regulations.

Section 18, Height and Area Requirements.

- A. Height limitations stipulated elsewhere in these Zoning Regulations shall not apply:
 - 1. To barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas, and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio towers, sand and gravel processing plants, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
 - 2. To places of public assembly in churches, schools and other permitted public and semipublic buildings, provided that these are located on the first floor of such building and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the Zoning District in which the building is located, its side and rear yards shall be increased in width and depth by an additional foot over the side and rear yard required for the highest building otherwise permitted in the Zoning District in which the building is located.
 - 3. To bulkheads, elevator penthouses, water tanks and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers,

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hose towers, cooling towers, grain elevators or other structures, where the manufacturing process requires a greater height; provided, however, that all such structures above the heights permitted in the Zoning District in which the structure is located shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line.

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

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

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

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

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

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

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

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

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

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

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

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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 Road and Bridge Department (if the tract is located on a county maintained road), and the Planning and Zoning director, within ten (10) days of receipt of the request. If the request is denied then the applicant may apply to the Board of Adjustment for a variance.

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

Section 19, Stationary Vehicles.

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

Section 20, Mobile Homes.

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

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

Section 21, Home Occupations.

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

A. Residential Districts (R Districts).

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

1. No more than one (1) person other than a member of the immediate family occupying the dwelling shall be employed.
2. Not more than fifty (50) percent of the floor area of one (1) story of the dwelling is devoted to the home occupation.
3. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner that would cause the premise to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
4. The home occupation must be conducted within the principal dwelling, the garage or accessory building. The detached garage or accessory building must be located on the same lot as the dwelling, must not be larger than thirty-five (35) percent of the dwelling, must not occupy more than thirty-five (35) percent of the required yard, and must not be located farther than fifteen (15) feet from the dwelling unless located in the back yard.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
6. No commercial vehicle shall be used in connection with the home occupation, or parked on the property.
7. No outdoor display of goods or outside storage of materials used in the home occupation shall be permitted.
8. Only one (1) nameplate will be allowed.

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

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

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

- a. Artists and sculptors.
- b. Authors and composers.
- c. Beauty shop - one (1) chair.
- d. Dressmakers, seamstresses and tailors.
- e. Family day care home, limited to not more than six (6) children.
- f. Home crafts, such as model making, rug weaving, lapidary work and cabinet making.
- g. Office facility of a minister, rabbi or priest.
- h. Office facility of a sales person, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premise.
- i. Office facility of an architect, artist, broker, dentist, physician, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician or real estate agent.

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

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

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

a. Animal hospitals.

b. Antique shops.

c. Auto repair.

d. Clinics or hospitals.

e. Dancing schools.

f. Gift shops.

g. Mortuaries.

h. Nursery schools.

i. Painting of vehicles, trailers or boats.

j. Private clubs.

k. Renting of trailers, boats or watercraft.

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

m. Restaurants.

n. Stables or kennels.

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B. Agriculture Districts.

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

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

1. No more than one (1) employee other than a member of the immediate family occupying the dwelling shall be employed.
2. The home occupation must be conducted within the dwelling unit, the garage or an accessory building.
 - a. The detached garage or accessory building must not be larger than fifty (50) percent of the floor area of the dwelling,
 - b. must be located on the same tract of land as the dwelling, and
 - c. must be located farther than fifty (50) feet from the dwelling.
3. The home occupation must not occupy more than fifty (50) percent of the floor area of one (1) story of the dwelling.
4. The use shall not generate significantly greater volumes of traffic than would normally occur in the rural area. All parking shall be conducted off the street.
5. No outdoor display of goods or outside storage of materials used in the home occupation shall be permitted.
6. Only one (1) nameplate will be allowed.
 - a. It may display the name of the occupant and/or the name of the occupation.
 - b. It shall not exceed four (4) square feet in area,
 - c. shall be non-illuminated, and

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- d. must be displayed on the same tract of land as the dwelling.
7. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference that would affect neighboring residences.
8. The property must conform to all other A District requirements, or if surveyed or platted before adoption of these Zoning Regulations, the dwelling or accessory building must be at least one hundred (100) feet from the nearest neighboring residence.
9. Any other condition imposed by the Planning & Zoning Commission.

Section 22, Storm Water Runoff.

A. Storm Water Detention

1. Before the development of the land, surface conditions provide a higher percentage of permeability and longer time of concentration. With the construction of buildings, parking lots, *et cetera*, permeability and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume of runoff.
2. Construction modifications may create harmful effects on properties downstream. Therefore, to minimize these effects, storm water detention requirements may be required. All new non-agricultural construction is required to provide storm water detention facilities except where:
 - a. It can be demonstrated by engineering computations that such a facility would, due to timing of outflows, have an adverse effect on downstream properties by increasing peak rates of runoff, as demonstrated by engineering computations approved by the County;
 - b. The developer agrees with the Planning & Zoning Commission and affected property owners to provide storm drainage improvements downstream of the development in lieu of constructing on-site detention facilities; or
 - c. Due to the small size of the development, it can be demonstrated that the detention facility would result in no beneficial effect on downstream properties, and where there are no existing flooding problems downstream.

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B. Obstruction of Water Courses Prohibited

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

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

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

Section 23, Sediment and Erosion Control.

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

A. Scope of Authority:

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

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

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done for excavation and grading, and under the Sediment and Erosion Control Plan.

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

B. Bond Requirement.

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

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

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

b. a cash bond,

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

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

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

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

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

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

C. Regulations.

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

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

- (1) Full name and address of property owner;
- (2) Designation of property address;
- (3) Portion of the property that is to be excavated, graded or filled with excavated material;
- (4) Location of any sewerage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading or fill area and the location of any gas transmission pipeline operated at a maximum service pressure in excess of two hundred (200) p.s.i.g., any part of which is within one hundred (100) feet of the proposed grading or filling area;
- (5) Existing grade and topography of the premise, and the proposed finish grade and final contour elevation, at a contour interval of not more than two (2) feet;
- (6) Location and present status of any current or prior grading operation on the property;
- (7) Details of any drainage system proposed to be installed and maintained by the applicant and a comprehensive drainage plan designed to safely handle surface water, streams, or other natural drains (including sinkholes) following heavy rains during grading operations;
- (8) Details of any proposed water impoundment structures, embankments, debris basins, grass or lined waterways, and diversions with the details and locations of proposed stable outlets;
- (9) Details of soil preparation and re-vegetation of the finished grade and of other methods of erosion control;

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- (10) Proposed truck and equipment access ways to the work site;
- (11) Delineation of the one hundred (100) year flood plain;
- (12) A statement from the property owner or his agent assuming full responsibility for the performance of the operation as stated in the application. The statement shall contain assurance that all county roads will be adequately protected and/or repaired, if damaged. The County Commission may discretionarily require security to protect County roads or public roads.
 - a. the security shall be:
 - (i) Cash that shall be deposited and held by the County, or
 - (ii) Certified check that shall be cashed and the proceeds deposited and held by the County.

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

- a. the expected date on which clearing will begin,
- b. the estimated duration of exposure of cleared areas,
- c. the sequence of clearing,
- d. installation of temporary sediment control measures,
- e. establishment of storm drainage,
- f. paving streets and parking areas, and
- g. establishment of temporary and permanent vegetative cover.

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

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D. Plan Approval.

1. A nonagricultural grading operation or a final plat of a subdivision shall not be approved unless the preliminary plat and erosion and sediment control plans indicate that measures to be taken will meet erosion control standards. Permit approval or disapproval will be indicated within thirty (30) days of erosion and sediment control plan hearing by the Planning & Zoning Commission.
2. Conservation District Comments.
 - a. When a plan is submitted, the Stone County Soil and Water Conservation District may make comments and recommendations.
 - b. All such comments and recommendations shall be made within fifteen (15) days of receipt by the Stone County Soil and Water Conservation District.
 - c. Such comments may pertain but need not be limited to:
 - (1) Erosion and sediment control,
 - (2) Soil use limitations,
 - (3) Environmental considerations,
 - (4) Drainage and flooding.

E. Standards:

1. All excavations, grading, or filling shall have a finished grade not to exceed a 3:1 slope (33%).
 - a. Steeper grades may be approved if the excavation is through rock or the excavation or fill is protected (a designed head wall or toe wall may be required).
 - b. Retaining walls that exceed a height of four (4) feet shall require the construction of safety guards as identified by the county engineer.
2. Grading plans for sites shall provide for sediment or debris basins, silt traps or filters, staked straw bales, or a combination of these measures to remove sediment from runoff waters.
 - a. Temporary siltation control measures shall be designed to assure that sediment is not transported from the site by a storm event of a ten (10) year frequency (5.7 inches in 24 hours.)

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- b. Temporary siltation control measures (structural) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site.
3. Where natural vegetation is removed during grading, vegetation shall be reestablished in such a density as to prevent erosion.
 - a. Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed. (Refer to Paragraph H. *Vegetative Establishment Requirements Chart*.)
4. When grading operations are completed or suspended for more than thirty (30) days between permanent grass seeding periods, temporary cover shall be provided. (Refer to Paragraph H. *Vegetative Establishment Requirements Chart*.)
 - a. All finished grades (areas not to be disturbed by future improvement) in excess of 20% slopes (5:1) shall be mulched at the rate of one hundred (100) pounds per one thousand (1,000) square feet when seeded.
5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after grading.
 - a. Un-vegetated open channels shall be designed so that gradients result in velocities of two (2) fps (feet per second) or less.
 - b. Velocities in permanently vegetated open channels shall not exceed five (5) fps.
 - c. Un-vegetated open channels with velocities more than two (2) fps and less than five (5) fps shall be established in permanent vegetation by use of commercial erosion control blankets or lined with rock riprap or concrete or other suitable materials as approved by the County engineer.
 - d. Detention basins, diversions, or other appropriate structures shall be constructed to prevent velocities above five (5) fps.
6. The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion.
 - a. Runoff water from developed areas (parking lots, paved sites, and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems.

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

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

a. Permanent vegetation should be left intact.

b. Approval may require stream bank erosion control measures.

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

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

F. Inspection and Violation:

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

2. Corrections: All violations shall be corrected within the time limit set forth by the Planning & Zoning Director specified in the issuance of a written notice to correct. All persons or entities failing to comply with such notice shall be deemed in violation of these Zoning Regulations.

3. Violations: In the event of a regulation violation, the bond proceeds may be used by the County to complete the planned sediment and erosion control practices, or to reclaim the disturbed area to a vegetative state.

4. Penalties and Civil Enforcement:

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

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

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

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

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

c. Civil enforcement. In case any land, building, or improvement is or is proposed to be used, altered, or maintained in violation of these Zoning Regulations or if any person, firm or corporation is engaging in conduct declared unlawful by subsection (a) above, the Planning & Zoning Director, or any adjacent or neighboring property owner that would be specially damaged by such violator or unlawful conduct, in addition to the penalties and remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use

d. Stop order; suspension and revocation of plans, permits, certificates, approvals and variance.

(1) Except as otherwise specifically provided in these Zoning Regulations, the Planning & Zoning Director may, upon finding that any person is or has been engaging in conduct declared unlawful by subsection (a), issue an order directing such person to stop engaging in such conduct.

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

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

G. Glossary

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

1. **Debris** or **sediment basin** means a barrier or dam built across a waterway or at other suitable locations to retain rock, sand, sediment, gravel, silt, or other materials.
2. **Diversion** means a channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.
3. **Erosion** means the wearing away of the land surface by the action of wind, water, or gravity.
4. **Excavation** or **cut** means the removal, stripping or disturbance of soil, earth, sand, rock, gravel, or other substance from the surface of the earth.
5. **Existing grade** means the vertical location of the existing ground surface before excavation or filling.
6. **FEMA** means the Federal Emergency Management Agency.
7. **Fill** or **filling** means the placing of any soil, earth, sand, rock, gravel or other substance on the ground.
8. **Finished grade** means the final grade or elevation of the ground surface conforming to the proposed design.
9. **Grading** means any excavation or filling or combination thereof.
10. **Natural watercourse** means a channel formed in the existing surface topography of the earth before changes made by unnatural conditions.
12. **Open channel** means a constructed ditch or channel designed to remove water.
13. **Sediment** means solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.
14. **Silt traps** or **filters** means staked bales of straw or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage of storm water runoff.

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

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

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

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

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

H. Vegetative Establishment Requirements

Seeding Rates	Broadcast	Drilled	Sodded
Tall Fescue	30 lbs./ac.	25 lbs./ac.	Solid
Kentucky Bluegrass	3 lbs./ac/	2 lbs./ac	Solid
Red Fescue	10 lbs./ac.	7 lbs./ac.	
Wheat or Rye	120 lbs./ac.	100 lbs./ac.	
Annual Ryegrass	100 lbs./ac	100 lbs./ac.	

Seeding Dates:

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

Temporary Cover May 15 to November 15

Mulch Rates Wheat Straw 100 lbs. per 1000 sq. ft.
(4,500 lbs. /ac.)

Fertilizer Rates

Nitrogen 90 lbs. /ac.

Phosphate 90 lbs. /ac.

Potassium 90 lbs. /ac.

Lime 1,500 lbs. /ac. ENM (Effective Neutralizing Material as per State evaluation of quarried rock)

Section 24, Sinkhole Use Standards

- A. Placing Substances and Objects in Sinkholes
 - 1. No person shall place or cause to be placed any substance or objects, other than those approved by the County Commission, in any sinkhole.
 - a. This specifically includes any trash, garbage, or refuse material.
 - b. If an accidental spill of any toxic, petroleum, or hazardous material occurs it shall be reported to the Missouri Department of Natural Resources immediately
 - 2. Any property that has a sinkhole present that has been used as a site for dumping of trash, garbage, and refuse will be prohibited from building permits, zoning actions, or land subdivision until the sinkhole has been cleaned out.
- B. Alteration of Sinkholes. The filling, grading, or excavation of sinkholes is prohibited unless the following provisions are met:
 - 1. Approval is granted by the Planning and Zoning Commission after receiving recommendation from the applicant's storm water engineer.
 - 2. A sinkhole evaluation that addresses geologic and engineering factors, stamped or sealed by a registered civil engineer shall be filed with the Planning & Zoning Department detailing the method and material to be used and showing that no detrimental effect will occur to surrounding properties.
 - a. In cases of agricultural filling, where the Planning & Zoning Commission determines that no detrimental effect on surrounding properties will occur, the Engineering Report may be waived.
 - 3. All other pertinent regulations are met.
- C. Development.
 - 1. No construction will be allowed within a sinkhole.
 - a. Any alteration of a sinkhole related to building construction, subdivision development, or landscaping, is prohibited unless approved by the Planning & Zoning Commission on the recommendation of its Engineer.
 - 2. Drainage to sinkholes shall not exceed pre-development conditions unless approved by the Planning & Zoning Commission on the recommendation of its Engineer.

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3. No waste disposal system is allowed within a sinkhole.
 4. No excavation or stripping of vegetative cover is allowed within sinkholes, except for normal agricultural activities.
- D. Reporting Sinkholes.
1. Whenever a new sinkhole appears or it becomes apparent that a sinkhole has not yet been identified, it shall be reported to the Planning & Zoning Department.

Section 25, Short-Term Rentals.

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

1. Such use does not violate subdivision restrictive covenants.
2. Such use does not endanger public health or safety, or create a public nuisance.
3. Such use does not adversely affect property values in the subdivision, neighborhood, or area.
4. Such use is compatible with the existing uses in the subdivision, neighborhood, or area.
5. Such use's vehicle traffic and noise levels are compatible with the existing uses in the subdivision, neighborhood, or area.
6. A representative or agent is available at all times.
7. Missouri sales tax license is in effect at all times.
8. Stone County merchant's license is in effect at all times.
9. Stone County Health Department permit under the Vacation Home Rental Ordinance is in effect at all times.
10. Parking:
 - a. Minimum two (2) parking spaces for up to three bedrooms and one (1) parking space for each additional two bedrooms.

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- b. All vehicles are parked on the residence's premises, and not on a roadside.
- c. Parking is limited to three (3) outside vehicles, in addition to any garaged vehicles.

Section 26, Residential Group Homes.

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

- 1. The size of the facility and exterior appearance of the residential group home and property must be compatible with the surrounding neighborhood, as determined by the Planning & Zoning Commission.
- 2. The residential group home shall be located no closer than one-quarter ($\frac{1}{4}$) mile from any other group home.
- 3. The residential group home must be equipped with approved fire safety systems.
- 4. The residential group home must be connected to public water and sewer or approved private systems.
- 5. The residential group home must meet all County, State, and Federal requirements regarding each individual group home.

Section 27, Public Utilities and Essential Services.

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

- 1. is necessary for the public convenience at that location;
- 2. Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; and

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

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

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

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

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

Section 28, Livestock Confinement Operations (LCO).

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

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

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- B. Tracts less than twenty (20) acres will not be considered for LCO approval.
1. Further, any confinement of animals in population(s) that exceed the maximum populations outlined in Section 31.A, or any division of that maximum for smaller tracts, in the absence of a conditional use permit, is prohibited.
 2. The owner(s) of a tract of land in A-1, M-1, or M-2 District containing a minimum of twenty (20) acres may apply for Livestock Confinement Operation (LCO) approval.
- C. Animal confinement areas and buildings, including waste treatment lagoons, separators, waste storage areas/buildings, composting facilities, and feed storage:
1. shall be located at a minimum distance of that prescribed by the Missouri Department of Natural Resources (DNR); or
 2. if no minimum distance is prescribed by DNR, shall be located a minimum of six hundred (600) feet from any dwelling unit existing on adjacent property with a density of one dwelling unit or less per three and one half (3 ½) acres, or a minimum of one thousand (1000) feet with a density greater than one dwelling unit per three and one half (3 ½) acres; and
 3. A minimum of two hundred (200) feet from all property lines.
 4. The Planning & Zoning Commission is empowered to increase setback requirements based on the nature of operations associated with the Livestock Confinement Operation (LCO).
- D. Reasonable assurance shall be provided to the Planning & Zoning Commission that the best management practices shall be exercised to discourage undesirable odors, insects and excessive noise.
1. The Planning & Zoning Commission shall have the power to require additional mitigative measures to protect adjacent properties and generally safeguard the health, safety, and general welfare of the citizens of The County.
- E. An application for said conditional use permit shall be made on forms provided by the Planning & Zoning Department. The following information shall supplement the customary conditional use permit submittals:
1. A full written description of the Livestock Confinement Operation (LCO), including a complete site plan (18 x 24") drawn to scale. The site plan shall include, but not be limited to:
 - a. location of all structures,

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- b. feed storage areas,
 - c. animal confinement areas,
 - d. waste storage areas,
 - e. water wells,
 - f. septic systems,
 - g. canals,
 - h. ditches,
 - i. significant natural features,
 - j. sinkholes,
 - k. interior traffic circulation,
 - l. lighting,
 - m. adjoining residences, and
 - n. dimensions of all property line setback measurements.
- 2. A topographical map and soils map of the Livestock Confinement Operation (LCO) site.
 - 3. A waste disposal plan for both solid and liquid wastes approved by the Missouri Department of Natural Resources.
 - 4. Written comment on and, if appropriate, approval letters from
 - a. Missouri Department of Transportation,
 - b. Stone County Health Department,
 - c. and/or other agencies.

Section 29, Telecommunications Regulation.

- 1. **Purpose.** This regulation establishes a practical method for the siting of telecommunications facilities and their functionally equivalent services, allowing for reasonable and fair action necessary to protect and advance the public interest.

2. Definitions. The following definitions are used in this Section 29:

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. The owner of land upon which is erected any structure permitted under this Section or on which is perform any activity permitted under this Section; and/or any person or entity that engages in the business of providing wireless communications services or wireless communications infrastructure required for wireless communications services who submits an application, or thereafter operates, maintains, or is responsible for any structure or activity permitted under this Section.

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 the Planning and Zoning Officer and/or any other 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 any 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; or increases 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 this Article.

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Utility. Any person, entity, or 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 the federal 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.

3. Conditional Use Permits. Except for public utility owned poles or similar structures to which antennas are attached, a Conditional Use Permit is required for the location of all telecommunications facilities in the unincorporated areas of the County, 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 requirements of these Zoning Regulations. A ground-mount telecommunication facility or functionally equivalent service shall

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

E. An application for 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,

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- 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
2. Proposed lighting of the facility.
 3. 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, including the number and type of antennas that it can accommodate as a co-location site.
 4. 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.
 5. A deed showing the property's ownership and, if the Applicant is not the owner, a lease, letter of authorization, or other document from the property owner evidencing the Applicant's right to pursue this Application.
- F. In granting a Conditional Use Permit, the following factors will be considered, in part:
1. Height of the proposed tower, provided no restriction may be imposed with respect to objects in navigable airspace that are greater than

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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 an existing structure other than a tower, such as a building, water tower, light pole, or other non-residential structure,

1. The antenna (including the supporting masts, etc.) must meet all other requirements of these Zoning Regulations.
2. 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.

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.

5. Towers Shall Be Designed for Co-Location. Applicants shall design towers such that other users may co-locate upon the same tower. Specifically, unless otherwise authorized, towers shall have such capacity that additional equipment by the principal user of the tower may be added or secondary users might lease the remainder of the tower.

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- A. One (1) amateur antenna can be considered in satisfying the secondary co- location criteria 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 Planning and Zoning Director in writing of the name and address of any and all co-users of a tower or antenna.

6. Proposal on County-Owned Property. Any proposal to use or lease space on County-owned property or structures must be approved by the County Commission.

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

- A. All towers governed by this ordinance constructed within the County must be permitted by and adhere to all applicable 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 Planning and Zoning Office.
 - 1. A copy of all required subsequent inspections must be filed with the Planning and Zoning Office.
 - 2. All other towers must provide a certificate of insurance before any building permits shall be issued.

8. Required Fencing. All ground-mount telecommunication facilities shall be secured with a minimum of security fencing six (6) feet high, the towers equipped with appropriate anti-climbing devices, and clearly marked “No Trespassing”.

9. Accessory Equipment or Vehicles. 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.

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 the minimum setback required in the residential 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.

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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.

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

E. The facility shall be screened with at least 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. Towers located within two hundred fifty (250) feet of a residential district may be subject to additional landscaping requirements, or landscaping requirements required within the nearby residential districts.

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.

13. Tower and Support Building Appearance.

A. Towers 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.

B. 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.

14. Discontinued Use. 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 eighty (180) days of the cessation of operations.

A. The Planning and Zoning Department must be immediately notified of planned discontinuation of use, and provided with a copy of any notice to or from the FCC relating to cessation of operations.

B. Upon removal, the site must be reclaimed by obtaining property grading and excavation permits from the Planning and Zoning Department and reclaiming the disturbed area according to other provisions of these Zoning Regulations.

C. Any provisions of these Zoning Regulations concerning Weeds and Other Rank Vegetation shall apply to all sites.

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

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.

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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 the 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 Stone County Highway Commission or its 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 undertaken 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

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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. The County may, at any time, in case of fire, disaster or other emergency, as determined by the County's officers and employees, in their reasonable discretion, move the public utility owned pole, on, over or under the County's rights-of-way, in which event the County shall not be liable therefore to the public utility. The 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. 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 the County, any County structure or any other rights-of-way of the 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 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 Planning and Zoning Department, pay all 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 the Planning and Zoning Department to determine compliance with the State of Missouri's Uniform Building Code Construction Standards and other requirements of these Zoning Regulations. 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.

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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 Planning and Zoning Director 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 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 Applicant's expense.

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 Applicant or any other Person holding a leasehold or other ownership interest shall, at its own cost and expense and upon reasonable notice by the 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 Stone County Highway Commission or its designee:

1. To prevent interference with the County's present or future 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 any other person or entity 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 entity, or customers of Applicant, or others. Applicant or other persons or entities subject to this Section 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 from any claims arising out of the County's breaking through, removing, altering or relocating said antenna facility or part thereof.

17. County's Emergency Authority to Move Antenna Facility. The County may, at any time, in case of fire, disaster or other emergency, as determined by the County's officers and employees 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 therefor to an Owner, Applicant or other person or entity, or its service area or customers. The County shall use reasonable efforts to provide notice prior to or as soon as possible following any action taken under this 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 or entity 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.

B. An Owner or Applicant may impose a reasonable charge on any person other than the County, or the County's contractors performing work for the County, for any such movement of its antenna facility

19. Protect Structures. In connection with the construction, operation, maintenance, repair, upgrade or removal of the antenna facility, an Applicant or Owner 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 or Owner shall obtain the prior written approval of the 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. Any such alteration shall be made by the Applicant at its own cost and expense and in a manner prescribed by the County. An Applicant shall be liable, at its own cost and expense, to replace, repair, or restore to its prior condition in any manner as may be reasonably specified by the County, any County structure or right-of-way 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. Any person or entity subject to the terms of this Section 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 entity.

20. Safety Precautions. 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. Applicant shall comply with all applicable federal, state and local requirements including but not limited to the National Electric Safety Code.

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

A. The Planning and Zoning Director or Planning and Zoning Commission may require a performance bond.

B. All public property or private property that is 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 prior to construction.

C. If Applicant fails to repair or replace damaged or disturbed property, the County may draw on its Performance Bond and complete any repair, replacement or other correction.

D. If no Performance Bond has been required, Applicant or Owner shall pay within twenty (20) days of receipt of the invoice for the County's actual costs in repairing the County's property or rights-of-way to a condition as good as that prior to construction.

E. Repair work, whether performed by Applicant, Owner, 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.

22. Antenna Facility Maintenance. An applicant shall:

A. 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.

B. Install and maintain its antenna facility in accordance with standard good engineering practices and shall conform, when applicable, with the National

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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.

C. 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.

23. Damages and Defense.

A. Applicants and/or persons or entities subject to the terms of this Article having an antenna 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. The 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.

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", insuring Applicant and the County, its elected officials and employees with regard to all damages, 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. These amounts are adjusted annually by the Missouri Department of Insurance and published annually in the Missouri Register pursuant to Section 537.610, RSMo.

B. 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 statutes of limitation, insurance for any issues attributable to the period Applicant held the Permit.

C. 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.

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D. Insurance coverage required by this Section must be maintained at all times. The Planning and Zoning Office must be furnished with all pertinent document, including policies, endorsements, cancelations, changes, and replacements.

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 Commission, by registered mail, of a written notice of such intention to cancel or not to renew.”

F. Applicant must immediately notify the County of any pending or threatened litigation that would be likely to affect insurance coverage.

25. Maintain Records.

A. Applicant shall at all times maintain and make available to the Planning and Zoning Director, 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.

B. 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 Stone County Highway Commission for purposes of managing the use of the rights-of-way or ensuring the safety of the public or the rights-of-way themselves.

C. 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

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D. The Planning and Zoning Director may specify a different electronic format as needed for the County's 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.

26. Additional Information and Reports. Upon request, Applicant shall, within a reasonable time, submit any information or report reasonably related to Applicant's obligations under the regulation and any permit, its business and operations, or those of any affiliated person or entity, with respect to the antenna facility or its operation, in such form and containing such information as shall be specified. Such information or report shall be accurate and complete and supplied within ten (10) business days or at a time mutually agreed to by Applicant and the Planning and Zoning Director

27. Confidentiality If 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 County Counselor and the County Commission, provided that an Applicant notifies the 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"), the Missouri 'Sunshine Law', or any other requirement for privacy applies to the information to be submitted, such law shall control.

28. Applicant's Expense. 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.

Section 30, Adult Entertainment Facilities

A. Intent:

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

2. The County Commission finds that sexually-oriented businesses (adult entertainment establishments) create or enhance undesirable secondary effects that include a wide range of criminal and other unlawful activities that have regularly and historically occurred, including prostitution, narcotics, breaches of the peace, assaults and sexual conduct involving contact between the patrons. Secondary land use effects also include impacts to both residential and

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commercial property, including a change of character, de-stabilization of neighborhoods, and depressed property values that are destructive to residential areas and certain commercial zones. These secondary effects are inconsistent with goals of the Comprehensive Development Plan, these Zoning Regulations, and the Subdivision Regulations. Therefore, it is the intent of this Section to mitigate these secondary impacts from adult entertainment establishments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- b. Fondling or other touching of the human genitals, pubic region, buttocks or female breast;
- c. Human genitals in a state of sexual stimulation or arousal;
- d. Displays of less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola;
- e. Human male genitals in a discernibly turgid state even if completely covered;
- f. actual or simulated sexual acts;
- g. actual or simulated violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture;
- h. Any exhibition, performance or dance conducted in a premise where such exhibition, performance or dance is performed within the view of one or more members of the public and is intended or is likely to sexually stimulate any member of the public;
- i. Adult entertainment shall not include the following:
 - (1) Plays, operas, musicals or other dramatic works that are not obscene;
 - (2) Classes, seminars and lectures which are held for serious scientific or educational purposes;
 - (3) Exhibitions or dances that are not obscene. For this Section, any exhibition, performance, dance, or other medium is obscene, if:
 - (a) The average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
 - (b) The exhibition, performance, dance, or other medium explicitly depicts or describes patently offensive representations or descriptions, applying contemporary community standards of sexual conduct; and
 - (c) The exhibition, performance, dance, or other medium, when considered as a whole, and in the context in

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which it is used, lacks serious literary, artistic, political, or scientific value.

3. **Adult arcade** means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projections, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, video disks or other photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas
4. **Adult bookstore, adult novelty store, or adult video store** means a commercial establishment that has as one of its principal business purposes the offering for sale or rental for some form of consideration, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, video disks or other visual representations that are characterized by the depiction or description of specific sexual activities or specific anatomical areas.
5. **Adult entertainment facility** means and includes all adult-oriented businesses including adult arcades, adult bookstores, adult novelty stores, adult video stores, similar adult uses and adult live entertainment facilities.
6. **Adult live entertainment center** means a cabaret or business having as part of its trade, live dancers or entertainers who depict specific sexual activities or display specific anatomical areas as defined in this Section, including, but not limited to topless dance centers, so-called exotic dance centers and body painting studios.
7. **Business area** means any zoning district designated for office, government and institutional, commercial and industrial use.
8. **Cabaret** means an establishment that features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or specified anatomical areas.
9. **Commercial** means relating to the sale of goods or services.
10. **Commercial vehicle** means any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.
11. **Compensation** means the receiving of goods, services, or money in exchange for or as a result of a service performed.

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12. **Entertainment** means any exhibition or dance of any type, removal of articles of clothing, pantomime, modeling or any other performance.
13. **Establishment** means an economic unit, generally at a single physical location, where business is conducted or service or industrial operations performed.
14. **Member of the public** means any customer, patron or person, other than an employee, who is invited or admitted to an adult entertainment premise.
15. **Non-business area** means any area within a residential Zoning District, including areas therein where legal non-residential uses are present.
16. **Nude or state of nudity** means displays of less than completely and opaquely covered human genitals, pubic area, anus, buttocks, or female breast below the top of the areola.
17. **Premise** means any tract of land. A premise may consist of one (1) or more lots, tracts, or spaces, under single or multiple ownership, that operates as a functional unit. A **Shared Premise**, when developed, shall also possess one or more of the following criteria:
 - a. Shared parking;
 - b. Common management;
 - c. Common identification;
 - d. Common access; or
 - e. Shared circulation.
18. **Principal use** means the primary or predominant use of any lot.
19. **Restaurant** means an establishment where food and drink is prepared and served for consumption on or off the property. If alcoholic beverages are served, more than fifty (50) percent of gross income must be derived from the sale of food and non-alcoholic beverages, for consumption on the property, for the establishment to be classified as a restaurant.
20. **Specific anatomical areas** means:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola;

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b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

21. **Specific sexual activities** means:

a. Human genitals in a state of sexual stimulation; and/or

b. Acts of human masturbation, sexual intercourse or sodomy; and/or

c. Fondling or other erotic touching of human genitals, pubic region, buttocks or the female breasts.

22. **Stock in trade** means the greater of:

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

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

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

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

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

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

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

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

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

b. Spacing and buffering requirements.

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

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

(a) Public and private schools;

(b) Public parks;

(c) Public libraries;

(d) State-certified daycare;

(e) Public community centers;

(f) Churches, cemeteries or other religious facilities or institutions;

(g) Residential and lodging uses and property zoned primarily for residential uses, including A-R Agricultural Residence District, R-1 Suburban Residence District, R-2 One and Two-Family Residence District, R-3 Multi-Family Residence District, and R-4 Multi-Family Residence District zones.

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

d. Measuring required distances: The distances between adult entertainment facilities and sensitive land uses identified in Section

33.C.1.b.(2) hereof or the spacing distances between adult entertainment facilities shall be measured by following a straight line, without regard to intervening structures or objects, from the nearest point of the property parcel upon which the proposed adult entertainment facility or use is to be located to the nearest point of the sensitive parcel of property or the Zoning District boundary line from which the proposed adult entertainment use is to be separated.

D. General standards for adult entertainment facilities. Adult entertainment facilities shall conform to the following general standards:

1. All on-site parking areas and premise entries of adult entertainment uses shall be illuminated from dusk until one (1) hour past closing with a lighting system that provides an average maintained horizontal illumination of one foot-candle of light on the parking strips and/or walkways. An on-premise exterior lighting plan shall be presented to and approved by the Planning & Zoning Department before the operation of any such use.
2. All parking must be visible from the fronting street. Access to the exterior rear of the building shall be denied to any persons other than employees or public officials during the performance of their respective duties and tasks by means of fencing as approved by the Planning and Zoning Department.
3. In addition to all on-premise sign requirements of Article 3, Section 5, and Article 4, Section 6 the following signing provisions shall be followed:
 - a. There shall be no electronic reader boards or changing message center signs.
 - b. All adult entertainment facilities shall have facades, exteriors, and exits which must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of the building used for such business or on any door or apparatus attached to such building.
4. No one under 21 years of age shall be admitted to any adult entertainment establishment. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premise during hours when nude entertainment is being presented.
5. Nude entertainment shall only be available at an adult entertainment establishment from the hours of 7:00 a.m. to the following 1:30 a.m., on Monday through Saturday of each week.

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6. No landowner or lessee shall knowingly permit an adult entertainment establishment to be operated or maintained upon a premise, property, or structure under his, her, or its control, in violation of these Zoning Regulations.
7. All standards of the underlying Zoning District.
8. All adult entertainment facilities shall be required to comply with the requirements of the Comprehensive Development Plan to promote compatibility with surrounding land uses in both commercial and manufacturing zones;
9. Each day of operation in violation of any provision of these Zoning Regulations shall constitute a separate violation.
10. Any adult entertainment establishment that engages in repeated or continuing violations of these Zoning Regulations shall constitute a public nuisance. For purposes of these Zoning Regulations “repeated violations” means three (3) or more violations of any provision set out in these Zoning Regulations within a one (1) year period dating from the time of any violation, and a “continuing violation” means a violation of any provision set out in these Zoning Regulations lasting for three (3) or more consecutive days;
11. If any provision of these Zoning Regulations is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate any regulation in its entirety, and to this end the provisions of these Zoning Regulations are declared to be severable.
12. **No ‘grandfather’ provision.** Even those adult entertainment establishment that were in operation before the effective date of these Zoning Regulations shall comply with every provision of these Zoning Regulations, and all future amendments to these Zoning Regulations.

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

1. **Distance Waiver Required.** Any party proposing to locate an adult facility within less than the required distances from uses or zones specified in this chapter may do so only after obtaining a waiver from the Planning & Zoning Commission through a Conditional Use Permit process.
2. **Waiver of Notice Requirements.** In addition to the notice requirements for a Conditional Use Permit, first-class mailed notice shall be made to all parties within the distances set forth in these Zoning Regulations.
3. **Criteria for Decision.** The final decision on the request for waiver of distance shall be made by the Planning & Zoning Commission based on consideration of the following:

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- a. The extent to which the physical features would result in an effective separation in terms of visibility and access;
- b. Compatibility with adjacent and surrounding land uses;
- c. The availability or lack of alternative locations for the proposed use; and
- d. The ability to avoid the adult facility by alternative vehicular and pedestrian routes.

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

Section 31, Wild or Exotic Animals.

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

Section 32, 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.