

**ZONING REGULATIONS,  
EFFECTIVE AUGUST 5 2009.**

**ZONING REGULATIONS, FIRST AMENDMENTS,  
EFFECTIVE OCTOBER 27 2009:**

1. **Article 4, Special Provisions  
Section 2, Off Street Parking  
Paragraph F  
Subparagraph 3**

Planning & Zoning Commission recommendation: Remove Article 4, Section 2, Paragraph F, Subparagraph 3, and re-number accordingly.

County Commission action: Approved.

Before the amendment, Article 4, Section 2, Paragraph F, Subparagraph 3, read:

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

**Article 4, Special Provisions  
Section 2, Off Street Parking  
Paragraph G**

Planning & Zoning Commission recommendation: Remove Article 4, Section 2, Paragraph G, and re-number accordingly.

County Commission action: Approved

Before the amendment, Article 4, Section 2, Paragraph G read:

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

**Article 4, Special Provisions**  
**Section 2, Off Street Parking**  
**Paragraph I**  
**Subparagraphs 1 through 5**

Planning & Zoning Commission recommendation: Remove Article 4, Section 2, Paragraph I, Subparagraphs 1 through 5; and re-number accordingly.

County Commission action: Approved

Before the amendment, Article 4, Section 2, Paragraph I, Subparagraphs 1 through 5 read:

I. Large Commercial Motor Vehicles, Large Commercial Trailers and Commercial Vehicles.

In all districts the parking of large commercial motor vehicles, large commercial trailers and commercial vehicles shall require an off-street parking area with an access drive that is designed and constructed in a manner to be used by said vehicles.

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

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

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

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

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

will need to be rezoned to the proper district or cease operation in the existing location.

2. **Article 4, Special Provisions**  
**Section 5, Travel Trailer Parks, Recreational Vehicle Parks**  
**Paragraph A**

Planning & Zoning Commission recommendation: Remove “and to insure compliance therewith, a zoning certificate shall be required”.

County Commission action: Approved

Before the amendment, Article 4, Section 5, Paragraph A read:

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

3. **Article 4, Special Provisions**  
**Section 19, Stationary Vehicles**

Planning & Zoning Commission recommendation: Remove “other than those areas so designated by proper zoning”; replace with: “in any UR-1, R-1, R-2, R-3, or R-4 District”.

County Commission action: Approved

Before the amendment, Article 4, Section 19, read:

It shall be considered unlawful to place, assemble, park, store or display car hulks, junk vehicles, antique cars or any other form of immobilized contrivance in a stationary position for more than forty-eight (48) hours on any property other than those areas so designated by proper zoning.

4. **Article 4, Special Provisions**  
**Section 20, Mobile Homes**  
**Paragraphs B, C & D**

Planning & Zoning Commission recommendation: Remove Article 4, Section 20, Paragraphs B, C, & D; replace with:

“B. No mobile home shall be placed in any R-3, R-4, UR-1, R-1, or R-2 District except with an approved Conditional Use Permit from the Board of Adjustment.”

County Commission action: Approved

Before the amendment, Article 4, Section 20, Paragraphs B, C, & D read:

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

C. No mobile home shall be placed in any Zoning District, other than in an MH-1 District or an A-1 District, except in a previously approved mobile home park or mobile home subdivision.

D. No mobile home shall be located, erected, secured and/or altered to serve as a guest house, servant's quarters, den or parsonage in any Zoning District unless otherwise provided for in these Zoning Regulations.

5. **Article 4, Special Provisions**  
**Section 21, Home Occupations**  
**Paragraph B**  
**Subparagraph 5**

Planning & Zoning Commission recommendation: Remove Article 4, Section 21, Paragraph B, Subparagraph 5, and re-number accordingly.

County Commission action: Approved

Before the amendment, Article 4, Section 21, Paragraph B, Subparagraph 5 read:

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

6. **Article 4, Special Provisions**  
**New Section 31, Repair and Maintenance of Structures.**

Planning & Zoning Commission recommendation: Add a new Section 31:

Section 64.865 of the Missouri Revised Statutes requires a permit for repair or a structure in such a manner as to prolong the life of the structure. However, it has never been the intent of the County in these Zoning Regulations to require applications or permits for repair or maintenance of structures. Therefore, if any person requests a repair or maintenance permit, the Planning & Zoning Director shall issue a waiver of the necessity for such a permit, and shall not charge a fee therefor.

County Commission action: Refer to Planning & Zoning Commission for further consideration.

7. **Article 5, A-1 Agriculture District:**  
**Section, Statement of Intent**  
**Paragraph B, Sub- Paragraph 1-a**

Planning & Zoning Commission recommendation: Remove “Less than ten (10) acres” and replace with “3.5 acres or larger”.

County Commission action: Approved

8. **Article 6, A-R Agriculture-Residence District**  
**Section, Statement of Intent**  
**Paragraph D**

Planning & Zoning Commission recommendation: Remove Article 6, Statement of Intent, Paragraph D and re- number accordingly.

County Commission action: Approved

Before the amendment, Article 6, Statement of Intent, Paragraph D read:

Only three (3) parcels may be created by Administrative (minor) Subdivision from the parent tract rezoned from another District. Other parcels may be created by platting as regulated by the Stone County Subdivision Regulations.

9. **Article 6, A-R, Agriculture-Residential District**  
**Section 4, Specific Prohibitions**  
**Paragraph B**

Planning & Zoning Commission recommendation: Remove Article 6, Section 4, Paragraph B and re-number accordingly.

County Commission action: Approved

Before the amendment, Article 6, Section 4, Paragraph B read:

Removal of trees, forests, woods or other significant stands of foliage and cover unless by an approved plan.

10. **Article 7, RR-1, Rural Residential District**  
**Section, Statement of Intent**  
**Paragraph A**

Planning & Zoning Commission recommendation: Remove “three” and replace with “3.5”.

County Commission action: Approved

11. **Article 7, RR-1, Rural Residential District**  
**Section, Statement of Intent**  
**Paragraph D**

Planning & Zoning Commission recommendation: Remove Article 7, Statement of Intent, Paragraph D.

County Commission action: Approved

Before the amendment, Article 7, Statement of Intent, Paragraph D read:

Only three (3) parcels may be created by Administrative (minor) Subdivision from the parent tract rezoned to this zoning classification. Other parcels may be created by platting as regulated by the Stone County Subdivision Regulations.

12. **Article 7, RR-1, Rural Residential District**  
**Section 5, Specific Prohibitions**  
**Paragraph B**

Planning & Zoning Commission recommendation: Remove Article 7, Section 5, Paragraph B and re-number accordingly.

County Commission action: Approved

Before the amendment, Article 7, Section 5, Paragraph B read:

Removal of trees, forests, woods or other significant stands of foliage and cover unless by an approved plan.

13. **Article 4, Special Provisions**  
**Section 25, Short-Term Rental**  
**Paragraph A**  
**Subparagraph 7**

Planning & Zoning Commission recommendation: Remove Article 4, Section 25, Paragraph A, Subparagraph 7 and re-number accordingly.

County Commission action: Approved.

Before the amendment, Section 25, Paragraph A, Subparagraph 7 read:

The residence is served by a public or central sewer system.

14. **Article 5, A-1 Agriculture District**  
**Section 2, Accessory Uses**  
**Paragraph A**  
**Sub- Paragraph 6**

Planning & Zoning Commission recommendation: Remove Article 5, Section 2, Paragraph A, Subparagraph 6 and re-number accordingly.

County Commission action: Approved

Before the amendment, Article 5, Section 2, Paragraph A, Subparagraph 6 read:

The storage of no more than two (2) trucks of two and a half (2½) tons or a maximum of three (3) axles (whichever is smaller) and two (2) backhoes with trailers. Storage shall be within a completely enclosed building. Other similar equipment may be approved by the Board of Adjustment.

15. **Article 9, UR-1, Urban Residence District**  
**Section 3, Conditional Uses**  
**Paragraph I**  
**New Subparagraph 2c**

Planning & Zoning Commission recommendation: Insert new Subparagraph:

Placement of a mobile home in any UR-1 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify.

Approval shall not be given if there is a prohibitive covenant or deed restriction.

County Commission action: Approved

16. **Article 10, R-1, Suburban Residence District**  
**Section 3, Conditional Uses**  
**Paragraph G**  
**New Subparagraph 12**

Planning & Zoning Commission recommendation: Insert new Subparagraph:

Placement of a mobile home in any R-1 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.

County Commission action: Approved

17. **Article 11, R-2, One-Family and Two-Family Residence District**  
**Section 3, Conditional Uses**  
**New Paragraph D**

Planning & Zoning Commission recommendation: Insert new Paragraph:

Placement of a mobile home in any R-2 District. Applications for Conditional Use shall provide a copy of any existing neighborhood covenants or deed restrictions to the Planning & Zoning Director at the time application is made. If none are existing, Applicant shall so certify. Approval shall not be given if there is a prohibitive covenant or deed restriction.

County Commission action: Approved

**ZONING REGULATIONS, SECOND AMENDMENTS,**  
**EFFECTIVE OCTOBER 27 2009:**

1. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Following the language:  
“Bed & Breakfast facility. If the B&B has hired staff for cleaning and cooking, the facility is no longer a B&B, but is a Hotel”,

add the language “Does not apply to the private quarters of the owners.”

County Commission action: Approved

2. **Uniformly use the term “Height and Area Regulations” throughout the Zoning Regulations.**

Planning & Zoning Commission recommendation: Uniformly use the term “Height and Area Regulations” in:

Article 10, Section 4  
Article 11, Section 4  
Article 12, Section 4  
Article 13, Section 4  
Article 14, Section 7  
Article 15, Section 5

County Commission action: Approved

3. **Article 2, Districts and Boundaries Thereof**

Planning & Zoning Commission recommendation: Add to each section heading, the following section descriptions:

Section 1 District Divisions  
Section 2 Boundaries Established By Zoning Map  
Section 3 District Boundaries Intended to Follow Property Line  
Section 4 District Boundary Line and Other District Requirements  
Section 5 District Boundary Line Questions Determined by Board of Adjustment  
Section 6 Vacation of Public Way Expands Adjacent Districts  
Section 7 Disincorporation of Territory Reverts to A-1  
Section 8 F-1 Flood Plain Overlay District

County Commission action: Approved

4. **Article 6, A-R, Agriculture – Residence District  
Section 6, Area and Height Requirements**

Planning & Zoning Commission recommendation: Change Area Requirement to 3.5 acres.

County Commission action: Approved

**Article 10, Suburban Residence District**  
**Section 4, Height Regulations**

Planning & Zoning Commission recommendation: Change Area Requirement to 3.5 acres.

County Commission action: Approved

5. **Article 25, Boat Dock Parking Lots**  
**Section 4, Administration**  
**Subsection C**  
**Paragraph 3**

Planning & Zoning Commission recommendation: Change “(30) feet” to “(20) feet”.

County Commission action: Approved

6. **Article 25, Boat Dock Parking Lots**  
**Section 4, Administration**  
**Subsection D**  
**Paragraph 7**

Planning & Zoning Commission recommendation: Change “one hundred sixty-six and one-half” to “two hundred”.

County Commission action: Approved

7. **Article 22, PA – Plot Assignment District**  
**Section 3, Development Standards**  
**Subsection B**  
**Paragraph 5**

Planning & Zoning Commission recommendation: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

County Commission action: Approved

**ZONING REGULATIONS, THIRD AMENDMENTS,  
EFFECTIVE APRIL 15 2010:**

**1. Article 6, A-R Agricultural-Residential District  
Section 4, Specific Prohibitions  
Paragraph A**

Planning & Zoning Commission recommendation: Change “the creation or ponds or damming” to “the creation of ponds by damming”.

County Commission action: Approved.

Before the amendment, Article 6, Section 4, Paragraph A read:

The filling or drainage of marsh or wetlands, removal of topsoil, stripping of natural vegetative cover, the creation of ponds or damming or relocating of any water course shall not be permitted unless allowed according to the provisions of federal and state regulations.

**2. Article 7, RR-1 Rural Residence District  
Section 5, Specific Prohibitions  
Paragraph A**

Planning & Zoning Commission recommendation: Change “the creation or ponds or damming” to “the creation of ponds by damming”.

County Commission action: Approved.

Before the amendment, Article 7, Section 5, Paragraph A read:

The filling or drainage of marsh or wetlands, removal of topsoil, stripping of natural vegetative cover, the creation of ponds or damming or relocating of any water course shall not be permitted unless allowed according to the provisions of federal and state regulations.

**3. Article 4, Special Provisions  
Section 2, Off-Street Parking Space  
Paragraph B  
Subparagraph 1**

Planning & Zoning Commission recommendation: Change “one hundred sixty-six and one-half” to “two hundred”. This change shall also be made in all other articles where this reference might be found.

County Commission action: Approved. This change shall also be made in all other articles where this reference might be found.

4. **Article 7, RR-1 Rural Residence District**  
**Section 2, Accessory Uses**  
**Paragraph G**

Planning & Zoning Commission recommendation: Remove Section 2, Paragraph G, Household pets as regulated in Article 4, Section 3, Household Pets, Animals, and Fowls.

County Commission action: Approved.

5. **Article 20, M-2 – General Manufacturing or Industrial District**  
**Section 3, Conditional Uses Requiring Authorization by**  
**Board of Adjustment**  
**Paragraph D**

Planning & Zoning Commission recommendation: Remove Section 3, Paragraph D, Household pets as regulated in Article 4, Section 3, Household Pets, Animals, and Fowls. This change shall also be made in all other articles where this reference might be found.

County Commission action: Approved. This change shall also be made in all other articles where this reference might be found.

**Article 20, M-2 General Manufacturing or Industrial District**  
**Section 1, Principal Permitted Uses**  
**Paragraph B**

Planning & Zoning Commission recommendation: Add “A-1”, to read “except an A-1 or M-1 District”.

County Commission action: Approved.

Before the amendment, Article 20, Section 1, Paragraph B read:

Any of the following uses, when located not less than three hundred (300) feet from any R District, and not less than one hundred (100) feet from any other Zoning District, except an M-1 District.

6. **Article 22, PA – Plot Assignment District**  
**Section 1, General Procedures**  
**Paragraph B**  
**Subparagraph 1**

Planning & Zoning Commission recommendation: County Counselor recommended deletion. The Planning & Zoning Commission recommends no change.

County Commission action: Approved. No change is made.

7. **Article 3, General Provisions**  
**Section 2, Continuing Existing Uses**

Planning & Zoning Commission recommendation: Rewrite the paragraph in entirety to read:

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

County Commission action: Approved.

Before the amendment, Article 3, Section 2 read:

Except as specified in these Zoning Regulations, any use, building or structure existing at the time of the enactment of these Zoning Regulations may be continued, even though such use, building or structure may not conform to the provisions of the Zoning Regulations for the Zoning District in which it is located. This Section does not apply to Adult Entertainment Facilities (see Article 4, Section 31) or to Short-term rentals (see Article 3, Section 8).

8. **Article 3, General Provisions**  
**Section 8, Non-Conforming Uses or Buildings**  
**Paragraph F**

Planning & Zoning Commission recommendation: Delete the second sentence "In cases of short-term rentals . . ." and replace with:

Whenever the Director has knowledge that a property has not been used in a non-conforming manner for a period of one year, the Director shall notify the owner and user of the non-conforming use building that they shall show cause to maintain current use to the next appropriate meeting of the Planning & Zoning Commission. The Planning & Zoning Commission shall, upon review, make recommendation to the County Commission whether to retain the non-conforming use or to re-zone as appropriate.

County Commission action: Approved.

Before the amendment, Article 3, Section 8, Paragraph F read:

Discontinuance. No building, structure, or premises where a nonconforming use has ceased for one (1) year or more shall again be put to a nonconforming use. In cases of short-term rentals of what would otherwise be single-family dwellings, no building, structure, or premises where a nonconforming use has ceased for ninety (90) days or more shall again be put to a nonconforming use.

**ZONING REGULATIONS, FOURTH AMENDMENTS,  
EFFECTIVE APRIL 15 2010:**

1. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Correct definitions that are out of order, alphabetically. "Sewer, public" should follow "Sewer, central" and "Shared premise" should follow "Sewer, public".

County Commission action: Approved. All definitions in Article 1, Section 5 shall be alphabetized.

2. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Add the following definitions for "Building Permit" and "Permit":

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

This definition will follow "Building, nonconforming" and precede "Building, principal" in the definitions.

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

This definition will follow "Permanent habitation" and precede "Permitted use" in the definitions.

County Commission action: Approved. All definitions in Article 1, Section 5 shall be alphabetized.

3. **Article 3, General Provisions**  
**Section 17, Pending Applications for Building Permits**

Planning & Zoning Commission recommendation: Change title from "Pending Applications for Building Permits" to "Building Permits", and add the following language:

Building Permits:

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

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

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

moving, or reconstruction of a structure is commenced or a use is commenced.

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

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

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

The existing Section 17 will become Section 17, Paragraph G.

County Commission action: Approved.

Before the amendment, Article 3, Section 17 read:

Nothing in these Zoning Regulations shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of these Zoning Regulations, the construction of which, conforming with such plans, shall have been started before the effective date of these Zoning Regulations and completion thereof carried on in a normal manner within the subsequent six (6) months period, and

not discontinued until after the completion, except for reasons beyond the control of the builder.

4. **Article 27, Board of Adjustment**  
**Section 5**  
**Paragraph C**  
**Subparagraph 2**

Planning & Zoning Commission recommendation: Change “Payable to the Treasurer of Stone County” to “payable to Stone County Planning & Zoning”.

County Commission action: Approved.

Before the amendment, Article 27, Section 5, paragraph C, subparagraph 2 read:

Each application or appeal shall be accompanied by a check, payable to the Treasurer of Stone County, or a cash payment in an amount to be determined by the County Commission, such amount to apply toward the cost of publishing and/or posting and mailing the notices of the hearing or hearings.

5. **Article 12, R-3, Multi-Family Residence District**  
**Section 1, Principal Permitted Uses**  
**Paragraph D, Short-Term Rentals**

Planning & Zoning Commission recommendation: Reference to “Article 1, Section 3” should be changed to “Article 1, Section 5”; and reference to “Article 4, Section 26” should be changed to “Article 4, Section 25”.

County Commission action: Approved.

Before the amendment, Article 1, Section 1, paragraph D read:

Short-term rentals of residences as defined in Article 1, Section 3, provided that the requirements and limitations of Article 4, Section 26 are adhered to.

6. **Article 24, Common Open Space and Common Improvement Regulations**

Planning & Zoning Commission recommendation: Add “Road, Street” to the title, to read: “Road, Street, Common Open Space and Common Improvement Regulations”.

County Commission action: Approved.

7. **Article 24, Common Open Space and Common Improvement Regulations**  
**Section 4, Property Owners' Association**

Planning & Zoning Commission recommendation: Remove "If" and add "Roads, Streets" at the beginning of the paragraph, and remove "are not dedicated to and accepted for public use, they".

County Commission action: Approved.

Before the amendment, Article 24, Section 4 read:

If common open space and common improvements are not dedicated to and accepted for public use, they shall be protected by legal arrangements, satisfactory to the Planning & Zoning Commission and County Commission sufficient to assure their maintenance and preservation for whatever purpose they are intended. Covenants or other legal arrangements shall specify:

- A. ownership of the common open space and common improvements;
- B. method of maintenance,
- C. responsibility for maintenance; maintenance taxes and insurance coverage in form and amount determined by the Planning & Zoning Commission;
- D. compulsory membership and compulsory assessment provisions;
- E. guarantees that any association formed to own and maintain common open space, and common improvements will not be dissolved without the consent of the County; and
- F. any other specifications deemed necessary by the Planning & Zoning Commission and the County Commission.

8. **Article 24, Common Open Space and Common Improvement Regulations**  
**Section 6, Maintenance of Common Open Space**  
**and Common Improvements**

Planning & Zoning Commission recommendation: Add "Roads, Streets" to the title, to read: "Maintenance of Roads, Streets, Common Open Space and Common Improvements".

County Commission action: Approved.

9. **Article 24, Common Open Space and Common Improvement Regulations**  
**Section 6, Maintenance of Common Open Space**  
**and Common Improvements**  
**Paragraph A**

Planning & Zoning Commission recommendation: Amend Paragraph A to read:

If the Planning & Zoning Commission and the County Commission determines that the public interest requires assurance concerning adequate maintenance of common open space areas and improvements, the Planning & Zoning Commission and County Commission may require that the restrictive covenants, rules and by-laws creating the unit ownership shall provide that if the unit owners establish and maintain such roads, streets, common open space, improvements, or any successor lot or unit owners, shall at any time after establishment of the development fail to maintain the roads, streets, common open space/improvements in reasonable order and condition according to the provisions of the approved plans,

County Commission action: Approved, and also add “streets, roads” before “common open space and improvements” and “lot or” before “unit”.

Before the amendment, Article 24, Section 6, Paragraph A read:

If the Planning & Zoning Commission and the County Commission determines that the public interest requires assurance concerning adequate maintenance of common open space areas and improvements, the Planning & Zoning Commission and County Commission may require that the restrictive covenants, rules and by-laws creating the unit ownership shall provide that if the unit owners establish and maintain such common open space, improvements, or any successor unit owners, shall at any time after establishment of the development fail to maintain the common open space/improvements in reasonable order and condition according to the provisions of the approved plans,

1. The County may serve notice in writing upon such unit owners.
2. The notice shall describe how the unit ownership has failed to maintain the common open space/improvements in reasonable condition, and shall require that such deficiencies of maintenance be remedied within thirty (30) days thereof, and
3. Hearing shall be held within twenty (20) days of notice.

**ZONING REGULATIONS, FIFTH AMENDMENTS,  
EFFECTIVE APRIL 15 2010:**

1. **Article 4, Special Provisions  
Section 14, Conditional Uses  
Paragraph A**

Planning & Zoning Commission recommendation: Remove “after receiving a report and recommendation from the Planning & Zoning Commission,”

County Commission action: Approved.

Before the amendment, Article 4, Section 14, Paragraph A read:

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

2. **Article 1, Title, Intent, Definitions  
Section 5, Definitions**

Planning & Zoning Commission recommendation: Add the following definition: “Frontage means a portion of a site that fronts directly on a public or private street or right of way.”

County Commission action: Approved.

3. **Article 1, Title, Intent, Definitions  
Section 5, Definitions**

Planning & Zoning Commission recommendation: Amend the definition of Mobile home park, by inserting “mobiles homes and/or” between “placement of and manufactured homes”.

County Commission action: Approved.

Before the amendment, Article 1, Section 5, Mobile home park read:

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

4. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Add the following definition:  
“Motor home see Travel trailer”.

County Commission action: Approved.

5. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Amend definition of “parking space” by removing the word “permanently” and replace with “prepared”.

County Commission action: Approved.

Before the amendment, Article 1, Section 5, Parking space read:

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

6. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Add the following definition:  
“Recreational vehicle, see Travel trailer”.

County Commission action: Approved.

7. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Amend definition of  
“Watercourse” by substituting “dominant” for “dominate”.

County Commission action: Approved.

Before the amendment, Article 1, Section 5, Watercourse read:

**Watercourse** means land that has conformation so as to give to surface water flowing from one tract of land to another tract of land, a fixed and determinate course so as to uniformly discharge it upon the servient tract at a fixed and definite point. It shall include but shall not be limited to ravines, swales, sinkholes or depressions of greater or less depth extending from one tract and so situated as to gather up the surface water flowing upon the dominate tract and to conduct along a definite course to a definite point of discharge upon the servient tract. It shall not be deemed to be important that the force of water flowing from one tract of land to another has not been sufficient to wear out a channel or canal

having definite well-marked sides or banks. If the surface water, in fact, uniformly or habitually flows over a given course, having reasonable limits as to the width of the line of its flow, it shall be considered to have a definite course.

**ZONING REGULATIONS, SIXTH AMENDMENTS,  
EFFECTIVE APRIL 15 2010:**

**1. Article 2, Districts and District Boundaries  
Section 8, F-1, Flood Plain Overlay District**

Planning & Zoning Commission recommendation: Add “or AE” to make the section read as follows: “The Floodplain Overlay District shall encompass those areas identified on the Flood Insurance Rate Maps (FIRM) for Stone County as numbered and unnumbered A or AE zones”.

County Commission action: Approved.

Before the amendment, Article 2, Section 8, F-1, Flood Plain Overlay District, read:

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

**2. Article 4, Special Provisions  
Section 5, Travel Trailer Parks or Recreational Vehicle Parks (RV Parks)  
Paragraph K, Utilities**

Planning & Zoning Commission recommendation: Replace the word “unit” with “space”, and “units” with “spaces”.

County Commission action: Approved.

Before the amendment, Article 2, Section 5, Travel Trailer Parks or Recreational Vehicle Parks (RV Parks), Paragraph K, Utilities, read:

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

3. **Article 4, Special Provisions**  
**Section 6, Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs**  
**Paragraph C, General Provisions**  
**Subparagraph 4.a**

Planning & Zoning Commission recommendation: Remove subparagraph 4a and renumber accordingly.

County Commission action: Approved.

Before the amendment, Article 4, Section 6, Paragraph C, read:

4. All sign structures shall be constructed according to the provisions of any applicable County regulations.
  - a. Engineering plans stamped or sealed by a registered civil engineer shall accompany any sign permit applications.

4. **Article 4, Special Provisions**  
**Section 6, Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs**  
**Paragraph I, Sign Permits**  
**Subparagraph 1**

Planning & Zoning Commission recommendation: Remove Section I, Subparagraph 1 and renumber accordingly.

County Commission action: Approved.

Before the amendment, Section I, Sub-Paragraph 1, read:

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

1. A set of engineering plans stamped or sealed by a registered civil engineer shall

5. **Article 4, Special Provisions**  
**Section 6, Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs**  
**Paragraph H, Lighting of Signs**

Planning & Zoning Commission recommendation: Insert “light” before “beams or rays”.

County Commission action: Approved.

Before the amendment, Article 4, Section 6, Paragraph H, read:

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

6. **Article 4, Special Provisions**  
**Section 23, Sediment and Erosion Control**  
**Paragraph E, Standards**  
**Subparagraphs 3a and 4**

Planning & Zoning Commission recommendation: Remove “Refer to Appendix A” and replace with “Refer to Paragraph H, Vegetative Establishment Requirements Chart”.

County Commission action: Approved.

Before the amendment, Article 4, Section 23, Paragraph E, Subparagraph 3.a read:

Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed. (Refer to Appendix A.)

Before the amendment, Article 4, Section 23, Paragraph E, Subparagraph 4 read:

When grading operations are completed or suspended for more than thirty (30) days between permanent grass seeding periods, temporary cover shall be provided. (Refer to Appendix A.)

7. **Article 4, Special Provisions**  
**Section 24, Sinkhole Use Standards**  
**Paragraph A, Placing Substances and Objects in Sinkholes**  
**Subparagraph 1.a**

Planning & Zoning Commission recommendation: Replace “precludes” with “includes”.

County Commission action: Approved.

Before the amendment, Article 24, Paragraph A, Subparagraph 1.a read:

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

8. **Article 5, A-1, Agriculture District**  
**Section 3, Conditional Uses Requiring Authorization by Board of Adjustment.**  
**Paragraph J**

Planning & Zoning Commission recommendation: Add “FAA Regulations” following “Missouri State Statutes”.

County Commission action: Approved.

Before the amendment, Article 25, Section 3, Paragraph J read:

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

9. **Article 15, O-2, General Office District**  
**Section 4, Prohibited Uses**  
**Paragraph A**  
**Subparagraph 4**

Planning & Zoning Commission recommendation: Remove Paragraph A.4, “Business and Professional Offices, and/or,” and renumber accordingly.

County Commission action: Approved.

10. **Article 18, C-3, Rural Commercial District**  
**Section 4, Use Limitations**  
**Paragraph E**

Planning & Zoning Commission recommendation: Remove Paragraph E, “Construction of any type of dwelling unit shall not be allowed as a permitted use,” and renumber accordingly.

County Commission action: Approved.

11 through 16. Tabled by Planning & Zoning Commission.

17. **Article 27, M-1, Board of Adjustment**  
**Section 11, Temporary Uses and Structures**  
**Paragraph A**  
**Subparagraph 5**

Planning & Zoning Commission recommendation: Place a period after “permit” and delete the remainder of the paragraph.

County Commission action: Approved.

Before the amendment, Article 27, Section 11, Paragraph A, Subparagraph 5 read:

Garage sales do not require a conditional use permit and are regulated as described in Article 4, Section 23 of the Zoning Regulations.

18. **Article 27, M-1, Board of Adjustment**  
**Section 14, General**  
**Paragraph B**

Planning & Zoning Commission recommendation: Delete paragraph B.

County Commission action: Approved.

Before the amendment, Article 27, Section 14, Paragraph B, read:

The Board of Adjustment shall issue conditional use permits only after receiving a report or recommendation from the Planning & Zoning Commission.

19. Tabled by Planning & Zoning Commission.

**20, 21. Article 26, M-2, Enforcement**  
**Section 2, Filing Plans**  
**Paragraph A**

Planning & Zoning Commission recommendation: Replace “zoning certificate” with “building permit” and revise the paragraph to read “Every application for a building permit or zoning change shall be in accordance with Article 3, Section 17”. Remove Subparagraphs A.1, A.2, A.3, A.4, and A.5 in their entirety.

County Commission action: Approved.

Before the amendment, Article 26, Section 2, Filing Plans, Paragraph A read:

Every application for a zoning certificate or change shall be

1. Accompanied by plans in duplicate,
2. Drawn to scale in black line or blueprint, showing
  - a. the actual shape and dimensions of the lot to be changed in its use, in whole or in part;
  - b. the location, size and height of any building or structure to be erected or altered;
  - c. the existing and intended use of each building or structure or part thereof;
  - d. the number of families or housekeeping units the building is designed to accommodate; and,
  - e. when no buildings are involved,
    - (1) The location of the present use and proposed use to be made on the lot, and
    - (2) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of these Zoning Regulations.
3. One (1) copy of such plans may be returned to the owner when such plans have been approved by the Planning & Zoning Director, together with such Zoning Certificate as may be granted.

4. All dimensions shown on the plans relating to the location and size of the lot to be built upon shall be based on actual survey.
5. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

22. **Article 26, Enforcement  
Section 3, Zoning Permit  
Paragraphs A and C  
Subparagraphs D and E  
and  
Article 26, Enforcement  
Section 4, Fees**

Planning & Zoning Commission recommendation: Change “Zoning Permit” to “Building Permit” in the section title and in Paragraphs A, A.2, C.1, C.2, and in Section 4, change “zoning certificate” to “building permit” in Paragraph D and remove paragraph E entirely.

County Commission action: Approved.

Before the amendment, Article 20, Section 3, Zoning Permit, read:

- A. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning permit shall have been issued by the Planning & Zoning Director.
  1. Such zoning certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of these Zoning Regulations.
  2. It shall be the duty of the Planning & Zoning Director. to issue a zoning permit, provided he or she is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste, conform with all the requirements of these Zoning Regulations.
- B. No permit for excavation or construction shall be issued by the Planning & Zoning Director unless the plans, specifications and the intended use conform to the provisions of these Zoning Regulations.
- C. The Planning & Zoning Director shall act upon each application on which he or she is authorized to act by the provisions of these Zoning Regulations within thirty (30) days after the application is filed, in full compliance with the applicable requirements as specified under this Article.
  1. Planning & Zoning Director shall either issue a Zoning permit within said thirty (30) day period or shall notify the applicant in writing of the refusal of such Certificate and the reasons therefor.
  2. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a zoning permit unless

the applicant consents to an extension of time.

D. Under written request from the owner or tenant, the Planning & Zoning Director shall issue a zoning certificate for any building or premises existing at the time of enactment of these Zoning Regulations, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms to the provisions of these Zoning Regulations.

E. A zoning permit shall not be required for platted subdivisions in the R-1 District.

Before the amendment, Article 26, Section 4 read:

For all zoning permits a fee shall be charged, as determined by the County Commission.

**23. Article 21, Flood Damage Prevention**

Planning & Zoning Commission recommendation: Remove the body of this article and state: “See FEMA regulations. A copy of the FEMA regulations is available for review in the Stone County Planning & Zoning Office. The FEMA website is [www.fema.gov](http://www.fema.gov).”

County Commission action: Approved.

**24. Article 22, PA, Plot Assignment District  
Section 3, Regulations  
Subparagraph B.5**

Planning & Zoning Commission recommendation: Remove “in effect for the property at the time of PA District application” from the paragraph.

County Commission action: Approved.

Before the amendment, Article 22, Section 3, Subparagraph B.5, read:

Maximum Number of Dwelling Units equals the entire area of the property (exclusive of all road right-of-ways to be utilized for residential purposes) divided by the maximum density permitted within the Zoning District(s) in effect for the property at the time of PA District application, as shown by the table below:

**25. Article 1, Title, Intent, Definitions  
Section 5, Definitions**

Planning & Zoning Commission recommendation: Define “farm animals” as follows: “Farm animals means livestock species including, but not limited to, swine, cattle, poultry, sheep, goats, horses, mules, asses, and donkeys.” “Farm animals” will follow “family” and precede “flood plain” in definitions.

County Commission action: Approved.

26. Planning & Zoning Commission recommendation: Allow the Planning & Zoning Director and staff to make grammatical, numerical, and typographical error corrections as long as the meaning of the regulation is not modified or altered.

County Commission action: Approved.

27. **Article 4, Special Provisions**  
**Section 31, Wild or Exotic Animals (new)**

Planning & Zoning Commission recommendation: Create a new Section 31, Wild or Exotic Animals, as follows:

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

County Commission action: Approved.

**ZONING REGULATIONS, SEVENTH AMENDMENTS,  
EFFECTIVE JUNE 20 2010:**

1. **Article 20, M-2, General Manufacturing or Industrial District**  
**Section 1, Principal Permitted Uses**  
**Paragraph B**

Planning & Zoning Commission recommendation: Create Subparagraph B.44 by adding the following: "44. Boat dock and boat lift manufacturing".

County Commission action: Approved.

2. **Article 19, M-1, Light Manufacturing or Industrial District**  
**Section 1, Principal Permitted Uses**  
**Paragraph F**

Planning & Zoning Commission recommendation: Strike “, or that are prohibited in said Zoning District under Article 23”.

County Commission action: Approved.

Before the amendment, read Paragraph F read

Any other use that is determined by the County Commission, to be of the same general character as the above permitted uses but not including any uses that are first permitted in the M-2 District, or that are prohibited in said Zoning District under Article 23.

3. **Article 19, M-1, Light Manufacturing or Industrial District**  
**Section 3, Conditional Uses Requiring BOA Authorization**  
**Paragraph B**

Planning & Zoning Commission recommendation: remove “subject to Article 23”.

County Commission action: Approved.

Before the amendment Paragraph B read:

When authorized by the Board of Adjustment, subject to Article 23, any use permitted in the M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District, subject to such conditions and requirements as may in the opinion of the Board of Adjustment, be necessary to protect adjacent property and prevent conditions of which may become objectionable or offensive.

4. **Article 19, M-1, Light Manufacturing or Industrial District**  
**Section 5, Prohibited Uses**  
**Paragraph A**

Planning & Zoning Commission recommendation: remove “or that is prohibited in said Zoning District under Article 18”.

County Commission action: Approved.

Before the amendment, read Paragraph A read

Any use that is first permitted in the M-2 District, or that is prohibited in said Zoning District under Article 18.

5. **Article 20, M-2, General Manufacturing or Industrial District  
Section 2, Conditional Uses Requiring BOA Authorization  
Paragraph A**

Planning & Zoning Commission recommendation: insert “confinement” between “livestock” and “operations”, and to correct the section number to read “Article 4, Section 28”.

County Commission action: Approved.

Before the amendment, read Paragraph A read

Livestock operations in conformation with Article 4, Section 31.

6. **Article 20, M-2, General Manufacturing or Industrial District  
Section 2, Conditional Uses Requiring BOA Authorization  
Paragraph E**

Planning & Zoning Commission recommendation: delete “and unless authorized by the Board of Adjustment as provided in Article 23 subject to such conditions and requirements as may in the opinion of the Board of Adjustment be necessary to protect adjacent property and prevent conditions that may become noxious or offensive”.

County Commission action: Approved.

Before the amendment, read Paragraph E read

Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any R District, and not less than two hundred (200) feet from any other Zoning District except an M-1 District; and unless authorized by the Board of Adjustment as provided in Article 23 subject to such conditions and requirements as may in the opinion of the Board of Adjustment be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.

7. **Article 20, M-2, General Manufacturing or Industrial District  
Section 3, Accessory Uses  
Paragraph C**

Planning & Zoning Commission recommendation: delete “as provided by Article 23”

County Commission action: Approved.

Before the amendment, read Paragraph C read

Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board of Adjustment as provided by

Article 23, subject to such conditions and requirements as may, in the opinion of the Board of Adjustment, be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.

8. **Article 4, Special Provisions**  
**Section 25, Short-Term Rentals**  
**Paragraph A**

Planning & Zoning Commission recommendation: delete “R-3”

County Commission action: Approved.

Before the amendment, read Paragraph C read

Short-term rentals of residences, as defined in Article 1, Section 3, may be Conditional Uses in the RR-1, R-2, and R-3 Zoning Districts, provided that the following requirements and limitations are adhered to:

9. **Article 10, R-1, Suburban Residence District**  
**Section 3, Conditional Use Requiring Board of Adjustment Authorization**  
**Paragraph H**

Planning & Zoning Commission recommendation: delete paragraph H.

County Commission action: Approved.

Before the amendment, read paragraph H read

Boat dock parking lots.

**ZONING REGULATIONS, EIGHTH AMENDMENT,**  
**EFFECTIVE JUNE 20 2010:**

1. **Article 4, Special Provisions**  
**Section 2, Off-Street Parking Spaces**  
**Paragraph A, Required Automobile Parking Spaces**

Planning & Zoning Commission recommendation: Insert “except agriculture” after “or any other use”.

County Commission action: Approved.

Before the amendment, read Paragraph A read

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

**OMITTED FROM SECOND AMENDMENTS**

**Adopted on October 27 2009**

**Corrected by Order dated January 28 2010:**

**1. Article 22, PA – Plot Assignment District  
Section 3, Development Standards  
Subsection B  
Paragraph 5**

Planning & Zoning Commission recommendation: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

County Commission action: Approved.

**2. Article 22, Conservation Development District  
Section 3, Development Standards  
Subsection B  
Paragraph 5**

Planning & Zoning Commission recommendation: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

County Commission action: Approved.

**3. Article 22, PA – Plot Assignment District  
Section 3, Development Standards  
Subsection B  
Paragraph 5**

Planning & Zoning Commission recommendation: Change R-3 Maximum Residential Density from “5 dwelling units/acre” to “15 dwelling units/acre”.

County Commission action: Approved.

**ZONING REGULATIONS, NINTH AMENDMENTS,  
EFFECTIVE APRIL 19 2011:**

**1. Article 3, General Provisions  
Section 3, Agriculture**

Planning & Zoning Commission recommendation: Remove the paragraph and replace with the following:

Nothing contained in these Zoning Regulations shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on

which such buildings or structures are located, except dwellings. No building permit shall be required for any such use.

County Commission decision: Approved.

Before the amendment, the paragraph read:

Nothing contained in these Zoning Regulations, which are located in A-1, A-R and RR-1 shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, except dwellings.

2. **Article 3, General Provisions**  
**Section 11, Accessory Buildings in Residential Districts (R Districts)**  
**Paragraph A**

Planning & Zoning Commission recommendation: Insert *or side* in the second sentence, so that the paragraph reads:

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

County Commission decision: Approved.

Before the amendment, the paragraph read:

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

3. **'Blanket' Amendment**

Planning & Zoning Commission recommendation: Change Conditional Use Permit Authorization from Board of Adjustment to Planning & Zoning Commission.

County Commission decision: Approved, so that conditional use discretionary issues are first heard by the Planning & Zoning Commission.

Amendments were made to:

Article 3, Section 18, paragraph B  
Article 4, Section 2, paragraph G  
Article 4, Section 3, first paragraph, paragraphs C, G, H, I  
Article 4, Section 6, paragraph B.1.a  
Article 4, Section 8, paragraphs B, D  
Article 4, Section 9, first paragraph, paragraphs A, C, D, E, F (eliminated)  
Article 4, Section 14, paragraphs A, A.3  
Article 4, Section 15  
Article 4, Section 17, paragraph B  
Article 5, Section 3, title, paragraphs B.2,  
Article 5, Section 4, paragraph C  
Article 6, Section 3, title, paragraph C  
Article 8, Section 3, title, paragraph B  
Article 9, Section 3, title, paragraphs G, H, I.5, I.6, I.10  
Article 9, Section 7, paragraph C  
Article 9, Section 8, paragraphs B, C  
Article 10, Section 3, title, paragraphs E, F, G.5, G.6, G.10  
Article 12, Section 3, title, paragraph E,  
Article 13, Section 3, title  
Article 14, Section 3, title  
Article 15, Section 3, title  
Article 17, Section 3, title, paragraphs A, A.6.e  
Article 17, Section 3, title, paragraph C.5  
Article 18, Section 3, title, paragraphs A, A.5, B.5  
Article 24, Section 2  
Article 27, Section 7, paragraph A.1 (eliminated), B, C  
Article 27, Section 8, title, paragraph A

4. **Article 25, Boat Dock Parking**  
**Statement of Intent**

Planning & Zoning Commission recommendation: Add the following language to the Statement of Intent: Boat dock parking lots require a Conditional Use Permit and may be allowed in any zoning district. The Statement of Intent will read:

This Article provides standards for boat dock parking lots in areas intended for use by boat dock slip owners and guests for short periods of time while owners and guests are using the boat dock, and to identify areas suitable for boat dock parking. Boat dock parking lots require a Conditional Use Permit and may be allowed in any zoning district.

County Commission decision: Approved.

Before the amendment, the paragraph read:

This Article provides standards for boat dock parking lots in areas intended for use by boat dock slip owners and guests for short periods of time while owners

and guests are using the boat dock, and to identify areas suitable for boat dock parking.

**ZONING REGULATIONS, TENTH AMENDMENTS,  
EFFECTIVE APRIL 19 2011:**

**1. Article 4, Special Provisions  
Section 25, Short-Term Rentals  
Paragraph A**

Planning & Zoning Commission recommendation: Add R-1 districts to the zoning districts listed, so that the paragraph reads:

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

County Commission decision: Approved.

Before the amendment, the paragraph read:

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

**2. Article 10, R-1, Suburban Residence District  
Section 3, Conditional Use Requiring Authorization by  
Planning & Zoning Commission  
Paragraph J**

Planning & Zoning Commission recommendation: Add new paragraph J:

Short-term rentals of residences as defined in Article 1, Section 5, provided that the requirements and limitations of Article 4, Section 25 are adhered to. The Planning & Zoning Commission may prescribe a specific period of time that the conditional use permit is in effect.

County Commission decision: Approved.

**3. Article 10, R-1, Suburban Residence District  
Section 4, Height and Area Regulations  
Paragraph J**

Planning & Zoning Commission recommendation: Add new paragraph J:

Change Side Yard Width for single-family dwelling with public or central sewer and water supply from 6 feet to 10 feet in the Area Measurements Chart.

County Commission decision: Approved.

**ZONING REGULATIONS, ELEVENTH AMENDMENTS,  
EFFECTIVE MAY 24 2011:**

**1. Article 27, Board of Adjustment  
Section 11, Temporary Structures and Uses  
Paragraph A**

Planning & Zoning Commission recommendation: Amend to read:

Any use designated as temporary such as fairs, carnivals, festivals, re-enactments, outdoor concerts and other uses requiring retail sales must have a permit to be allowed in any Zoning District. Seasonal uses such as Christmas tree stands, fireworks stands, and roadside provide stands are exempt.

County Commission decision: Approved.

Before the amendment, paragraph A read:

Any use designated as temporary such as neighborhood block parties, fairs, and festivals, re-enactments, or outdoor concerts including seasonal uses such as fireworks stands, Christmas tree sales, roadside produce stands, not including those agricultural products grown on-site, but including other uses requiring retail sales must have a permit to be allowed in any Agricultural or Residential Zoning District.

**2. Article 4, Special Provisions  
Section 14, Conditional Uses  
Paragraph A  
Subparagraph 4**

Planning & Zoning Commission recommendation: Add the following subparagraph:

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

County Commission decision: Approved.

**ZONING REGULATONS, TWELFTH AMENDMENTS,  
EFFECTIVE MAY 1 2012:**

1. **Article 27, Board of Adjustment**

**Section 1, Members and General Provisions**

**Paragraph A,** The Board of Adjustment members and appointment procedure.

**Subparagraph 1**

Planning & Zoning Commission recommendation: Amend to read

The Board of Adjustment shall consist of five residents of the county, but not more than two shall be residents of the incorporated area of the county, and not more than one shall be a member of the county planning & zoning commission.

County Commission action: Approved

Before the amendment, subparagraph 1 read:

The Board of Adjustment shall consist of five residents of the county, but not more than two shall be residents of the incorporated area of the county, and none shall be a member of the county planning & zoning commission.

**ZONING REGULATONS, THIRTEENTH AMENDMENTS,  
EFFECTIVE MAY 1 2012:**

1. **Article 4, Special Provisions**

**Section 18, Height Limits**

**Paragraph B**

**Subparagraph 4**

Planning & Zoning Commission recommendation: remove subparagraphs 4a and 4b, 4c will remain and become 4a with changes to read as follows:

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

County Commission action: Approved

Before the amendment, subparagraph 4 read:

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

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

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

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

2. **Article 10, R-1, Suburban Residence District**  
**Section 3, Conditional Use Requiring Planning & Zoning Commission**  
**Authorization**  
**Paragraph G**  
**Subparagraph 12**

Planning & Zoning Commission recommendation: add the following as subparagraph 12a:

Replacement of an existing mobile home with one of newer manufacture shall not require a Conditional Use Permit, provided there are no prohibitive deed restrictions or covenants.

County Commission action: Approved

3. **Article 11, R-2, One-Family and Two-Family Residence District**  
**Section 3, Conditional Use Requiring Planning & Zoning Commission**  
**Authorization**  
**Paragraph D**  
**Subparagraph 1**

Planning & Zoning Commission recommendation: add the following as Subparagraph 1:

Replacement of an existing mobile home with one of newer manufacture shall not require a Conditional Use Permit, provided there are no prohibitive deed restrictions or covenants.

County Commission action: Approved

4. **Article 17, C-2, General Commercial District**  
**Section 3, Conditional Uses Requiring Planning & Zoning Commission**  
**Authorization**  
**Paragraph B**

Planning & Zoning Commission recommendation: remove the existing paragraph B and subparagraphs 1 and 2 and replace with the following:

A combination commercial and residential structure. The dwelling unit, if separate, must remain on the same property and may not be subdivided independent of each other.

County Commission action: Approved

Before the amendment, paragraph B read:

A single dwelling unit with the following conditions:

1. The residence is occupied by the owner and operator or full-time employee of the principal permitted use.
2. The structures, if separate, must remain on the same property and may not be subdivided independent of each other.

5. **Article 4, Special Provisions**  
**Section 25, Short-Term Rentals**  
**Paragraph A**

Planning & Zoning Commission recommendation: add A-1, Agriculture District and A-R, Agricultural-Residence District to the zoning districts listed in paragraph A.

County Commission action: Approved

6. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: add the following to Definitions:

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

**Tent** means a shelter consisting of sheets of fabric or other material draped over, attached to a frame of poles, or attached to a supporting rope.

Smaller tents may be free-standing or attached to the ground, large tents are usually anchored using ropes tied to stakes or pegs.

County Commission action: Approved

7. **Article 4, Special Provisions**  
**Section 5, Travel Trailer Parks or Recreational Vehicle Parks (RV Parks)**

Planning & Zoning Commission recommendation: modify the title to read as follows:

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

County Commission action: Approved

8. **Article 4, Special Provisions**  
**Section 5, Travel Trailer Parks or Recreational Vehicle Parks (RV Parks)**  
**Paragraph N**

Planning & Zoning Commission recommendation: add the following as paragraph N:

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

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

bricks, metal enclosure, metal grate, concrete pad or simply a hole (pit).

5. Trash & garbage. Garbage cans or a dumpster must be provided for the placement of refuse.
6. Other requirements. Except for the foregoing, travel trailer park requirements specified in Paragraph J, Subparagraph 2 of this section may be waived for campgrounds by the County Commission and/or Director of Planning and Zoning.

County Commission action: Approved

9. **Article 17, C-2, General Commercial District  
Section 1, Principal Permitted Uses  
Paragraph E**

Planning & Zoning Commission recommendation: modify the title of paragraph E to read:

Travel trailer parks and campgrounds

**ZONING REGULATIONS, FOURTEENTH AMENDMENTS,  
EFFECTIVE NOVEMBER 27 2012:**

1. **Article 25, Boat Dock Parking  
Section 4, Development and Maintenance of Boat Dock Parking Area  
Paragraph D  
Subparagraph 12 (new)**

Planning & Zoning Commission recommendation: Add a new subparagraph 12:

Applicant shall provide a written plan detailing how the boat dock parking area will be maintained, how trash and litter will be removed, and how any vegetation remaining of the lot will be controlled. The document shall include the name, address, and telephone number of the individual or organization who will be responsible for these actions and who will be available to respond to any emergencies or complaints. This requirement may be satisfied by a boat dock owners' association document, which will be binding on all owners.

County Commission action: Approved.

2. **Article 27, Board of Adjustment**  
**Section 5, Application, Appeals, Hearings, and**  
**Decisions of the Board of Adjustment**  
**Paragraph B**  
**Subparagraph 4 (new)**

Planning & Zoning Commission recommendation: Add a new subparagraph 4:

The Chairman of the Planning & Zoning Commission, or his designated representative, shall attend the appeal hearing and shall advise the Board of Adjustment of those key issues considered in the decision that is under appeal.

County Commission action: Approved.

3. **Article 4, Special Provisions**  
**Section 5, Livestock Confinement Operations (LCO)**  
**Paragraph C**  
**Subparagraph 2**

Planning & Zoning Commission recommendation: Change “a minimum of six hundred (600) feet” to read “a minimum of one thousand (1,000) feet”.

County Commission action: Tabled, referred to Planning & Zoning Commission for further consideration.

**ZONING REGULATIONS, FIFTEENTH AMENDMENTS,**  
**EFFECTIVE JANUARY 15 2013:**

1. **Article 4, Special Provisions**  
**Section 28, Livestock Confinement Operations (LCO)**  
**Paragraph C**  
**Subparagraphs 1 and 2**

Planning & Zoning Commission recommendation: Remove subparagraphs 1 and 2 and replace with:

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

County Commission action: Approved

Before the amendment, paragraph C, subparagraphs 1 and 2 read:

1. shall be located a minimum of one thousand three hundred twenty (1320) feet from any residential development or Zoning District developed or permitting a density at or greater than one (1) dwelling unit per three (3) acres;
2. a minimum of one thousand (1,000) feet from any dwelling unit existing on adjacent property at a density of less than one (1) dwelling unit per three (3) acres; and

**ZONING REGULATIONS, SIXTEENTH AMENDMENTS,  
EFFECTIVE MARCH 18 2014:**

**1. Article 17, C-2, General Commercial District  
Section 3, Conditional Uses Requiring  
Planning & Zoning Commission Authorization  
Paragraph A**

Planning & Zoning Commission recommendation: Add “nudist resorts or camps”.

County Commission action: Approved

Before the amendment, paragraph A read:

Drive-in theaters, commercial baseball fields, swimming pools, golf driving ranges, livery stables and riding academies, amusement parks, massage parlors, health care, night clubs, or recreational uses including water slides, race tracks or similar uses, companionship services.

**2. Article 13, R-4, Multi-Family District  
Section 3, Conditional Uses Requiring  
Planning & Zoning Commission Authorization**

Planning & Zoning Commission recommendation: Add “nudist resorts or camps”.

County Commission action: Approved

Before the amendment, Section 3 read:

- A. Any conditional use permitted and as regulated in the R-3 District.

**ZONING REGULATIONS, SEVENTEENTH AMENDMENTS,  
EFFECTIVE MARCH 18 2014:**

**1. Article 1, Title, Intent, Definitions  
Section 5, Definitions**

Planning & Zoning Commission recommendation: Add:

**Dwelling Unit** means one or more rooms that contain lawful cooking and sanitary facilities, inhabited by one or more persons living together and maintaining a common household, in a residential building or residential portion of a building.

**Dwelling** or **Residence** means one or more dwelling units or rooming units, and any common areas, including one-family and two-family houses, multifamily dwellings or apartment hotels.

A **single-family dwelling** or **single-family residence** is a building on a tract, parcel, or zoning lot containing one dwelling unit occupied by one household. Unless these regulations otherwise provide, only one single-family dwelling may be contained on a tract, parcel, or zoning lot.

A **two-family dwelling** or **two-family residence** is a building on a tract, parcel, or zoning lot containing two dwelling units occupied by two households.

A **multifamily dwelling** or **multi-family residence** is a building on a tract, parcel, or zoning lot containing at least three dwelling units.

County Commission action: Approved

**2. Article 1, Title, Intent, Definitions  
Section 5, Definitions**

Planning & Zoning Commission recommendation: Add:

**Residence** or **Dwelling** means one or more dwelling units or rooming units, and any common areas, including one-family and two-family houses, multifamily dwellings or apartment hotels.

A **single-family residence** or **single-family dwelling** is a building on a tract, parcel, or zoning lot containing one dwelling unit occupied by one household. Unless these

regulations otherwise provide, only one single-family dwelling may be contained on any zoning lot.

A **two-family residence** or **two-family dwelling** is a building on a tract, parcel, or zoning lot containing two dwelling units occupied by two households.

A **multifamily residence** or **multi-family dwelling** is a building on a tract, parcel, or zoning lot containing at least three dwelling units.

County Commission action: Approved

**3. Article 3, General Provisions  
Section 19**

Planning & Zoning Commission recommendation: Add a new Section 19:

**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.

County Commission action: Approved

**4. Article 4, Special Provisions  
Section 21**

Planning & Zoning Commission recommendation: Add a new 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.

County Commission action: Approved

**ZONING REGULATIONS, EIGHTEENTH AMENDMENTS,  
EFFECTIVE JUNE 10 2014:**

**1. Article 3, General Provisions  
Section 10, Accessory Buildings in All Districts  
Introductory paragraph**

Planning & Zoning Commission recommendation: Remove from the first paragraph the language “No accessory structure shall cover more lot area than the equivalent of thirty percent (30%) of the required rear yard”.

County Commission action: Approved

Before the amendment, the introductory paragraph read:

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

2. **Article 3, General Provisions**  
**Section 10, Accessory Buildings in All Districts**  
**Paragraph 7**

Planning & Zoning Commission recommendation: Remove the language “except that, in platted subdivisions with lots smaller than one (1) acre on average, such uses shall be allowed with required rear yards and within established side yards”.

County Commission action: Approved

Before the amendment, Paragraph 7 read:

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

3. **Article 3, General Provisions**  
**Section 11, Accessory Buildings in Residential Districts (R Districts)**  
**Paragraph A**

Planning & Zoning Commission recommendation:

1. Remove from the second sentence: “except a rear yard, and shall not occupy more than thirty-five percent (35%) of a required rear yard”.

2. Change the last sentence from

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

least ten (10) feet from any other accessory building, and at least ten (10) feet from all lot lines of adjoining lots which are in an R District.

to

An accessory building may be erected detached from the principal building, or it may be connected therewith by a breezeway or similar structure. No accessory building shall be erected in any required yard or court, except a rear or side yard, and shall not occupy more than thirty-five (35) percent of a required rear or side yard. Accessory buildings shall be a distance of at least ten (10) feet from any dwelling situated on the same lot, unless an integral part thereof, at least ten (10) feet from any other accessory building, and at least ten (10) feet from all side yard lot lines and twenty-five (25) feet from all front and rear yard lot lines.

County Commission action: Approved

Before the amendment, paragraph A read:

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

4. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Add the following definition:

**Portable Building** means a pre-manufactured building, not to exceed one hundred forty-four (144) square feet mounted on skids. A portable building may be placed in the rear or side yard with ten (10) foot setback from the rear and side property boundaries. A portable building is not required to have a building permit.

County Commission action: Approved

5. **Article 1, Title, Intent, Definitions**  
**Section 5, Definitions**

Planning & Zoning Commission recommendation: Amend the definition of “Accessory use or Accessory structure” to read:

**Accessory use or Accessory structure** means a use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building. Accessory structures shall be one hundred forty-five (145) square feet or greater, may be on skids or a permanent foundation, and will require a building permit’

County Commission action: Approved

Before the amendment, the definition read:

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

**ZONING REGULATONS, NINETEENTH AMENDMENTS,  
EFFECTIVE NOVEMBER 13 2014:**

1. **Article 28, Zoning District Changes and Regulations**  
**Section 2, Procedure of Change of Zoning District Boundary**  
**or Change of Zoning Classification of Property**  
**Paragraph A**  
**Subparagraph 2**

Planning & Zoning Commission recommendation: Remove subparagraph 2, and renumber subparagraph 3 as new subparagraph 2, to-wit:

The application shall be submitted at least thirty (30) days before the public hearing date to be held by the Planning and Zoning Commission.

County Commission action: Approved.

2. **Article 4, Special Provisions**  
**Section 6, Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs**  
**Paragraph K**

Planning & Zoning Commission recommendation: Add as subparagraph 2:

No signs shall be erected or displayed more than 60 days prior to the election for which they are used.

County Commission action: Not approved.

3. **Article 26, Enforcement**  
**Section 3, Building Permit**  
**Paragraph C**

Planning & Zoning Commission recommendation: Change from

The Planning and Zoning Director shall act upon each application on which he or she is authorized to act by the provisions of these Zoning Regulations within thirty (30) days after the application is filed, in full compliance with the applicable requirements as specified under this Article.

to

The Planning and Zoning Director shall act upon each application on which he or she is authorized to act by the provisions of these Zoning Regulations within ten (10) days after the application is filed, in full compliance with the applicable requirements as specified under this Article.

County Commission action: Approved.

4. **Article 26, Enforcement**  
**Section 3, Building Permit**  
**Paragraph C**  
**Subparagraph 1**

Planning & Zoning Commission recommendation: Change from

The Planning and Zoning Director shall either issue a building permit within said thirty (30) day period or shall notify the applicant in writing of the refusal of such Certificate and the reasons therefor.

to

The Planning and Zoning Director shall either issue a building permit within said ten (10) day period or shall notify the applicant in writing of the refusal of such Certificate and the reasons therefor.

County Commission action: Approved.

5. **Article 26, Enforcement**  
**Section 3, Building Permit**  
**Paragraph C**  
**Subparagraph 2**

Planning & Zoning Commission recommendation: Change from

Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a building permit unless the applicant consents to an extension of time.

to

Failure to notify the applicant in case of such refusal within said ten (10) days shall entitle the applicant to a building permit unless the applicant consents to an extension of time.

County Commission action: Approved.

6. **Article 26, Enforcement**  
**Section 5, Violations and Penalties**  
**Paragraphs A and B**

Planning & Zoning Commission recommendation: Change paragraph A from

Any person or entity violating any of the provisions of these Zoning Regulations, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars (\$1000.00).

to

Any person or entity intentionally violating any of the provision of these Zoning Regulations or any amendment or supplement thereto, may be subject to double fees at the discretion of the Planning and Zoning Director.

and delete paragraph B:

Each and every day during which such illegal location, erection and/or construction may be deemed a separate offense.

County Commission action: Delete paragraph B. Paragraph A is amended to read:

The fees set out on the Planning and Zoning Fee Schedule shall be doubled for any applicant that has failed to pay any fee due under the Planning and Zoning Fee Schedule within ten days after notice of nonpayment or notice of violation of any provision of these Zoning Regulations.

7. **Article 3, General Provisions**  
**Section 10, Accessory Buildings in All Districts**

Planning & Zoning Commission recommendation: Delete Section 10 and renumber the remaining sections accordingly.

County Commission action: Approved.

8. **Article 3, General Provisions**  
**Section 11, Accessory Buildings in Residential Districts (R Districts)**

Planning & Zoning Commission recommendation: Delete Section 11 and renumber the remaining sections accordingly.

County Commission action: Approved.

9. **Article 3, General Provisions**  
**Section 10, Accessory Buildings in Residential Districts (R Districts)**  
**(before these Amendments was Section 12)**

Planning & Zoning Commission recommendation: Add

Corps of Engineers: Twenty-five (25) feet

and

Other: Minimum ten (10) feet between all structures.

County Commission action: Approved.

10. **Article 5, A-1, Agriculture District**  
**Section 2, Accessory Uses**  
**Paragraph A**

Planning & Zoning Commission recommendation: Remove paragraph A and continue Section 1 by lettering subparagraphs 1 through 5 as paragraphs H through L.

County Commission action: Approved.

11. **Article 6, A-R, Agriculture-Residence District**  
**Section 2, Accessory Uses**  
**Paragraph A**

Planning & Zoning Commission recommendation: Remove paragraph A and continue Section 1 by lettering Section 2 subparagraphs B through F as Section 1, subparagraphs H through L.

County Commission action: Approved.

12. **Article 7, R-R, Rural Residence District**  
**Section 2, Accessory Uses**  
**Paragraph A**

Planning & Zoning Commission recommendation: Remove paragraph A and continue Section 1 by lettering Section 2 subparagraphs B through F as Section 1, subparagraphs D through H. Renumber the remaining sections accordingly.

County Commission action: Approved.

13. **Article 8, MH-1, Manufactured Home (Mobile Home)**  
**Park or Subdivision District**  
**Section 2, Accessory Uses**  
**Paragraph A and L**

Planning & Zoning Commission recommendation:

1. Remove Section 2, paragraph A and continue Section 1 by lettering Section 2, paragraph A, subparagraphs 1 through 6 as Section 1, paragraphs G through L. Renumber the remaining sections accordingly.

2. Change Section 2, paragraph A from

Accessory Structures, awnings, storage cabinets and buildings, fences or windbreaks, carports, garages, porches, greenhouses, and other accessory structures.

to

Awnings, storage cabinets and buildings, fences or windbreaks, carports, garages, porches, and greenhouses.

County Commission action: Approved.

14. **Article 8, UR-1, Urban Residence District**  
**Section 2, Accessory Uses**

Planning & Zoning Commission recommendation: Remove Section 2 and continue Section 1 by lettering Section 2, paragraphs A through H as Section 1, paragraphs H through N. Renumber the remaining sections accordingly.

County Commission action: Approved.

15. **Article 10, R-1, Suburban Residence District**  
**Section 2, Accessory Uses - Distance Requirements -**  
**Reference General Provisions**

Planning & Zoning Commission recommendation:

1. Change the title of Section 2 from  
  
Accessory Uses – Distance Requirements – Reference General Provisions  
  
to  
  
District Restrictions.
2. Change paragraph A from  
  
Accessory Uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses, including  
  
to  
  
The raising or keeping of farm animals shall not be permitted on any lands used or platted for residential purposes.
3. Change paragraph B from  
  
Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.  
  
to  
  
The keeping of not more than three (3) roomers or boarders by a resident family.
4. Continue Section 1 by re-lettering Section 2, paragraphs C through H, as Section 1, paragraphs D through I.

5. Renumber the remaining sections accordingly.

County Commission action: Approved.

16. **Article 10, R-2, One-Family and Two-Family Residence District  
Section 1, Principal Permitted Uses**

Planning & Zoning Commission recommendation: Add

- D. Home Occupation as defined in Article 1, Section 5.

County Commission action: Approved.

17. **Article 11, R-2, One-Family and Two-Family Residence District  
Section 2, Accessory Uses - Distance Requirements -  
Reference General Provisions**

Planning & Zoning Commission recommendation:

1. Change the title of Section 2 from  
  
Accessory Uses – Distance Requirements – Reference General  
Provisions  
  
to  
  
District Restrictions.
2. Change paragraph A from  
  
Accessory Uses, buildings, and structures permitted and as  
regulated in the R-1 District  
  
to  
  
The raising or keeping of farm animals shall not be permitted on  
any lands used or platted for residential purposes.
3. Delete paragraph A, subparagraph 1
4. Delete paragraph A, subparagraph 2.
5. Change paragraph B from  
  
Home Occupation as defined in Article 1, Section 5.

to

The keeping of not more than three (3) roomers or boarders by a resident family.

6. Delete paragraph C.
7. Delete paragraph D.

County Commission action: Approved.

18. **Article 12, R-3, Multi-Family Residence District  
Section 2, Accessory Uses - Distance Requirements -  
Reference General Provisions**

Planning & Zoning Commission recommendation: Remove Section 2 and renumber the remaining sections accordingly.

County Commission action: Approved.

19. **Article 13, R-4, Multi-Family Residence District  
Section 2, Accessory Uses - Distance Requirements -  
Reference General Provisions**

Planning & Zoning Commission recommendation: Remove Section 2 and renumber the remaining sections accordingly.

County Commission action: Approved.

20. **Article 4, Special Provisions  
Section 29, Telecommunication Regulation**

Planning & Zoning Commission recommendation: Rewrite and replace all of Section 29 with a new Section 29, *to-wit*:

**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 of 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.

**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 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,
  - 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 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.

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.

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.

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 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.

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 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.

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

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.

County Commission action: Approved.

Before the amendment, Article 4, Section 29 read:

**Article 4, Special Provisions**  
**Section 29, Telecommunication Regulation**

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

1. The regulation allows for reasonable and fair action necessary to protect and advance the public interest.
2. Maintaining quality of life by balancing community and individual interests with community health and safety is the responsibility of local government when delivering services benefitting all citizens of The County.

B. Definitions:

1. **Antenna** means the surface from which wireless radio signals are sent and received by a personal wireless service facility. "Antenna" should not be used as a synonym for "cell site".
2. **Cell Site** means a generic term for a personal wireless service facility.
3. **Co-Location** means the use of a single mount on the ground by more than one (1) carrier and/or several mounts on an existing building by more than one (1) carrier.
4. **Equipment shelter** means an enclosed structure, cabinet, shed or box at the base of the mount used to contain batteries and electrical equipment. An equipment shelter may also be known as a **base transceiver station**.
5. **Functionally Equivalent Service** means the definition under the federal Telecommunications Act, the following five (5) services that are considered functionally equivalent services and must receive the same treatment by local government:
  - a. Cellular telephone services;
  - b. Personal Communications Services (PCS);
  - c. Enhanced Specialized Mobile Radio;
  - d. Specialized Mobile Radio; and
  - e. Paging services
6. **Guyed tower** means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

7. **Lattice Tower** means a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.
8. **Licensed Carrier** means a company authorized by the FCC to construct and operate a commercial mobile radio services system.
9. **Monopole** means a type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform for panel antennas arrayed at the top.
10. **Mount** means the structure or surface upon which antennas are mounted. Types of mounts include roof-mount, side-mount, ground-mount (tower) and structure-mount.
11. **PCS (Personal Communications Services)** means an advanced form or radiotelephone services, capable of transmitting and receiving voice, data, text, and video messaging. PCS operates in the 1850-1990 MHz range.
12. **Telecommunications Facility** means any antennas, microwave dishes, guy wires, or cables that send or receive radio frequency signals, and including such accessory structures as towers, equipment shelters, and fences. The definition shall not include:
  - a. towers located in an area zoned for commercial or manufacturing use that meet the setback requirements prescribed for towers. Such tower may be accessory to the principal use.
  - b. any antenna one (1) meter or less in diameter located in any zone.
  - c. any antenna in excess of one (1) meter in diameter that is utilized for the reception of broadcast television, video, or radio signals that may be accessory to the primary use on the premise of the holder of the broadcast license.
  - d. communication towers and antennas used for non-commercial purposes, such as ham radio operation or receive only antennas do not require a Conditional Use Permit as long as the above mentioned setback requirements are adhered to.

C. A Conditional Use Permit is required for any:

1. ground-mount telecommunications facility located within any Agricultural or R District.
2. Any existing telecommunication facility located within any Agricultural or R District:
  - a. where the mounting of additional antennas add more than twenty (20) feet to the height of the existing tower or
  - b. where the placement of additional supporting structures or equipment increase the square footage of the existing telecommunication facility compound by more than twenty-five (25)

percent while still meeting all other requirements of these Zoning Regulations.

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

4. In granting a Conditional Use Permit the Planning & Zoning Commission may require conditions mitigating the impact of the tower location on surrounding properties.

a. These conditions may include in part:

- (1) Screening of the compound surrounding the equipment shelter and tower,
- (2) Lighting,
- (3) Tower height,
- (4) Landscaping of the site including building materials and architectural requirements when located within or adjoining an R District,
- (5) Co-location,
- (6) abandonment of the site, which may require dismantling towers and structures at the owner's expense, and vegetation reclamation.

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

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

a. A scale site plan showing

- (1) Property lines,
- (2) Existing land use and zoning,
- (3) Surrounding land use and zoning,
- (4) Access roads,
- (5) Proposed structures,
- (6) Setbacks of proposed structures from property lines,
- (7) Type of proposed mount,
- (8) proposed landscaping,

- (9) Screening or fencing,
- (10) Parking areas,
- (11) Proposed signage, and
- (12) Proposed lighting of the facility.

b. A written report describing:

- (1) Tower height and design,
- (2) Engineering specification detailing the tower construction,
- (3) Information on painting,
- (4) Lighting of the tower,
- (5) Tower's capacity, including the number and type of antennas that it can accommodate as a co-location site.

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

- (1) Evidence submitted may cite the geographic location of other structures,
- (2) Insufficient height or structural strength to meet engineering requirements,
- (3) Unreasonable costs,
- (4) Contractual provisions required for co-location, or
- (5) Other significant factors making co-location an unreasonable option.

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

- a. Height of the proposed tower,
- b. Proximity of the tower to residential structures and boundaries,
- c. Nature of uses on adjacent and nearby properties,
- d. Surrounding topography,
- e. Surrounding tree and vegetative cover,
- f. Design of the tower, including characteristics that reduce visual obtrusiveness,

g. Availability of existing towers and other structures suitable for co-location,

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

a. an existing structure other than a tower, such as

(1) A building,

(2) A water tower,

(3) A light pole, or

(4) Another non-residential structure,

b. provided that the antenna (including the supporting masts, et cetera) complies with all other provisions of these Zoning Regulations.

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

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

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

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

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

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

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

F. Any proposal to lease space on County owned property or structures must be approved by the County Commission.

G. All towers governed by these Zoning Regulations constructed within Stone County must be permitted by and adhere to any applicable fire district building codes or building regulations.

H. Insurance and inspections.

## Stone County Zoning Regulations

Amendments current to November 13 2014

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

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

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

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

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

K. Setbacks:

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

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

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

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

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

L. Landscaping:

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

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

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

## Stone County Zoning Regulations

Amendments current to November 13 2014

4. Existing mature tree growth and natural land forms on or surrounding the communication facility should be preserved to the maximum extent possible.
    - a. In some cases natural growth around the property perimeter may be a sufficient buffer to waive the above mentioned landscape requirements.
  5. Towers located within any A District must have the perimeter of the communication facility screened with a single course of coniferous trees that at the time of planting shall be at least six (6) feet in height, fifteen (15) feet on center.
  6. Those towers located within two hundred and fifty (250) feet of an R District may be subject to the landscaping requirements within the nearby R Districts.
- M. Towers will be artificially illuminated if required by a FAA or other governing authority.
1. The lighting shall be designed with the required guidelines, yet should cause minimal impact on surrounding or nearby properties.
  2. Security lighting around the base of the tower must have direct rays confined to the property and may be required to be incandescent in nature.
- N. The tower shall be maintained with a galvanized steel finish or, subject to FAA standards, painted a neutral color to lessen visual impact or camouflaged to harmonize with the surrounding environment.
- O. The support buildings within a telecommunication facility shall, to the extent possible, be designed to blend into the surrounding setting in which they are being sited. This may include, in addition to landscaping and screening, residential style architecture with pitched roof, siding, and color.
- P. Any tower no longer in use for the original purpose granted by the Conditional Use Permit or serving as an approved co-location site must be dismantled and removed within one hundred and eighty (180) days of the cessation of operations.
1. The owner of the tower must notify the Planning & Zoning Department with a copy of any notice given to the FCC relating to its intent to cease operations.
  2. Upon removal, the tower owners will reclaim the site by obtaining the property Excavation/Grading Permits from the Planning & Zoning Department and reclaiming the disturbed area according to Article 4, Section 23 of these Zoning Regulations.
  3. An extension to the one hundred and eighty (180) day period may be granted by the Planning & Zoning Director if good faith effort is made to resolve the situation.