


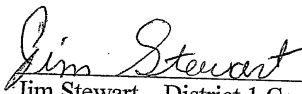
**ZONING REGULATIONS
FOR
CARROLL COUNTY, MISSOURI**

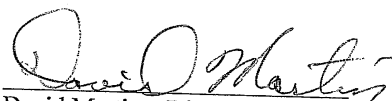
**ADOPTED BY:
THE CARROLL COUNTY COMMISSION**

DATE: MAY 23, 2008

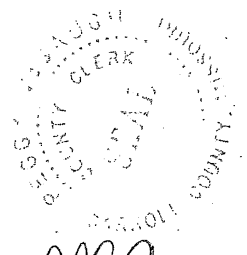
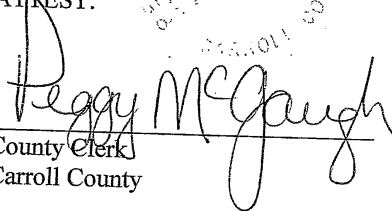
Be it Resolved that the Revisions to the Carroll County Planning & Zoning Ordinance be granted as requested and as voted on by the Members of the County Commission of Carroll County during a properly called meeting and after a quorum was established on this 23rd day of May 2008:


Nelson Heil – Presiding Commissioner


Jim Stewart – District 1 Commissioner


David Martin – District 2 Commissioner

ATTEST:



County Clerk
Carroll County

COPY

**ORDER PROMULGATING ZONING REGULATIONS FOR
CARROLL COUNTY, MISSOURI**

THIS ORDER ADOPTED BY THE CARROLL COUNTY COMMISSION FOR PURPOSES
OF PROMOTING ORDERLY LAND USE ARRANGEMENTS IN CARROLL COUNTY,
MISSOURI, EFFECTIVE-----and replacing prior Zoning Ordinances.

This order is administered through the Carroll County Planning & Zoning Commission under the
terms and conditions set forth herein.

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ARTICLE I

PURPOSE

An Order establishing comprehensive zoning regulations for the unincorporated areas of Carroll County, Missouri, in accordance with the provisions of Revised Statutes of Missouri Chapter 64, as amended, and all acts amendatory thereof, to promote the health safety, convenience, and general welfare of the residents of Carroll County, Missouri, by dividing the county into zones and regulating therein the uses of land and the construction of all non-agricultural structures with a view toward encouraging the most appropriate use of land, and to recognize and maintain the economic and appropriate uses of land, and to recognize and preserve the economic and natural environmental values of all lands within Carroll County, Missouri.

ARTICLE II

TITLE

This Order may be cited and referred to as the CARROLL COUNTY ZONING ORDINANCE.

ARTICLE III DEFINITIONS

As used in this Ordinance, the words, terms and phrases defined in this article shall have the meaning given herein, unless otherwise specifically defined, or unless the context clearly requires otherwise, and the present tense includes the future tense, the singular number shall include the plural and the plural shall include the singular; the word “shall” is mandatory, and the word “may” is permissive; the word “used” or “occupied”; the word “lot” includes the words “plot” or “parcel”; for regulatory purposes the word “structure” shall include the term “use” and vice versa.

- 3.10 Accessory Structure: A structure subordinate to the principal use of the land or building on the same lot and serving a purpose customarily incidental to the principal structure.
- 3.11 Agricultural Use: Any use of land defined for purposes of Section 64.620 RSMo which is specifically exempted from zoning regulations, and which fits the said description as the raising of livestock, crops, orchards, or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation, with the exception of the floodplain zones”. Agricultural uses also exempted from zoning include the erection, maintenance, repair, alteration, extension of farm buildings or farm structures used for such purposes in an area not within the area shown on the County’s official flood hazard area map.
- 3.12 Building: Any structure for the shelter, purpose or enclosures of persons, animals, chattels, or property of any kind, and when separated by dividing walls without openings, each portion of such building, so separated, shall be deemed a separate building.
- 3.13 Building, Height of: The vertical distance from the grade at a building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.
- 3.14 Building Line: A line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this Ordinance.
- 3.15 Cabin – Seasonal or Recreational: A residence, or dwelling structure, occupied only on a part time basis, and not requiring public services such as school and transportation or year round maintenance or roads by a governmental subdivision.
- 3.16 Campground: Campground means any of the following: A developed campground or camping resort can be any privately or municipally owned parcel or tract of land accessible by automobile or other engine driven vehicle designed, maintained, intended or used for the purposes of supplying accommodations for overnight use by recreational

vehicles, open to the public and designated as a developed campground and set aside for free or paying camping purposes.

A walk-in campground is equivalent to a developed campground or camping resort, except that it is not accessible by motor driven vehicles.

- 3.17 Comprehensive Plan: The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities including recommendations for plan execution, documented in text, ordinances and maps which constitute the guide for future development of the County.
- 3.18 County Commission: The County Commission of the County of Carroll, Missouri.
- 3.19 Dependent Recreational Vehicle: A recreational vehicle, which is dependent upon camp facilities for toilet and lavatory.
- 3.20 Dwelling: Any building or portion thereof designed or used exclusively as a residence or living place of one or more persons on a permanent foundation but not including a tent, cabin, trailer, or recreational vehicle, boarding house, hotel or motel.
- 3.21 Dwelling – Two Family: A residence designed for, or occupied by, two families with a separate housekeeping and cooking facility for each. Such dwellings shall be located on a lot, which is twice the minimum lot area, and at least 1 ½ times the minimum lot width for a single dwelling within the zoning district in which such dwellings are located.
- 3.22 Essential Services: Services provided by public and private utilities, necessary for the exercise of the principal use of service of the principal structure or building. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, main drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduit cables, traffic signals, pumps, lift stations, and hydrant.
- 3.23 Family: Any person or group of persons, whether or not related by blood or marriage, occupying a single dwelling unit.
- 3.24 Farm – Commercial: Agriculture of a primarily commercial nature, including, but not limited to, livestock confinement facilities where the assets are held by passive investors not involved in the day to day management of the agricultural enterprise, feed lots, large poultry rearing operations, or other agricultural endeavors for profit of a commercial scale with passive investors or emissions, and/or other environmental factors which can be demonstrated.

- 3.25 Farm – Hobby: The pursuit of a hobby and/or family type agricultural activities; including minimum cropland tillage and animal agriculture for personal and family use, including boarding facilities for horses.
- 3.26 Home Occupation: Home occupations or professional offices, provided that no such use occupies more than 25% of the total floor area of the dwelling or accessory building; provided further that not more than one non-resident is employed on the premises. Such use does not include an activity that would create a nuisance or otherwise be incompatible with the surrounding land uses, as determined by the Planning & Zoning Commission.
- 3.27 Junk or Salvage Yard: Any establishment, place of business, or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicles parts, whether maintained in connection with another business or not, where waste, body or discarded materials stored is equal in bulk to two (2) or more motor vehicles, or which are to be resold for used parts or old iron, metal, glass, or other discarded material.
- 3.28 Kennel: Any structure or premises or commercial activity on which two (2) or more dogs over three (3) months of age are kept or raised for compensation.
- 3.29 Lot: Any parcel of land subject to the provisions of this Ordinance, and capable of being described with such definiteness that its location and boundaries may be established by legal description.
- 3.30 Lot Frontage: The front of a lot shall be construed to be the portion of the lot nearest the street, road, or a body of water if the lot abuts water. When the lot abuts a body of water, the shoreline shall be considered front yard.
- 3.31 Lot Width: Shall be the distance between the side lot lines, measured at the building line.
- 3.32 Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Recorder of Deeds.
- 3.33 Manufactured Home: A transportable single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing, and subject to the provisions of Chapter 700 RSMo and as defined therein.
- 3.34 Nonconformity: Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of this Ordinance that would not have been permitted to become established under the terms of this Ordinance as not written, if the Ordinance had been in effect prior to the date that it was established, recorded or authorized.

- 3.35 Normal Water Mark: A mark delineating the highest water level, which has been maintained for a sufficient period of time to leave evidence thereof upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.
- 3.36 Office Zoning Map: A map adopted in accordance with Revised Statutes of Missouri Chapter 64, which may show existing county roads and state aid highways, proposed future county roads and highways and the area needed for widening existing county roads and highways. An official map may also show the purposes, including zoning districts, proposed uses and arrangements of land for parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities.
- 3.37 Person: A firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- 3.38 Planning & Zoning Administrator: The Planning and Zoning Administrator of Carroll County, Missouri, or an authorized representative.
- 3.39 Public Water: A body of water capable of substantial benefit to the public for public use. For the purposes of this Ordinance this shall be construed to mean any lake, pond or flowage of 25 acres or more in size. The Corps of Engineers will have jurisdiction over all other public water use.
- 3.40 Recreational Camping Vehicle: The words “recreational camping vehicle” shall mean any of the following:
- Travel trailer means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and/or vacation uses, permanently identified as “Travel Trailer” by manufacturer of the vehicle.
- Pick-up coach means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- Motor home means a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.
- Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.
- 3.41 Sanitary Station: A facility used for removing and disposing of wastes from recreational vehicle holding tanks.
- 3.42 Service Building: A structure housing toilet, lavatory and other facilities as may be required by this Ordinance.

- 3.43 Setback: The minimum horizontal distance between a structure and the normal high water mark, road centerline, road right-of-way line, front side, or rear lot lines.
- 3.44 Shore land: All lands located within 300 feet of the normal high water mark of a body of water defined herein as a public water.
- 3.45 Sign: A name identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea or business.
- 3.46 Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground including but not limited to walls, fences, signboards, and billboards.
- 3.47 Municipality: Any municipal corporation including those with the powers provided by state law.
- 3.48 Trailer: Any vehicle without motive power designed for use of carrying persons or property and for being drawn by a motor vehicle.
- 3.49 Unincorporated Area: That area lying outside the incorporated limits of any city or village.
- 3.50 Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any non-conforming use.
- 3.51 Variance: Any modification or variation of the provisions of the Ordinance where it is determined pursuant to the provisions of this Ordinance, that, by reason of exceptional circumstances, the strict enforcement of the Ordinance would cause unnecessary hardship.
- 3.52 Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure, from 30 inches above the ground level of the graded lot upward, provided, however, that fences, utility poles, lawn lights, antennae, and related minor equipment may be permitted in any yard, provided that they do not create a traffic safety hazard.
- 3.53 Yard, Front: A yard extending across the front of a lot between the side yard lines and lying between the center line of the street, highway, or water’s edge and the building line.
- 3.54 Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots there will be no rear yard. In the case of corner lots the rear yard

shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.

- 3.55 Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line.

ARTICLE IV

ESTABLISHMENTS OF ZONING DISTRICTS; OFFICIAL ZONING MAP

4.10 For the purposes of this Ordinance, the unincorporated areas of the County are hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon and amendments, is hereby incorporated by reference and declared to be a part of this Ordinance. Said districts shall be know as:

AR-1	Agricultural/Residency District
A	Agricultural District
AR-2	Agricultural/Recreational District
C-1	Highway Commercial Service District
M-1	Manufacturing District
FP	Flood Plain Overlay District

4.11 The County Recorder with the Recorder of Deeds thereto, shall file a certified copy of the Official Zoning Map, together with any amendments. In the case of conflict between said map and the provisions of this Ordinance, the actions of the County Commission amending the map shall govern.

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

ARTICLE V

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

- 5.10 Except as otherwise set forth under the provisions of this Ordinance, where a district is bounded by a street, highway, alley, river, stream, or city limit, the center line of such feature shall be the boundary. Boundaries following railroad lines shall be construed to be located midway between the main tracks.
- 5.11 The scale of this map shall determine distances not specifically indicated on the official zoning map.
- 5.12 Where the actual street or property layout is at variance with that shown on the official zoning map, or in other circumstances not covered by the provisions of this Ordinance, the Zoning Administrator shall interpret the district boundaries.

ARTICLE VI

GENERAL PROVISIONS

- 6.10 Minimum Requirements: The provisions of this Ordinance shall be minimum requirements. This ordinance shall be read and applied in conjunction with all other applicable governmental statutes, Ordinances, codes, and regulations including but not limited to shore land zoning restrictions, solid waste, sewage and agricultural waste disposal regulations promulgated by state agencies. Wherever there exists a conflict between this Ordinance and any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive requirement shall govern.
- 6.11 Yard Space, General: The required yard space for each building, structure or use shall fall entirely upon land within a district or districts, in which the use is permitted.
- 6.12 Minimum Lot Size, Setback, and Coverage Requirements: The following table shall govern:

Zoning District	Lot Width	Per Unit Lot Area	Max % Of Bldg. Coverage	Minimum Side Yard Each Feet	Minimum Rear Yard In Feet
AR-1	200 Ft	3 Acres	10%	50	75
A	300 Ft	5 Acres	10%	50	75
AR-2	300 Ft	3 Acres	10%	50	75
C-1	200 Ft	1 Acre	50%	10	35
M-1	200 Ft	1 Acre	50%	20	40

- 6.13 Setback Requirements on Highways & Roads:
- All state aid and U.S. numbered highways are hereby designated as Class A highways and for any other roads designated as major roads on official maps in effect in Carroll County shall be 100 feet from the center line of the highway or 30 feet from the right-of-way line, whichever is greater.

- b. All township roads not otherwise designated are hereby classified as Class B highways. The setback for Class B highways and for streets other than major and arterial roads designated as such on official maps in effect in the County shall be 63 feet from the center line on the highway or 30 feet from the right-of-way line, whichever is greater.

6.14 Visual Clearance at Intersections: In each quadrant of every street intersection there shall be designated a visual clearance triangle bounded by the road center line and a line connecting them 300 feet from a Class A highway and 200 feet from a Class B roadway. If two highways of a different class intersect, the largest distance shall apply to both centerlines. Within this triangle, no object over three (3) feet in height above these roadways shall be allowed if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they contain no branches to a height of ten (10) feet and located to a minimum of 30 feet apart.

6.15 Access Driveways: Access driveways to Class A highways from abutting properties shall comply with the following requirements:

Class of Highway	Minimum Distance of Highway Frontage Between Access Driveways For Separate Land Uses
Class A Highways	150 ft apart
Class B Highways	75 ft apart

6.16 Excessive Height Permitted: Heights of the following structures may exceed Ordinance limits for the district in which it is to be located with the approval of the County Planning & Zoning Commission. Such structures include, but are not necessarily limited to, cooling towers, stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antennae and necessary mechanical appurtenances.

6.17 Accessory Uses and Structures: Any permanent, roofed structure serving as an accessory use, if attached to the principal building, shall be considered to be a part of the principal building. If such structure is a building and is not attached to the principal building, it shall conform to the setback, and other dimensional requirements of the district within which it is located.

6.18 Drainage, Sanitation and Water Supply:

- a. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reasons of adverse soil conditions, steep slopes, shallow impermeable rock, periodic flooding, or where the lowest floor level is less than 4 feet above the highest groundwater level.

- b. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with minimum standards promulgated by the Missouri Department of Natural Resources.
 - c. The County Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the system meets those regulations in force and effect which may, from time to time, be adopted by the County Commission or by the Missouri Department of Natural Resources.
 - d. Where connection is not made to a public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises.
- 6.19 Airport Zoning Provisions (Overlay): All land within an airport zone shall comply with the appropriate overlay zoning requirements for that ordinance. This applies to the City of Carrollton Airport Approach Zone, which is located in rural Carroll County.
- 6.20 Land Uses Affecting Abutting Property Owners – Special Provisions: The Planning and Zoning Commission may require that land uses which affect abutting properties and which are listed as “conditional uses” in this Ordinance adhere to special provisions. Examples of such land uses which affect abutting property owners may include, but are not necessarily limited to, such activities as blasting, mining, land filling, the construction and operation of facilities for incarceration of prisoners, larger scale subdivisions, tourist camps, recreational vehicle camps, incinerators, or similar land uses. The Planning and Zoning Commission may require that the developer for any such land use prepare an “environmental assessment” for those developments which, in the opinion of the Planning and Zoning Commission, have an impact on surrounding land uses by reason of scale of development, odors, litter, off-site seismic impacts, smoke or haze, down stream water quality impacts, and other similar environmental or human impacts. Such environmental assessment shall include a detailed discussion prepared by a professional engineer or another person who by training and experience would qualify as an expert in environmental assessment of the following topics:
- Description of proposed activities
 - Description of area land uses
 - Description of bedrock geology and soil conditions at the site
 - Description of possible objectionable features of development proposal
 - Description of mitigating measures to ameliorate problems or to lessen impacts
 - Alternative to the proposed development

The Planning and Zoning Commission may require that such environmental assessment be prepared for each such objectionable land use, or any extension thereof, and may impose a review fee not to exceed \$10,000.00 per review of an environmental assessment in order to compensate the County for the hiring or retaining of professional services to review the proposed development.

ARTICLE VII

AR-1, AGRICULTURE/RESIDENCY DISTRICT

Purpose:

This district is intended to promote low-density development on large lot areas not requiring public water and sewer services. It further provides for year-round, seasonal agriculture and forest related development throughout the County.

Permitted Uses:

- a. One and two family year-round seasonal dwellings including manufactured homes.
- b. Farmland and livestock.
- c. Forest production.
- d. Essential services and utilities intended to serve the principal permitted use.
- e. Customary accessory uses provided such uses are clearly incidental to the primary use.
- f. Home occupations.
- g. Public and semi-public uses including but not limited to the following: hospitals, rest homes, homes for the aged, public and private schools, churches, public parks, fire and police stations, historic sites, sewage disposal plants, and storage buildings for non-agricultural uses.

Conditional Uses:

- a. Utility transmitting services such as telephone, power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment, natural gas or oil pipelines, pumping stations, housing or other necessary appurtenant equipment or structures.
- b. Resorts and motels, restaurants, cocktail lounges, sport shops and bait sales, other recreational uses where, in the opinion of the County Planning and Zoning Commission, the general character or nature of the use is in keeping with the other principal permitted uses specified in this Article.
- c. Kennels.

Requirements:

The following requirements shall be observed:

- a. Minimum lot area: Three (3) acres
- b. Minimum lot frontage: The minimum lot frontage at the building line shall be 100 ft.
- c. Maximum percentage of building coverage: 25%
- d. Yard setbacks: Rear and side yard setbacks shall be:
Rear Yard Setback: 30 Ft
Side Yard Setback: 25 Ft

- e. Set back requirements from highways and reads shall be subject to Article VI, Section 6.13.

ARTICLE VIII

A, AGRICULTURAL DISTRICT

Purpose:

This district is intended to allow for agricultural pursuits, the continuation of forestry programs, and related uses in those areas best suited for such activities. It is intended to encourage agriculture and forest management programs and also to recognize the value of agriculture by protecting agricultural uses from encroachment by non-compatible land uses.

Permitted Uses:

- a. Agricultural and farming operations.
- b. One and two family residences, including manufactured homes.
- c. Customary accessory uses provided such uses are clearly incidental to principal permitted use.
- d. Essential services and utilities intended to serve the principal permitted use.
- e. Production of forest crops, including tree plantations, portable sawmills, debarking operations, and chipping facilities.
- f. Harvesting of crops such as row crops, hay, fruits, seeds, and any product of horticultural activity.
- g. Hiking trails, wildlife refuges, game management habitat areas, and similar uses.
- h. Riding stables.
- i. Kennels.
- j. Home occupations.

Conditional Uses:

Uses also authorized upon issuance of conditional use permits include, but are not limited to, the following:

- a. Public and private parks, playgrounds and other public uses.
- b. Forest connected industry such as pulp and paper production plants and permanent sawmills.
- c. Commercial scale animal confinements.
- d. Public or private landfills.
- e. Institutions for the confinement of inmates or prisoners.
- f. Telephone, telegraph, and power transmission towers, poles and lines including transformers, substations, rely and repeater stations, microwave transmission towers, equipment housings and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and other communication relay towers.

- g. Pipelines, valves and pump stations.
- h. Junk yards or salvage yards.

Requirements:

The following requirements shall be observed:

- a. Minimum lot area: 5 acres
- b. Minimum lot frontage: The minimum lot frontage at the building line shall be 250 ft.
- c. Maximum lot percentage of building coverage: 10%
- d. Setbacks:
- e. Rear and side yard setbacks shall be:
 - Rear yard setback: 75 ft
 - Side yard setback: 50 ft
- f. Setback requirements of highway and roads subject to Article 6.13.

ARTICLE IX

AR-2, AGRICULTURE / RECREATIONAL DISTRICT

Purpose:

This district is intended to provide for year-round residential development and essential services in areas of greater environmental sensitivity, enhanced scenic value, and where soil conditions and other physical features place certain limitations upon development.

Permitted Uses:

- a. One family and two family dwellings
- b. Horticultural and gardening
- c. Essential services and utilities to serve the principal permitted use
- d. Customary accessory uses provided that such uses are intended to be clearly incidental to the principal permitted use
- e. Agricultural uses
- f. Home occupations

Conditional Uses:

- d. Utility transmitting services such as telephone, power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment, natural gas or oil pipelines, pumping stations, housing or other necessary appurtenant equipment or structures.
- e. Resorts and motels, restaurants, cocktail lounges, sport shops and bait sales, other recreational uses where, in the opinion of the County Planning and Zoning Commission, the general character or nature of the use is in keeping with the other principal permitted uses specified in this Article.

Requirements:

The following requirements shall be observed:

- a. Minimum lot area: 3 acres
- b. Minimum lot frontage: The minimum lot frontage at the building line shall be 200 ft.
- c. Maximum lot coverage including accessory buildings: 20%
- d. Setbacks:
 - Rear and side yard setbacks shall be:
 - Rear yard setback: 45 ft
 - Side yard setback: 20 ft
- e. Setback requirements of highway and roads subject to Article 6.13

ARTICLE X

C-1 HIGHWAY COMMERCIAL SERVICE DISTRICT

Purpose:

This district is intended to provide for the orderly and attractive grouping, at appropriate locations, of retail stores, shops, offices and similar commercial establishments.

Permitted Uses:

Facilities such as, but not limited to, the following:

- a. Retail stores and shops offering convenience goods and services
- b. Business and professional offices
- c. Banks and savings and loan offices
- d. Public and semi-public buildings and institutions
- e. Hospitals and rest homes
- f. Fire and Police Stations
- g. Commercial entertainment facilities
- h. Laundromats
- i. Restaurants
- j. Taverns
- k. Medical and dental clinics
- l. Auto service stations and maintenance facilities
- m. Recreational vehicles
- n. New and used car sales establishments
- o. Farm implement sales firms
- p. Public and private marinas
- q. Recreation service-oriented facilities
- r. Motels and tourist homes
- s. Rooming and boarding houses
- t. Essential services and utilities to serve the principal permitted uses

Conditional Uses:

- a. Transportation terminals
- b. Trucking/excavating activity
- c. Junk yards or salvage yards

Requirements:

The following requirements shall be observed:

- a. Minimum lot area: 1 acre
- b. Minimum lot frontage: The minimum lot frontage at the building line shall be two hundred (200) feet
- c. Maximum lot coverage including accessory buildings: 50%
- d. Yard setbacks: Rear and side yard setbacks shall be:
 - Rear yard setback: 35 ft
 - Side yard setback: 10 ft
- e. Setback requirements from highways and roads subject to Article VI, Section 6.13

ARTICLE XI

M-1 MANUFACTURING DISTRICT

Purpose:

It is the purpose of M-1 District to create industrial areas that will be acceptable within the County, by permitting industrial establishments. The establishments will not adversely affect adjacent business, residential interest of general health and welfare or residential and certain institutional uses. Design and/or appropriate devices will make these operations relatively free from objectionable influences or objectionable features.

Permitted Uses:

- a. Manufacturing: Any manufacturing use or process including assembling, fabricating, altering, converting, finishing, processing, treating and packaging and wholesaling;
- b. Warehousing and storage: The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use.
- c. Agricultural Uses and Agricultural Enterprises.
- d. Construction and operation of power plants and their related activities.
- e. Construction and operation of bio-fuel manufacturing facilities and their related activities.

Prohibited Uses:

- a. Residential: Dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and tourist homes.
- b. Institutional: Schools, childcare centers, homes for the aged and similar institutions for human care, except where they are incidental to a principal permitted use.

Conditional Use:

Uses authorized upon issuance of a conditional use permit include, but are not limited to, the following:

- a. General: Any use listed above, provided that any objectionable features normally associated with these uses, such as hazardous, offensive or objectionable by reason or odor, dust, cinders, gas, fumes, noise, waste, will be ameliorated, controlled or eliminated through design, mechanical devices, screen planting and/or walls and other measures as specified by the Planning and Zoning Commission.

Requirements:

The following requirements shall be observed:

- a. Minimum lot area: 1 acre
- b. Minimum lot frontage: The Minimum lot frontage at the building line shall be two hundred (200) ft.
- c. Maximum lot coverage including accessory buildings: 50%
- d. Yard setbacks: Rear and side yard setbacks shall be:
 - Rear yard setback: 40 ft.
 - Side yard setback: 20 ft.
- e. Setback requirements from highways and roads subject to Article VI, Section 6.13

ARTICLE XII

ADMINISTRATION

12.10 Designation: The Carroll County Commissioners shall appoint a Zoning Administrator, whose duty it shall be to administer and enforce the provisions of this Ordinance. Administrative functions shall include, but not be limited to, the duty to:

- a. Provide necessary forms and applications;
- b. Issue land use permits upon demonstration of the applicant's compliance with the provisions of this Ordinance;
- c. Issue Certificates of Occupancy;
- d. Issue any authorized permits;
- e. Identify and record information relative to nonconformities;
- f. Provide assistance in zoning changes and amendments to the Ordinance text or map;
- g. Maintain files of applications, permits and other relevant documents;
- h. Make an annual report of activities to the County Commission.

12.11 The Zoning Administrator shall have all powers and authority conferred by laws, statutes and ordinances to enforce the provisions of this Ordinance including, but not limited to, the following:

- a. Access to any structure or premise for inspection or enforcement purposes by the permission of the owner or upon issuance of a special inspection warrants.

12.12 Land Use Permits: Land use permits shall be issued in accordance with the following provisions:

- a. Applications shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot(s) involved and of any proposed structures, including the relation to abutting streets, lakes or streams, and the existing and proposed use of each structure and lot, and the number of families to be accommodated. The Zoning Administrator shall retain one copy and one copy shall be returned to the owner when such plans have been approved. A period of two weeks shall be allowed for inspection of plans before a permit is issued.

- b. Any permit shall be valid for twelve (12) months after date of issue. When construction has not been started on valid permits within a twelve-month period from the date of issue, and extension of time may be granted upon application to the Zoning Administrator.
- c. No permit shall be required for maintenance, repair or remodeling where the building area coverage is not increased.
- d. Permits issued hereunder may be revoked for cause including, but not limited to, mistakes or misrepresentation of fact, issuance in violation of the provisions of this Ordinance, or in violation of any other applicable law or ordinance and for violation of the terms and conditions of the permit.

ARTICLE XIII

FLOODPLAIN OVERLAY DISTRICT

- 13.10 General Purpose: It is the purpose of this section to identify areas protected from encroachment by land uses that would be susceptible to flood damage, excessive flooding, and to promote coordinated and controlled construction of levies, dikes, dams, and other structures which affect the flood hydraulics within the federally designated flood plain. This is an “overlay” district so designated by the Federal Emergency Management Agency and is a re-codification of a previous County Order adopted and dated January 15, 1988. This section makes participation in the Federal Flood Insurance Program by Carroll County residents and businesses possible.
- 13.11 Findings Of Fact:
- a. The flood hazard areas of Carroll County are subject to periodic inundation, which, results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - b. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.
- 13.12 Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
- a. To protect human life and health;
 - b. To minimize expenditure of public money for costly flood control projects;
 - c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - d. To minimize prolonged business interruptions;
 - e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
 - f. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
 - g. To insure that potential home buyers are notified that property is in a flood area; and
 - h. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

13.13 Methods Of Reducing Flood Losses: In order to accomplish its purposes, this ordinance includes methods and provisions for;

- a. Restricting or prohibiting uses, which are dangerous to health, safety, and property due to water or erosion or to flood heights or velocities.
- b. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.
- c. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.
- d. Controlling filling, grading, dredging, and other development, which may increase erosion or flood damage.
- e. Preventing or regulating the construction of flood barriers that will unnaturally divert floodway waters or which may increase flood hazards in other areas.

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

“Actuarial or Risk Premium Rates” mean those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act of the accepted actuarial principles. “Risk premium rates” include provisions for operating costs and allowances.

“Appeal” means a request for a review of the Planning & Zoning Commission’s interpretation of any provision of this Ordinance or a request for a variance.

“Area of shallow flooding” means a designated AO or AH zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” is the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

“Existing construction” means (for the purpose of determining rates) structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMS’s effective before that date. “Existing construction” may also be referred to as “existing structures”.

“Flood or flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

“Flood Insurance Study” is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary/Floodway Map and the water surface elevation of the base flood.

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

“Floodway Fringe” is that area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year.

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

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with a permanent foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes parked trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

“New construction” means structures for which the “start of construction” or substantial improvement is commenced on or after the effective date of the FIRM.

“Start of construction” (for other than new construction or substantial improvements under the Coastal Barrier Resources Act {Pub.L.97-348}), includes substantial improvement was within 180 days of the permit date. The actual start means the first

placement of permanent construction of the a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Structure” means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

“Substantial improvement” means any repair, reconstruction, or improvement, or a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historic Places.

“Variance” is a grant of relief to a person from the requirements of this ordinance that permits construction in a manner otherwise prohibited by this ordinance where specific ordinance would result in unnecessary hardship.

13.15 General Provisions:

13.16 Lands to Which This Ordinance Applies: This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of Carroll County.

13.17 Basis For Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency through a scientific and engineering report entitled “The Flood Insurance Study for the County of Carroll”, dated October 17, 1986, with accompanying Flood Insurance Rate Maps (and Flood Boundary and Floodway Maps) with any revision thereto are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Planning & Zoning Commission office.

13.18 Penalties for Non-Compliance: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations.

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than 10 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day the violation continues, it shall be considered a separate offense.

Nothing herein contained shall prevent the County of Carroll or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

- 13.19 Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall control.
- 13.20 Interpretation: In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.
- 13.21 Warning and Disclaimer of Liability: The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Carroll County or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- 13.22 Administration
- 13.23 Establishment of a Development Permit: A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 13.17. No person, firm, or corporation or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for each development as defined in Section 13.14. Application for a Development Permit shall be made on forms furnished by the Planning & Zoning Commission and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- (2) Elevation in relation to mean sea level to which any non-residential structure is to be flood proofed.
- (3) Certification from a registered professional engineer or architect that the non-residential flood proofed structure will meet the flood proofing criteria in Section 13.30 (2).
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

13.24 Designation of the Local Administrator: The Planning & Zoning Commission Administrator is hereby appointed to administer and implement the provisions of this Ordinance, by granting or denying development permit applications in accordance with its provisions.

13.25 Duties and Responsibilities of Planning & Zoning Commission Administrator: Duties of the Planning & Zoning Commission Administrator shall include, but not limited to:

- (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
- (2) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- (3) When base flood elevation data has not been provided in accordance with Section 13.17, then the Planning & Zoning Commission Administrator shall obtain, review, and reasonably utilize any base flood elevation or floodway data available from a federal, state or other source, in order to administer the provisions of Section 13.27.
- (4) Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
- (5) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed.
- (6) When flood proofing is utilized for a particular structure, the Planning & Zoning Commission Administrator shall obtain certification from a registered professional engineer or architect.
- (7) Notify adjacent communities and the Department of Natural Resources prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.

- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (9) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Planning & Zoning Commission Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

13.26 Variance Procedures:

- (1) The Board of Adjustment as established by Carroll County shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- (2) The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Planning & Zoning Commission Administrator in the enforcement or administration of this Ordinance.
- (3) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Circuit Court as provided in the Section 536.110 RSMo.
- (4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury or others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community.
 - (e) The necessity to the facility to a waterfront location, where applicable;
 - (f) The availability of alternative locations, not subject to flowing or erosion damage, for the proposed use;

- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable;
- (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas electrical, and water systems, and streets and bridges.

(5) Conditions of Variances:

- (a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b-f) below, have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases.
- (b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (d) Variances shall not be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (e) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (f) Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

13.27 Provisions For Flood Hazard Reduction

13.28 General Standards: In all areas of special flood hazards (Zones A, AE, AI-30, AO, AH) the following provisions are required:

- (1) All new construction including manufactured homes and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (4) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (7) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (8) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- (9) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
- (10) That until a floodway has been designated, no development, including landfill, may be permitted within Zones AI-30 and AE on the county's FIRM unless the

applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference; Section 13.14 of this ordinance.

13.29 Standards For Subdivision Proposals:

- (1) All subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions), which is greater than either 50 lots or 5 acres.

13.30 Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 13.25 (3), (Zones A1-30, AE and AH) the following provisions are required:

- (1) Residential Construction – New construction or substantial improvement of any commercial, industrial or other non-residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.
- (2) Non-residential Construction: New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to one foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 13.25 (6).
- (3) Require for all New Construction and Substantial Improvements – That fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum to two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes:

- (a) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state and local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (i) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side:
 - (ii) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side:
 - (iii) All components of the anchoring system be capable of carrying a force of 4,800 pounds, and
 - (iv) Any additions to the manufactured home are similarly anchored.
- (b) Require that all manufactured homes to be placed within Zones A1-30, AH and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevations; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 13.31 4(a).

13.31 Floodways: Located within areas of special flood hazard established in Section 13.18 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood di

ARTICLE XIV

PLANNING COMMISSION

PLANNING AND ZONING COMMISSION OF THE COUNTY OF CARROLL, MISSOURI.

14.10

Name of Commission

The name of this organization shall be the PLANNING AND ZONING COMMISSION OF THE COUNTY OF CARROLL, MISSOURI.

14.11

Authorization

The authorization for the establishment of the County Planning and Zoning Commission is set forth under Revised Statutes of Missouri, Chapter 64, and any acts amendatory thereof or supplementary thereto. Powers and duties were delegated to the Planning and Zoning Commission by the County Commission of the County of Carroll on the 20th day of July, 1992 in accordance with the above mentioned enabling law.

14.12 Meetings

Section 1. Annual Meeting

The annual meeting of the County Planning and Zoning Commission shall be the first regular meeting in the month of March of each year or as scheduled by the Planning and Zoning Administrator. The County Planning and Zoning Commission shall devote such meeting to the election of officers for the ensuing year and such other business as scheduled.

Section 2. Special Meetings

Special meetings of the County Planning and Zoning Commission shall be held at a time and place designated by the officer calling the same and shall be called by the Chairman or Vice-Chairman. Written notice thereof shall be given to all the members not less than 24 hours in advance thereof.

Section 3. Quorum

At any meeting of the County Planning and Zoning Commission, a quorum shall consist of a majority of the members of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting and to set a subsequent date.

Section 4. Voting

At all meetings of the County Planning and Zoning Commission, each member attending shall be entitled to cast one vote. Voting shall be by voice. In the event that any member shall have a personal interest of any kind in a matter then before the Commission, the member shall disclose the interest and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of at least 2/3 of the established quorum members shall be necessary for the adoption of any resolution or other voting matters.

Section 5. Proceedings

- a. At any regular meeting of the County Planning and Zoning Commission, the following shall be the regular order of business:
 - (1) Roll Call
 - (2) Minutes of the preceding meeting
 - (3) Public Hearings
 - (4) Old and New business
 - (5) Communications and bills
 - (6) Report of the Officers and Committees
 - (7) Adjournment
- b. Each formal action of the County Planning and Zoning Commission required by law, statute, rule or regulation shall be embodied in a formal resolution duly entered in full upon the Minute Book after an affirmative vote as provided in Section 5 hereof.

Section 6. Rules of Procedure

All meetings of the County Planning and Zoning Commission shall be conducted in accordance with Robert's Rules of Order.

14.13 Membership

The appointment and the terms of the members of the Planning and Zoning Commission shall be in conformity with Section 64.520 RSMo.

Section 1. Officers

The officers of the County Planning and Zoning Commission shall consists of a Chairman,; a Vice-Chairman, and a Secretary elected by the Planning and Zoning Commission at the annual meeting for a term of one year. In the event the Secretary shall be absent from any meeting, the officer presiding shall designate an acting Secretary.

Section 2. Duties of Officers

The duties and powers of the officers of the County Planning and Zoning Commission shall be as follows:

a. Chairman:

- (1) To preside at all meetings of the Commission
- (2) To call special meetings of the Commission in accordance with these By-Laws.
- (3) To sign documents of the Commission.
- (4) To see that all actions of the Commission are properly taken.

b. Vice Chairman:

During the absence, disability or disqualification of the Chairman, the Vice-Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

c. Secretary:

- (1) To keep the minutes of all meetings of the Commission in an appropriate Minute Book.
- (2) To give or serve all notices required by law or by these By-Laws.
- (3) To prepare the agenda for all meetings of the Commission.
- (4) To be custodian of Commission records.
- (5) To inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence.
- (6) To handle funds allocated to the Commission in accordance with its directives, the law, and County regulations.
- (7) To sign official documents of the Commission.

14.14 Employees

Within the limits imposed by the funds available for its use, the Commission may employ such staff personnel and/or consultants as it sees fit to aid in its work.

Appointments shall be made by a majority vote of the entire Commission membership.

14.15 Vacancies

Should any vacancy occur among the membership of the County Planning and Zoning Commission by reason of death, resignation, disability or otherwise, the Secretary thereof shall give immediate notice to the County Clerk. Should any vacancy occur among the officers of the County Planning and Zoning Commission, the vacant office shall be filled in accordance with Article IV, Section 1 of these By-Laws, such officer to serve the remaining term of the office in which such vacancy shall occur.

14.16 Amendments

These By-Laws may be amended at any meeting of the County Planning and Zoning Commission provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.

ARTICLE XV
BOARD OF ADJUSTMENTS

- 15.10 There is herewith created a Board of Adjustment consisting of 5 members, all of whom shall reside in the unincorporated area of the county. Members shall be appointed by the County Commission, provided that no elected officer of the County, not any employee of the County Commission shall serve as a member of the Board of Adjustment and that one member of such Board of Adjustment shall also be a member of the Planning and Zoning Commission. The Board of Adjustment shall exercise its powers as an appeals board subject to the provisions of Section 64.660 RSMo, and any amendments or supplements thereto.

Of the members appointed to the first board, 1 shall serve a term of one year, 2 shall serve a term of two years and 2 shall serve a term of three years. Thereafter, all members shall be appointed for a term of four (4) years, provided that each member shall serve until his successor is duly appointed.

- 15.11 Members of the Board of Adjustment may not be paid their necessary expenses in the performance of official duties consistent with Section 64.660 RSMo.
- 15.12 Officers: A chairman and vice-chairman shall be elected from among the members and a secretary shall be appointed who need not be a member of the Board of Adjustments.
- 15.13 Powers: The Board of Adjustment shall have and exercise the following powers:
- a. To adopt rules of procedure governing the transaction of its business.
 - b. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by any administrative official charged with enforcing the provisions of this Ordinance.
 - c. To order the issuance of permits for buildings in areas designated for future public use on an official map.
 - d. To order the issuance of variance from the terms of any official control, including restrictions placed on any nonconformity. Variances shall be permitted only when they are in harmony with the general purposes and intent of the provisions of this ordinance in cases where there are practical difficulties or particular hardship in carrying out the strict letter of this ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. "Hardship" as used in connection with the granting of a variance means that the property in question cannot be put to a reasonable use if used under the provisions allowed by the Zoning Ordinance; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the ordinance. No variance may be

granted which would allow any use that is prohibited in the zoning district in which the property is located. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and protect adjacent properties and the public interest.

The applicant for a variance, which, in the opinion of the Board of Adjustment, may result in a material adverse effect on the environment, may be requested by the Board to demonstrate the nature and extent of the effect.

15.14 Hearings and Appeals:

- a. Any officer, department, board or bureau of a town, municipality, county or state may take by any person aggrieved, or appeals. Such an appeal shall be taken within 30 days by filing with the Board of Adjustment a notice of appeal specifying the grounds thereof.
- b. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the appellant, to the officer from whom the appeal is taken and to the public, and shall decide the same within 30 days of the completion of the hearing.
- c. An appeal stays all proceedings in furtherance of the action appealed from, unless the Board of Adjustment certifies that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property.
- d. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken any may direct the issuance of a permit.
- e. The Board shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons for the decision shall be stated in writing. The Board shall record the vote of each member on each question, or if absent or failing to vote, indicating such fact. All records shall be open to the public and shall be immediately filed in the office of the Recorder of the Deeds by the secretary of the Board of Adjustment. Meetings shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. All meetings and hearings shall be conducted in conformance with the provisions of the Missouri Sunshine Law, Chapter 610.010 RSMo, et seq, and any additions or amendments thereto.
- f. A majority vote of the members of the Board of Adjustment shall be sufficient on any action under consideration.
- g. All decisions by the Board of Adjustment in granting variances or in hearing appeals shall be final, except that any aggrieved person or person, or any department, board or commission, or the state shall have the right to appeal within thirty days after the receipt of notice of the decision, to the Circuit Court in the county in which the land is located, on questions of law and fact.

- 15.15 Removal: Members of the Board shall be removable for cause by majority vote of the County Commissioners, upon the filing of written charges with the County Commissioners. No member shall be removed prior to a public hearing, which shall be held within thirty (30) days of the date of filing of the written charges.
- 15.16 Vacancies: The County Commissioners shall promptly fill vacancies occurring on the Board and any member so appointed shall serve the balance of the preceding member's term and shall thereafter be subject to appointment in the manner hereinabove set forth.
- 15.17 The Board shall always act with due consideration toward promoting the public health, safety and convenience and welfare, thereby encouraging the most appropriate use of land consistent with the Comprehensive Plan.

ARTICLE XVI

CONDITIONAL USE PERMITS

16.10 Definition: A conditional use constitutes a use including a structure, which would not be appropriate generally or without restriction throughout a zoning district, but which, it controlled as to number, area, location or relation to neighborhood would not be injurious to the public health, safety or general welfare.

16.11 Procedure:

- A. Application for a conditional use permit shall be made to the Zoning Administrator who shall promptly refer it to the Planning and Zoning Commission. The application shall contain the information required for an application for a land use permit, along with such other data and information, as the Planning and Zoning Commission may deem necessary to properly evaluate the application. Additionally, should the Planning and Zoning Commission be of the opinion that issuance of a permit may result in a material adverse effect on the environment; the applicant may be requested by the Board of Adjustment to demonstrate the nature and effect of the extent.
- B. The Planning and Zoning Commission shall review the application within 30 days after filing the application shall report its recommendation to the County Commission. Recommendations shall include an accurate description of the proposed conditional use, a description of the property upon which the conditional use is sought to be located, along with any other recommendations or proposed conditions of the Planning Commission.
- C. Within thirty (30) days of submission to the County Commission of the Planning and Zoning Commission report, the County Commission shall hold a public hearing on the application. Notice of the time, place and purpose of the hearing shall be given by publication in the official newspaper of the County, at least ten days before the hearing.

For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate record to determine the names and addresses of the owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings provided a bona fide attempt to comply with the notice requirement has been made.

- 16.12 Standards and Criteria: A conditional use permit shall be granted by a majority vote of the County Commission upon written findings of fact that the following conditions have been complied with. Approval may be subject to such further restrictions and conditions and the County Commission may deem necessary to protect to public interest including, but not limited to, matters relating to appearance, lighting, hours of operation, and performance characteristics. When appropriate, restrictive covenants may be required regarding such matters.
- A. That the proposed development is likely to be compatible with development permitted under the general provisions of this Ordinance on substantially all land in the vicinity of the proposed development.
 - B. That the conditional use will not be injurious to the use and enjoyment of the environment, or detrimental to the rightful use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the vicinity.
 - C. That the proposed use is consistent with the overall comprehensive plan and with the spirit and intent of the provisions of this Ordinance.
- 16.13 Denial: In the event that the County Commission denies an application for a special use permit, the factual basis and reasons for the denial shall be set contemporaneously with the action of the denial.
- 16.14 Duration; Termination: A conditional use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this section shall prevent the County Commission from enacting or amending official controls to change the status of conditional uses. Where a conditional use does not continue in conformity with the conditions of the original approval, the permit shall be terminated by the County Commission, provided that no permit shall be revoked unless the permitted has first been granted a public hearing.
- 16.15 Filing: A certified copy of any conditional use permit shall be filed by the Zoning Administrator with the Recorder of Deeds for record. The conditional use permit shall include the legal description of the property involved.

ARTICLE XVII

NONCONFORMING LAND USES

- 17.10 Intent: It is the intent of this article to regulate nonconformities and to provide for their gradual elimination.
- 17.11 Nonconformities: Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of this Ordinance may be continued, subject to the provisions of this ordinance, provided that no nonconformity shall be continued unless the owner shall have completed a material amount of construction or shall otherwise have acquired a vested right with respect to the nonconformity.
- 17.12 Amortization: The County may provide for the termination of nonconformities, either by specifying the period or periods within which they shall be required to cease or by providing a formula whereby compulsory termination shall be so fixed as to allow a reasonable period for the recovery of the investment in the nonconforming use.
- 17.13 Purchase: the Commission may acquire a nonconformity that is determined by the County Commission to be detrimental to the achievement of the goals and objectives of the Comprehensive Plan be purchased.
- 17.14 Conditions: The following conditions shall govern the continuance of nonconformities:
- A. No nonconformity shall be enlarged, increased, extended or moved unless the use is changed to one permitted pursuant to the provisions of this ordinance.
 - B. Any non-structural repairs and incidental alterations for normal maintenance may be made. Structural alterations required by law or ordinance shall be allowed.
 - C. Any nonconformity may be extended throughout any parts of the building, which were manifestly arranged or designed for such nonconformity at the time of adoption or amendment of this Ordinance, but no such nonconformity shall be extended to occupy any land outside such building.
 - D. If any nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of fifty percent of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
 - E. The Commission may by ordinance impose upon nonconformity additional regulations relating to appearance, signs, lighting, hours or operation and other

esthetic performance characteristics including, but not limited to, noise, heat, glare, vibrations and smoke.

- 17.15 Change of Use: Any nonconformity may be changed to another nonconformity provided that no structural alterations are made and provided further that the prior approval shall be obtained from the Planning and Zoning Commission. The Commission, either by general rule or by making findings in a specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconformity, and may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

ARTICLE XVIII

AMENDMENTS

- 18.10 Amendments: The regulations, restrictions and boundaries set forth in this ordinance may be amended, supplemented or repealed in accordance with the provisions of this article.
- 18.11 Initiation: Amendments may be initiated by the Planning and Zoning Commission, the County Commission or by petition of any person owning property within the boundaries of the district subject to the proposed amendment.
- 18.12 Referral to Planning and Zoning Commission: Amendments shall be referred to the Planning and Zoning Commission, the County Commission or by petition of any person owning property within the boundaries of the district subject to the proposed amendment.
- 18.13 Hearing:
- A. No amendment shall be adopted until a public hearing has been held thereon by the Planning and Zoning Commission.
 - B. No amendment shall be adopted until a public hearing has been held thereon by the County Commission. Not less than fifteen (15) days before the public hearing held by the County Commission, a notice of intention to enact such amendment shall be published in the official newspaper of the County stating subject matter and the general purpose of the proposed amendment.
 - C. In addition to the requirements set forth above, the following provisions shall govern hearing required by this section; notice of the time, place and purpose of the hearing shall be published in the official newspaper of the County at least fifteen (15) days prior to the day of the hearing. Additionally, written notice of public hearings shall be sent to the governing bodies of all towns and municipalities located within the County, consistent with Section 64.863 RSMo.
- 18.14 Fees: No action shall be taken on any application by an applicant other than the Planning and Zoning Commission or the County Commission until the applicant shall have paid to the appropriate official an appropriate filing fee as established by the provisions of Article XIX.

ARTICLE XIX

SCHEDULE OF FEES, CHARGES AND EXPENSES

- 19.10 The County Commission shall establish a schedule of fees, charges and expenses for permits, certificates, appeals, and other documents and actions required by the provisions of this ordinance. This schedule shall be available in the office of the Zoning Administrator. No permit, certificate or variance shall be issued unless such fees, charges or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until fees, charges and expenses have been paid in full.

ARTICLE XX

VIOLATIONS AND PENALTIES

- 20.10 Complaints Regarding Violation: Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator, stating fully the causes and basis thereof. The Zoning Administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provisions of this Ordinance.
- 20.11 Any unauthorized change in the Official Zoning Map shall be considered a violation of the provisions of this ordinance.
- 20.12 No building, structure or land shall hereafter be used or occupied and no building and structure or part there shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this Ordinance.
- 20.13 In addition to all other remedies, the County Commission may institute appropriate action or proceedings to prevent, restrain, correct or abate violations or threatened violations and it is the duty of the County Attorney to institute such action.
- 20.14 Violation and Penalty: Any person firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provision of this Ordinance shall be guilty of a misdemeanor. Each day that violation is permitted to exist shall constitute a separate offense.

ARTICLE XXI

SEVERABILITY

- 21.10 In any case in which the provisions of this Ordinance are declared by the courts to be unconstitutional or invalid, said ruling shall not affect the validity of the remaining provisions of the Ordinance and to this end the provisions of this Ordinance are declared to be severable.

Addendum to clarify Minimum Acreage Requirements to new Builds as approved June 12, 2023.

Monday June 12, 2023
Planning and Zoning Commission
10:00 a.m.

The Carroll County Planning and Zoning Commission met on Monday June 12, 2023, in the County Commission courtroom in Carrollton, Missouri.

Present for this meeting were: Michael Mulch, Jeffrey Martin and Cohlby Jones with Economic Development; Daryl Morris and Darrell Johnson with Stokes Mound Township; Chris Heil, Egypt Township; Josh Herring, Fairfield Township; Roy Ritchhart, Trotter Township, Larry Anderson, Leslie Township; Lonnie O'Dell, Hurricane Township; Sheila Scott, Carrollton Township; Claud Miller, Prairie Township; Candy Schlueter, Combs Township; Van Hudson, Van Horn Township; Stan Falke, Presiding Commissioner; David Martin 2nd District Commissioner; Everett Shields, 1st District Commissioner and Petal Stanley, Carroll County Clerk. Joining by phone conference were Karen Wood, Moss Creek Township; Russell Burns, Rockford Township and Kim Guilford, Eugene Township.

CALL TO ORDER, ROLL CALL AND APPROVAL OF MINUTES

The meeting was called to order. It was decided there was a quorum to conduct business and roll call was taken. Sheila Scott moved to approve the previous minutes as read. Claud seconded. Minutes were unanimously approved.

OLD BUSINESS

None.

NEW BUSINESS

MINIMUM ACREAGE REQUIREMENTS FOR NEW BUILDS IN AGRICULTURALLY ZONED AREAS

Van Hudson took the floor and opened the discussion about changing the minimum requirement to build a residence in Agricultural zoned areas from five (5) acres to three (3) acres. Michael Mulch, President of Economic Development, explained that the request was being made by Economic Development due to the urgent need for more housing in Carroll County.

Chris Heil made the motion that the minimum requirement to build a residence on Agricultural zoned land stay at five (5) acres, with a three (3) acre case by case adjustment only as approved by the board. Larry Anderson seconded the motion.

Monday June 12, 2023
Planning and Zoning Commission
10:00 a.m.

**MINIMUM ACREAGE REQUIREMENTS FOR SELLING EXISTING RESIDENCES IN
AGRICULTURALLY ZONED AREAS**

Van made the motion that if a person sells an existing house in Agricultural zoned areas, it must fall under the same acreage requirements as a new build: a minimum of five (5) acres with a three (3) acre case by case adjustment only as approved by the board, UNLESS the house was already on less existing acres. Chris Heil seconded the motion. Motion passed unanimously.

ELECTION OF OFFICERS

Roy Ritchhart nominated Van Hudson as president of the Planning and Zoning Commission. Chris Heil seconded the motion. Motion passed unanimously.

BRUSH LAWS

Candy Schlueter asked about the brush problem on their roads and what course of action they could take. Stan suggested the townships contact the tenants or landowners either in person or by written correspondence.

ADJOURNMENT

Larry Anderson made the motion that the meeting be adjourned. Lonnie O'Dell seconded the motion. Motion passed unanimously.

Submitted by,
Stan Falke
Presiding Commissioner

