



DEVELOPMENT GUIDANCE CODE

**Adopted by the Taney County Commission
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Taney County Planning Commission

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This Code is implemented on a daily basis by the staff of the
Taney County Planning Commission.

TANEY COUNTY DEVELOPMENT GUIDANCE CODE

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TANEY COUNTY DEVELOPMENT CODES TANEY COUNTY, MISSOURI

The Taney County Planning Commission hereby orders that no plat of any subdivision of land shall be recorded and that no building or other structure shall be erected, constructed, reconstructed, or enlarged, nor the use of any land be changed without a permit issued pursuant to these Codes.

1. PURPOSE

These Codes are designed to manage the growth and development of Taney County so as to achieve the objectives authorized by law, those being:

- to conserve the natural resources of the county, to ensure efficient expenditure of its public funds, and to promote the health, safety, convenience, prosperity, and general welfare of its inhabitants (Revised Statutes of Missouri 64.815)
- to provide for the proper location and size of streets, building lines, open spaces, safety, recreation, and for the avoidance of congestion, including minimum width and area of lots in subdivisions (RSMo 64.825)
- to conserve and protect property and building values, to secure the most economical use of the land, and to facilitate the adequate provision of public improvements (RSMo 64.850)

Note: These general, statutorily authorized purposes have been expanded into the specific policy statements in section 11.

2. DEFINITIONS

Absolute Policy

A requirement of the Code that if not met or satisfied will result in the application for a permit being rejected.

Accessory Use / Structure

A structure or use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or use; c) is subordinate in area, extent, or purpose to the principal building or use served; d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or use served; and e) is located on the same lot, site, or property as the principal building or use served.

Administrative Approval

Any approval or decision that can be performed by the Designated Official in the Planning and Zoning office without requiring the approval of the Planning Commission.

Adult Entertainment Business

An establishment used for presenting material, selling material, or featuring entertainment that is distinguished or characterized by an emphasis on displaying, depicting, describing, or relating to sexual activities or anatomical areas that are sexual in nature and which excludes minors by virtue of age.

Agriculture

The production, keeping, or maintenance, for sale, lease, or personal use, of plants and animals useful to man.

Applicant

The person completing and submitting a formal request for a permit.

Appurtenance

An item or property that is considered incidental or is in addition to the principal property, such as a shed, deck, porch, carport, etc.

Base Plane

The highest point where ground level adjoins the structure. Where any finished ground level slopes away from the exterior walls at the highest point, the Base Plane shall be measured from the ground level six feet from the structure exterior wall.

Bed and Breakfast

A family home, occupied as a permanent dwelling by the proprietor, that contains no more than four guest rooms where lodging, with or without meals, is provided for compensation.

Board of Adjustment

An officially constituted body whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the Taney County Development Guidance Code. (See RSMo 64.870.)

Buffer

A device, material, or apparatus used to lessen the impact of or to shield from an annoyance or other adverse condition.

Building Bulk or Scale

The total size (height, length, and width) of a building or structure and its visual impact on the landscape, as compared to neighboring structures.

Building Height

Height of a building or structure measured from grade to the highest point on the roofline. Antennae, chimneys, and vents may extend above the roofline.

Building Materials

The exterior materials that determine the appearance of a building or structure.

Certificate Of Compliance

A document issued by the Planning & Zoning department allowing the occupancy or use of a building and certifying that the structure or use is in compliance with all applicable Taney County Development Guidance Code provisions and all permit requirements.

Class I-IV Cropland

The cropland classifications used by the United States Department of Agriculture and the Natural Resources Conservation Service.

Clearing

The clearing of land through the movement and/or disturbance of soil.

Commercial Property

Property or activity associated with a property established for the sole or main purpose of salability and/or profitability. Such commercial activities include business, industry, and trade.

Compatibility

Land usage and/or improvements that are similar to that of other land usage and/or improvements that are within 1000 feet, whether directly adjoining or not.

County Commission

Elected officials responsible for establishing policies and procedures, enacting ordinances, supervising the activities of county departments, adopting county budgets, and providing various other services. (May also be referred to as "County Commissioners" and "Commissioners".)

Critical Area

An area with one or more of the following environmental characteristics: 1) slopes in excess of 30%; 2) floodplain; 3) soils classified as having high water tables; 4) soils classified as highly erodible, subject to erosion, or highly acidic; 5) land incapable of meeting soil evaluation standards for wastewater systems; 6) land formerly used for landfill operations or hazardous industrial use; 7) fault zones; 8) stream corridors; 9) mature stands of native vegetation; 10) wetlands and wetland transition areas; 11) habitats of endangered species; 12) lakeshores; 13) class I-IV cropland; and 14) karst features such as caves, sinkholes, and losing streams.

Decision of Record

A formal, official and documented record of the Staff or Planning Commission findings supporting the approval or rejection of an application for a permit.

Designated Official

The Administrator of the Taney County Planning and Zoning department or assigned delegate, as designated by the County Commission and the Planning Commission, charged with the operation of the Planning and Zoning department and the administration of the Development Guidance Codes, as directed by the Planning Commission. (Reference sections 64.810 and 64.865 of the Missouri Revised State Statutes.)

Developer

A person, partnership, or corporation engaged in the development of land. The developer, by definition, owns the property to be developed. A property owner may retain, or contract, representatives to assist in the design, approval, and construction of a development, but the application must be filed in the name of the owner of record (see "Applicant").

Development

The general term used to refer to any proposed land-use change, subdivision, construction, building, grading, clearing, filling, quarrying, construction, or similar activities. Please note that the subdivision of land requires the approval of either the Planning Commission or Planning Administrator per the provisions of the Taney County Subdivision Regulations. All other development activities enumerated above require the issuance of a permit.

Duplex

A two-family residential use in which the dwelling units share a common wall (including the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

Dwelling Unit

A building or portion of a building designed and used for residential occupancy by a single Household. (This includes exclusive sleeping, cooking and sanitation facilities.)

Easement

A property right-of-way held by the owner that entitles the holder to apply and enforce restrictions on its use.

Economic Growth

A positive change in the level of production of goods and services in the county over a sustained period of time.

Erosion

The wearing away of land by actions of wind, water, and/or gravity.

Farm Buildings and Structures

Barns, farrowing houses, machine sheds, poultry houses, sheds and any other structures not meant for human habitation or occupancy. Farm buildings and structures are exempt from all provisions of the Development Codes if they are located on agriculturally zoned property.

Final Plan

The plan submitted by the developer that incorporates the recommendations and comments of the Designated Official with respect to the preliminary plan.

Floodplain

Any land area susceptible to inundation by water from any source.

Floodway

The stream or channel and adjacent areas that carry the actual floodwaters.

Floodway Fringe

All land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

Grading

To reshape the ground surface through the movement of soil. This may consist of rough grading or reshaping to planned grades. Grading may be done to provide more suitable sites for building and other land uses, and/or to improve surface water drainage and control erosion and sediment.

Grading and Conservation Plan

More information on grading and conservation plans may be obtained from the local offices of the Natural Resource Conservation Service or a professional landscape architect.

Green Space

A vegetated public area that provides an open environment. These public spaces contribute to the social, economic, and environmental well being of a community. They may be developed or undeveloped but should provide free access to recreation and the supporting infrastructure.

Height

The vertical distance from Base Plane to Mean Roof Height.

Home Occupation

Any professional, craft, or commercial activity conducted as a customary, incidental, and accessory use in the resident's dwelling or accessory building to the residence for gain by the resident.

Impervious Cover

The principal measure of development density, it is the coverage within a development of all rooftops, roads, drives, walks or hard-surfaced trails, parking lots, and other hard-surfaced areas. Impervious cover is expressed as a percentage of the total development site for projects in which all structures or buildings and other elements of impervious cover are approved in the permit. For new developments, impervious cover shall be expressed as a percentage of the unimproved area.

Importance Factor

A weighting or criticality factor that is used when scoring Relative Policies to allow each score to have greater or lesser overall impact based on how important that policy is to overall planning goal.

Improved Area (commercial)

That portion of a commercial operation that consists of the structure, parking, and maintained area that is part of the visible facility. This does not include the parts of a commercial property which are not maintained or which have no visible structure. Commercial uses classified as Home Occupations or Special-Use permits shall not be used to establish commercial viability.

Improvement

General term for anything that must be built or provided to comply with any Absolute Policy or any other condition of this Code.

Institutional Use

Those uses organized, established, used, or intended for use in the promotion of public, religious, educational, charitable, cultural, social, or philanthropic activities normally operated on a non-profit basis. Such uses are not considered to be a commercial activity.

Junk

Old, dilapidated, scrapped, or abandoned metal, paper, plastic, building materials, equipment, bottles, glass, appliances, furniture, beds and bedding, rags, and rubber.

Junk Yard / Salvage Yard

A place where discarded or salvaged materials, construction equipment, three or more inoperative or wrecked motor vehicles and their parts, inoperative machinery or trailers and their parts, water craft, and junk is dismantled, stored, bought, sold, exchanged, recycled, baled, packed, disassembled or handled, including all auto salvage yards, wrecking yards, and house wrecking yards.

Land Disturbance

Any activity involving the [clearing](#), cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.

Land-Use Change

The conversion of a parcel from its present use to any new or different use. (For example, a change from agricultural to residential.)

Lot

A measured piece of contiguous land having fixed boundaries and a specific planned use.

Lot Coverage

That part of a lot occupied by buildings or structures, as measured at grade, and is expressed as a percentage of the total lot area.

Manufactured Home

A factory-built dwelling more than eight (8) feet wide or forty (40) feet long, that when erected on-site contains a minimum of 320 square feet, is designed to be transported to the home site, and does not comply with the county's adopted building codes. Once erected in place, typically on a suitable foundation, it is then considered a permanent structure.

Mobile Home

Any factory built dwelling more than eight (8) feet wide or forty (40) feet long, that when erected on-site contains a minimum of 320 square feet, is designed to be transported on its chassis, and that does not comply with the county's adopted building codes. While in the erected state, the home's means of mobility may have been removed, but the support system remains with the intent that the home could be moved at a latter time.

Mobile Home Park

A tract of land used to accommodate three (3) or more mobile homes that remains under a single ownership. The units within the park are referred to as "spaces".

Manufacturing Home Subdivision

A subdivision designed for occupancy by manufactured homes. All requirements that pertain to single-family residential subdivisions shall also apply to these developments.

Mean Roof Height

The average of the roof eave height and the height to the highest point on the roof surface. If roof slope is less than or equal to 10°, Mean Roof Height shall be defined as the top of the structure.

Mixed-Use Development

The development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact format.

Mulching

The application of plant or other suitable materials on the soil surface to conserve moisture, reduce erosion, and aid in establishing plant cover.

Nightly Rental

A residential building, structure or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days. The term – Nightly Rental shall not include hotel, motel or bed and breakfast establishments.

Non-Conforming Sign

A sign that was lawfully erected but which does not conform to the requirements of the regulation or state statutes enacted at a later date, or which later fails to comply with this regulation due to changed conditions.

Off-Premise Advertising Structure

An outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any point of the traveled ways of Taney County, which is not located on the specific site for which the advertising or information indicates. (Also known as "Outdoor Advertising".)

Off-Site Nuisance

Any potential nuisance (i.e., noise, vibration, light, heat, glare, odor, smoke, dust, etc.) that adversely affects properties other than that on which it originates.

Ordinance

A public regulation enacted by a city, county, or state government.

Performance Guarantee

Posting of a {performance} bond with good and sufficient sureties (as set out in sections 64.825 and 107.080 RSMo 1996), having such provisions that will guarantee the faithful performance of all required work to be done under the submitted plan.

Performance Rating

The method of scoring used to rate how well a Relative Policy is met or will be met.

Planning Commission / Taney County Planning and Zoning Commission

A group of persons, each representing a specific Township within Taney County, elected to hear, investigate, report on, and act upon matters relating to the enforcement of this Code.

Plat

A map or architectural-type drawing, drawn to scale, showing the divisions of a piece of land.

Principal Structure

A structure in which the primary use on the lot, site, or property is conducted.

Property Density

A subjective measure of the change in the relationship between population and a specific area of land. *Example: doubling the number of people living in a community that has not changed in size would be referred to as a change in density.* (Also called "density".)

Real Property

Any land or space that is identified by parcel number through the County Assessors Office.

Recreational Facility

A facility designed for recreational use.

Recreational Vehicle

Any trailer, camper, van or similar vehicle which is designed, used or maintained as a temporary dwelling for travel, vacation, or recreational purposes, that either has its own motive power or is mounted on or towed by another vehicle. Long-term use of this type of property is discouraged due to factors including safety; and regardless of the duration of time for which it is used, the vehicle shall be considered and defined as a recreational vehicle. In addition, any vehicle certified by the State of Missouri as a recreational vehicle shall also be considered as such by Taney County. However, the absence of such a certification by the state of Missouri does not preclude or preempt such a vehicle from being classified by Taney County as a recreational vehicle if it is otherwise defined as a recreational vehicle by this Code.

Recreation Vehicle Park and Campground

An area or tract of land used to accommodate two (2) or more recreational vehicles. A recreational vehicle park and campground can be established under a single ownership or divided into numerous single ownership lots; regardless of the ownership method it shall be operated as a single entity as a recreational park and campground.

Relative Policies

Conditions of the Code that encourage or discourage certain activities but are not necessarily required to be met or satisfied. That is, there is some degree of latitude in these particular parameters of the Code.

Residential Structure

Any structure or building, whether permanent or temporary, used as one or more dwellings that would normally require a Division I permit. To be considered a Residential Structure, at least 51% of the total structure must be actively used residentially.

Score

The total points awarded on all Relative Policies, as utilized to determine overall compliance of a project with the Relative Policies.

Sediment

Rock, sand, gravel, silt, or other material deposited by action of wind, water, or gravity.

Sediment Basin

A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt, or other material deposited by action of wind, water, or gravity.

Sediment Control Plan

The plan required before a grading permit may be issued. The plan may be included as part of a preliminary plan required under any other applicable county codes or a separate plan following the specifications set out in these Codes.

Setback

The required minimum distance for the placement of a structure, as measured perpendicular to the property line or edge of a road easement, whichever is closest to the proposed structure.

Severe Limitations

Refers to a level of limitations imposed on developments by soil characteristics. The Natural Resource Conservation Service has established slight, moderate, or severe levels for all soil series in Taney County.

Sign

Any display used to advertise, identify, or attract or direct attention to a product, person, institution, organization, business establishment, service, event, or location by any means, including words, letters, figures, designs, symbols, colors, illumination, or projected images. The national and state flags are not signs.

Single-Family Dwelling

A detached dwelling designed and intended for occupancy by a single family or living group that functions as a single household.

Site Plan

A layout drawing that shows general features associated with the work to be performed. Included on a typical site plan would be property boundaries, buildings (existing and new), utilities, roads, easements, etc. The Site Plan may be submitted in sketch form or, if needed by Planning & Zoning, a professionally prepared drawing.

Sketch Plan

The sketch plan is the basis for pre-application conferences. It shall be an overhead (plan view) drawing of the proposed development. It shall be drawn to scale and show a north arrow. All existing and proposed structures, property lines, utility lines, roads, streams, irrigation or drainage structures, and prominent topographic features shall be shown. All adjoining land uses shall also be shown (use of a separate vicinity map is permitted). The sketch plan is considered flexible and need not be prepared by an engineer or an architect.

Slope

The angular measurement of the steepness, incline, gradient, or grade.

Soil Loss Tolerance

The soil loss tolerance of all soil series in Taney County has been established by the Natural Resource Conservation Service. It is the rate of erosion, measured in tons per acre per year, that soil can withstand without permanent damage to its fertility.

Special Event

Any event that lasts for less than thirty (30) calendar days and includes, but is not limited to, fairs / carnivals, parades, activities using a tent, etc, excluding fireworks stands (so long as they conform to state guidelines).

Special-Use Permit

A permit issued by the Designated Official upon approval by and with the authorization of the Taney County Planning Commission. A Special-Use permit provides permission under specific and formally documented conditions to allow certain uses of land as provided by the Development Guidance Code and is not considered a rezoning of land use.

Staff

Employees retained by Taney County to assist in the administration of the Codes, including the Designated Official authorized by RSMo 64.865.

Stop Work Order

An official posting placed at a job site instructing that all work activities are to cease and remain inactive until the conditions for the Stop Work have been resolved.

Structural Screen

A movable or fixed device used to shelter, divide, or conceal.

Surety Bond

A bond given to protect against loss in case the terms of a contract are not filled. The money deposited, or the promissory arrangement entered into, under any such agreement.

Technical Plan

A professionally engineered and certified plan of work to be performed. Such plans include, but are not limited to, sediment and erosion control, stormwater management, land grading, etc. Based on the type of permit desired, one or more Technical Plans may be required before approval and issuance of the permit.

Temporary Occupancy

Occupancy of any form of residence, lodging, or accommodation for a maximum period of thirty (30) calendar days in a structure, recreational vehicle, or facility not titled to or owned by the occupant.

Tract

A plot or area of land planned for development.

Universal Soil Loss Equation

A method developed by the Agricultural Research Service, United States Department of Agriculture, and used by Conservation Districts to estimate soil erosion based on rainfall, soil erodibility, slope of the land, length of slope, and plant cover.

Use

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure, or on a tract of land.

Utilities

Includes water, sewerage, power, telephone, natural gas, cable, television, and solid waste collection services, as proposed.

Wall

An upright structure of masonry, wood plaster or other building material serving to enclose, divide or protect an area, especially a vertical construction forming an inner partition or exterior siding of a building.

Zero Lot Line

A method of development whereby residential structures are off-set on a lot to maximize useable lot area by locating one of a building's sides on the lot line, while maintaining the required building separation distances.

3. GENERAL PROVISIONS

- 3.1. Authority
These Codes enable counties to adopt subdivision and zoning regulations (pursuant to the authority of RSMo 64.825 and 64.850, respectively).
- 3.2. Repeal
Existing ordinances are repealed {revoked} to the extent of their inconsistency with these Codes. As an example, the Taney County Subdivision Regulations of 1981 have been fully repealed due to their content having been revised and incorporated into these current Codes.
- 3.3. Relationship to Other Regulations
If state or federal law or future county ordinances impose additional or different standards for developments as regulated by these Codes, the more restrictive standard shall govern and be met by the development.
- 3.4. Separability
If any portion of these Codes or their application to specific circumstances are held {determined} invalid by a court, the remainder of the Codes and their application in other circumstances shall be unaffected.
- 3.5. Burden of Proof
The burden of proof shall be on the Developer in all proceedings pursuant to these Codes.
- 3.6. Amendments
Amendments to these Codes shall be made as provided by law (see RSMo 64.863). To provide an annual review of the Codes, the Taney County Planning and Zoning Commission's regular February meeting shall be exclusively devoted to a review of permits issued during the previous year, to a hearing of public comments on the Codes, and to the initiation of amendments the Commission may consider necessary to improve the Codes' performance as a growth-management tool.
- 3.7. Permits
A separate application shall be required for each development. Each application for a permit shall contain the information required by these Codes and shall be submitted to the Designated Official.
- 3.8. Civil Enforcement
Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages and restrain, correct, or abate {lessen} a violation, to prevent illegal occupancy of a building, structure, or premises, and these remedies shall be in addition to the penalties described below.
- 3.9. Conflict with Private Provisions
These regulations are not intended to abrogate {invalidate} any easement, covenant, or any other private agreement or restriction, provided that where the provisions of the Development Guidance Code are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations that are more restrictive or have higher standards than the requirements of the Development Guidance Code it will not be the responsibility of the County and its employees to enforce them. Such provisions shall be enforced by Civil Court methods by the public.

3.10. Enforcement, Violations, and Penalties

It shall be the duty of the Designated Official to enforce these regulations and to bring to the attention of the Taney County Prosecuting Attorney any violations or lack of compliance herewith. Any person, firm, or corporation that fails to comply with or violates any of these regulations shall be deemed guilty of a misdemeanor and be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment in the county jail for a period not exceeding one (1) year, or both.

3.11. Building and Land Use Restrictions – Exemptions

The following exemptions are excerpts from Missouri State Statutes 64.890 and the full and accurate reading shall rest with State Statute:

- 3.11.1. Nothing in this Development Guidance Code shall affect the recovery of natural resources by strip or open-cut mining; provided that commercial structures attending to strip or open-cut mining operations shall be permitted in all districts except those zoned for residential or recreational use.
- 3.11.2. The provisions of this code shall not apply to the incorporated portions of the county.
- 3.11.3. The provisions of this code shall not apply to the raising of crops, livestock, orchards, or forestry and not to seasonal or temporary impoundments used for rice farming or flood irrigation. As used in this provision, the term “rice farming or flood irrigation” means small berms of no more than eighteen inches high that are placed around a field to hold water for use in growing rice or for flood irrigation.
- 3.11.4. This code shall not apply to the erection, maintenance, repair, alteration, or extension of farm buildings or farm structures used for such purposes in an area not within the area shown on the flood hazard map.
- 3.11.5. This code shall not apply to underground mining where the entrance is through an existing shaft or shafts, or through a shaft or shafts not within the area shown on the flood hazard area map.
- 3.11.6. This code shall not apply to cemeteries. Cemetery provisions are found within Chapter 214 of Missouri Revised Statute.

3.12. Temporary Construction Facilities

All temporary construction facilities must be removed within thirty (30) calendar days after a certificate of occupancy / compliance is issued.

3.13. Duplexes

All duplexes shall comply with the following requirements:

- 3.13.1 The lot size for a duplex when a public/central sewer system is available shall be, at a minimum, equivalent to existing standards for single family residential dwellings.
- 3.13.2 If an onsite wastewater treatment system is required due to the unavailability of a public/central sewer system, the lot size for a duplex dwelling unit shall be, at a minimum, equivalent to existing standards for single family residential dwellings. *(Please refer to the definition of dwelling unit.)*
- 3.13.3 A one (1) hour fire rated, partition wall from foundation to roof decking shall be required between dwelling units. *(Please refer to the definition for wall.)*
- 3.13.4 No interior side setback is required on the “attached” side of a lot containing a duplex. The street, side and rear setback standards shall apply.
- 3.13.5 Each dwelling unit shall have direct access to the existing road.

- 3.13.6 A recorded governing document acknowledged by all property owners that covers interest in the property including but not limited to: insurance, utilities, building exterior and other common elements.

4. PERMITS

4.1. Types of Permits

The types of permits available are defined below. However, to aid in determining what type of permit is required for a development project, the decision flow chart of [Appendix A](#) can be used so simplify the selection process.

4.1.1. Division I Permits

A permit required for any of the following conditions:

- (a) new single-family dwelling (including [manufactured homes](#))
- (b) any addition to construction originally requiring a Division I permit
- (c) any addition to a single-family unit
- (d) [special events](#)
- (e) any accessory building, structure, or appurtenance (shed, deck, porch, car port, etc.) greater than 100 square feet in ground coverage which is not classified as an agricultural structure (agricultural structures are exempt from all permitting requirements; residential structures are not considered exempted as agricultural structures and do require permits for purposes of compliance with setbacks)
- (f) temporary construction facilities placed on a development site after receiving Division II or III permits

Note: All requests that do not specifically fall within the above listed situations shall automatically be considered either a Division II or III permit request.

Detailed Division I permit application requirements are defined in [Appendix B](#).

4.1.2. Division II Permits

A permit required for any of the following conditions:

- (a) new commercial, industrial, or institutional uses that have been issued a Division III permit
- (b) any duplex that has been issued a Division III Permit
- (c) any three-family or larger multi-family structure that already has an approved Division III permit
- (d) any addition to construction requiring a Division II permit, except additions to single family units
- (e) church structures or additions

Note: All requests that do not specifically fall within the above listed situations shall automatically be considered a Division III permit request.

Detailed Division II permit application requirements are defined in [Appendix C](#).

4.1.3. Division III Permits

Division III permits are required for any of the following:

- (a) all development projects that do not qualify for a Division I or II permit
- (b) new major developments
- (c) land-use changes
- (d) Special-Use conditions (see [Appendix E](#))

Detailed Division III permit application requirements are defined in [Appendix D](#).

4.1.4. Land Disturbance Permits

Land Disturbance permits are required for any development site where the affected land area exceeds one (1) acre, including streets and utilities construction.

Detailed permit application requirements are defined in [Appendix F](#).

4.1.5. Sign Permits

Sign permits are used to authorize [off-premise signs](#), including the sign's structure and intended purpose. Specific requirements apply, including sign height, distance between signs, and sign size. These requirements also vary based on the location of the sign relative to the type of roadway, residences, etc.

Detailed sign permit application requirements are defined in [Appendix G](#).

4.2. Representations

All representations made in an application for a permit and that are necessary for compliance with any Absolute Policy or to secure a positive rating on any [Relative Policy](#) are binding. Failure to fulfill any representation during construction or occupancy of a development may result in suspension or revocation of the development's [Certificate of Occupancy / Compliance](#).

4.3. Conditions of Permit Approval and Issuance

Conditions of Approval may be imposed on the issuance of any permit. These may include, but not limited to, submission of [Technical Plans](#), [Performance Guarantees](#), and the implementation of one or more of the policies adopted under section 11, "[Zoning Districts](#)", and shall be clearly stated in the Decision of Record. Failure to fulfill any condition imposed during construction or occupancy of a development may result in [suspension](#) or [revocation](#) of the Certificate of Occupancy / Compliance.

4.4. On-site Inspections

By applying for any type of permit issued by Taney County, the applicant consents to inspections by County personnel of the site, proposed improvements, all buildings and built facilities involved in the permit, and all work in progress.

4.5. Permit Application Forms

Applications for permits shall be made on designated forms provided by the county. Incomplete applications shall not, under any circumstances, be considered for approval.

4.6. Referrals

The staff shall refer applicants for permits to the following agencies, as applicable, for comments: Department of Natural Resources, Natural Resources Conservation Service, Missouri Transportation Department, United States Army Corps of Engineers, United States Forest Service, Taney County Sewer District, school districts and incorporated municipalities. Referrals to agencies other than those listed above may occur depending on specific circumstances. See [Appendix R](#) for contact information for these agencies.

4.7. Existing Developments

All existing developments, including platted subdivisions, are granted their permits upon adoption of all applicable requirements defined in this document.

4.8. Permit Abandonment

After a zoning permit has been issued and a land-use change made, the project may be found unfeasible. If this occurs, the permit may be abandoned. The following procedure will be used in order to permanently abandon a zoning permit:

- 4.8.1. Written request shall be made by the owner / applicant stating reason and necessity for abandonment.

- 4.8.2. The request shall be filed with the Planning and Zoning office at least 10 calendar days before the next regularly scheduled Planning Commission meeting.
- 4.8.3. The Planning Commission shall act on the request and, within 10 calendar days of the meeting where the request was heard, notify the applicant of formal action taken.
- 4.8.4. Files on the tract in question and the Planning Commission's action shall remain in the Commission's Offices.

4.9. Permit Extensions

All Division I and Division II permits are valid for a period of one (1) year from the date issued. If the project as approved cannot be completed before expiration of the permit, an extension can be requested. The request for extension must be received in writing by the Planning & Zoning office prior to the permit's expiration date and can be approved administratively within the Planning & Zoning office.

Division III land use changes (except Special Use Permits) do not require a permit extension and shall remain in effect until another change is requested and granted for the land. Significant Changes or deviations in an approved plan shall require re-application to the Planning Commission.

4.10. Posted Notices

Under certain conditions where work is in progress but has not been permitted, the property may be physically posted. The posting used will be based on the specific situation of the work in progress; these postings are:

4.10.1. No Permits Posted

This posting shall be used when work has begun without having first applied for and received the appropriate permit(s). This posting indicates that the Developer is to contact the Planning & Zoning department and resolve the permit issue. This posting does not imply or require the work to be halted. However, if the Developer does not respond to the posting within five (5) business days, a Stop Work Order may be posted.

4.10.2. Stop Work Order

A posting issued by the Designated Official in accordance with the provisions of RSMo 64.865 and/or when construction or the operation of a commercial activity is identified as not permitted or to be taking place in violation of the conditions of an issued permit. [Stop Work Orders](#) may be issued for land disturbance, construction, or development activities where a violation of the Development Code occurs. The Stop Work Order shall be signed, dated, and posted at the site where the activity is occurring and written notice will be mailed to the owner of the property involved, or to the owner's agent or the person engaged in the activity. It shall be deemed unlawful for any person to continue to engage or to allow another person to engage in the posted activity. A Stop Work Order shall be in effect until released in writing by the Designated Official and only after the activity is in an approved status.

4.11. Revocation of Permits

A permit may be revoked if the permit application or accompanying plans contain false statements or misrepresentation of facts. The permit may also be revoked if the permit holder fails to comply with the requirements of the permit or this appendix. Permits revoked under this section shall not be reinstated until the cause for revocation has been corrected or a plan of correction has been approved.

4.12. Building Height Regulations

These Height Regulations are designed to provide additional protection to property owners and the public by addressing common concerns related to the development of safe

structures and development density. Exceeding maximum height restrictions may not be approved unless it receives a positive score.

4.12.1. SINGLE-FAMILY RESIDENTIAL STRUCTURES

The maximum height for a single-family residential structure shall be thirty-five (35) feet, as measured from the Base Plane to the Mean Roof Height.

4.12.2. STRUCTURES OTHER THAN SINGLE-FAMILY RESIDENTIAL

The maximum height for any structure other than single-family residential shall be seventy (70) feet, as measured from the Base Plane to the Mean Roof Height. This regulation shall not apply to communication towers or structures used solely for delivery of public utility services or governmental structures.

4.12.3. ADDITIONAL REQUIREMENTS FOR STRUCTURES OTHER THAN SINGLE-FAMILY RESIDENTIAL EXCEEDING HEIGHT LIMITATION

(a) Structures erected prior to the enactment of these height regulations that become damaged or destroyed, not to include the intentional razing of the structure for the purpose of building a new structure, may be rebuilt to its prior existing height, provided that construction permits are issued within 365 days of the loss.

(b) Structures may be erected to a height exceeding seventy (70) feet, subject to the Taney County Planning Commission consideration of additional Relative Policies set forth below.

(c) Structures shall not exceed specified height limits when any portion of the structure lies within 300 feet of an existing single-family residence or within 200 feet of a multi-family residence.

(d) The maximum portion of any structure that may be built below Base Plane shall not exceed forty (40%) of the height of the structure.

4.12.4. RELATIVE POLICIES

(a) Terrain and Slope

The natural terrain and slope of the area where the structure is to be built. Buildings that complement the natural terrain, slope and ridgelines are encouraged. New proposed development shall have minimal impact on existing view corridors.

(b) Setback

The distance measured perpendicular from the property line to the closest edge or overhang of the proposed structure. Construction away from the setback is encouraged. Exceeding minimum requirements for parking, parking with buffering, including green space, and recreational green space are positive factors.

(c) Economic Growth

The positive change in the level of production of goods, services and employment. Developments that encourage economic growth and job opportunities in the community are encouraged. Creating seasonal, full-time positions and full-time, year-round positions are positive factors.

(d) Community Improvement

Buildings that will improve the quality and appearance of the community are encouraged. The redevelopment of areas considered by the county to be depressed, derelict, or abandoned building sites is a positive factor.

(e) Green Space

A vegetated public area that provides an open environment. Dedicated green space is blocked from future development for the life of the project. Developments that will result in increased green spaces are encouraged.

- (f) Safety
The ability to assure structural integrity and mitigation of emergencies such as fire.

5. VARIANCES AND APPEALS

5.1. Variances

- 5.1.1. As provided in RSMo 64.870.1 (3), any Absolute Policy may be varied for a specific parcel of property where, due to the exceptional narrowness, shallowness, shape, topography, or other exceptional situation or condition of the parcel, its strict application would result in undue hardship on the owner. Requests for variances must be based on the rejection of an application for a permit and shall be processed in the same way as any other appeal (see 7.2 below).
- 5.1.2. The Board of Adjustment shall not issue a variance in any case where it can be demonstrated that the property can be developed for a use that does not require a variance or where the variance would cause a substantial detriment to the public good.

Note: The granting of a variance for a specific project, condition, or situation does not constitute or establish, either implicitly or explicitly, legal precedence.

5.2. Right to Appeal

RSMo 64.870 grants the right of appeal to any person aggrieved by his or her inability to obtain a permit, by the issuance of a permit, or by any other decision made in the administration of these Codes (such as a particular condition imposed on a permit). The Board of Adjustment shall hear all appeals.

5.3. Appeals Procedure

- 5.3.1. Appeals must be filed within ninety (90) calendar days of the original decision. The appeal must state specifically what decision is being contested, what section(s) of these codes was (were) the basis for that decision, and what solution is requested. The appeal filing shall include a detailed legal description of the property involved in the request and shall be typewritten and presented in a recordable format.
- 5.3.2. The Board of Adjustment shall hold a public hearing on the third (3rd) Wednesday of each month for which an appeal is filed. To be heard, the appeal must be filed at least thirty (30) calendar days prior to a regularly scheduled hearing.
 - 5.3.2.1. At least fifteen (15) calendar days prior to the scheduled hearing, notices will be sent by regular mail to the appellee and to all owners of any real property within six hundred (600) feet of the property in question. The Planning and Zoning office will provide a listing of these property owners. The appellant shall be responsible for the actual costs associated with this mailing and will receive an invoice from the Planning and Zoning office.
 - 5.3.2.2. At least fifteen (15) calendar days prior to the scheduled hearing, the appellant shall have published in a local newspaper of general circulation throughout Taney County, a formal notice of the hearing. The appellant shall bear the cost of publication and shall submit an affidavit of the publication as evidence that proper notice has been published. The Planning and Zoning office will supply the appellant with appropriate wording for the notice.
- 5.3.3. Because appeals from the Board of Adjustment go directly to court, that Board may adopted special rules of procedure, copies of which will be made available by the Staff.

- 5.3.4. For an approval by the Board of Adjustment to be considered active the appellant shall be required to record an instrument at appellant's expense, which has been prepared by the Planning Commission Staff, and return a copy of the recorded instrument to the Planning Commission Staff to be placed in the file for public record. This recorded instrument will detail the approval and include a complete legal description of the property affected by the Board's decision.

6. CERTIFICATES OF OCCUPANCY / COMPLIANCE

6.1. Certificate of Occupancy (C of O) / Compliance (C or C) Required

No [development](#) or approved phase of a development shall be occupied or operated before a certificate of occupancy / compliance has been issued. The purpose of this certificate is to certify that the development has been constructed in full compliance with all representations made and all conditions imposed in the permit approval. A certification of occupancy / compliance shall be issued by the Staff only after on-site inspections demonstrate that the development has been constructed as represented and required in its permit approval or a performance bond in the amount of one hundred (100) percent of the proposed improvement has been submitted and made payable to the Taney County Planning Commission.

6.2. Suspension

A certificate of occupancy/compliance may be suspended at any time on-site inspections show that any continuing condition of permit approval is not being fulfilled (an example would be failure to maintain healthy plantings in a required buffer area). A written notice of suspension shall be served on the owner or operator of the development, requiring that the development return to compliance with its permit within sixty (60) calendar days or be revoked. A notice of suspension may be appealed to the Board of Adjustment.

6.3. Revocation

If a certificate of occupancy/compliance has been suspended and sixty (60) calendar days have passed without the development returning or demonstrating diligent efforts to return to compliance with its permit (or filing an appeal that stays further proceedings until it is heard), the certificate of occupancy/compliance shall be revoked and a notice of revocation served, requiring vacation of the development within ten (10) working days.

7. SETBACKS, EASEMENTS, LOT SIZE AND MINIMUM FRONTAGE REQUIREMENTS

7.1. General Setbacks

The following requirements apply to all properties other than [mobile home parks](#).

7.1.1. SETBACK MEASUREMENTS

Setback distances shall be measured from the property lines of the lot or tract to the structure to be constructed, unless stated otherwise. The setback measurements shall be as follows:

TABLE 1

Property Line Setbacks

SETBACKS (all properties except Mobile Home Parks)	If Property Line is Next to a State or Federal Highway	If Property Line is Next to a Subdivision Road	If Property Line is Next to a County Road with Less Than a 35' Right-of-Way	If Property Line is Next to a County Road with Greater Than a 40' Right-of-Way
Front of Lot (i.e., 911 address)	50'	25'	40'	25'
Sides of Lot	7'	7'	7'	7'
Rear of Lot	10'	10'	10'	10'
Side if on a Corner Lot	25'	12 ½'	20'	12 ½'
Rear if Non-Inhabitable Acc. Structure	5'	5'	5'	5'

Note: Measurements to the structure shall be made to the part of the structure that is closest to the property line. As an example, if the structure has a roof with an overhang, the measurement is made to the overhang and not the foundation or wall of the structure.

7.1.2. RESTRICTIONS ON SETBACK AREAS

There shall be no structures or appurtenances located within the setback area that would increase the property value of the setback area. These include, but are not limited to, the following:

- foundations of structures
- swimming pools
- porticos
- decks
- porches
- carports
- gazebos

Note: If topography of the lot or tract creates a hardship in implementing the setback requirements, the Planning Commission shall determine which, if any, permanent structures may be built within the setback area. The owner / developer shall sign a statement that this improvement within the setback area shall not increase its value should the public need to purchase the right-of-way at a later date.

- 7.1.3. Inner setbacks are exempted on contiguous lots or parcels having the same ownership.
- 7.1.4. Overhang setbacks shall comply with National Fire Protection Association (NFPA) standards.
- 7.1.5. Setback requirements apply to all structures and appurtenances whether defined as permanent or non-permanent.

7.2. Setbacks and Separations for Mobile Home Parks

The requirements of this section apply exclusively to [mobile home parks](#).

TABLE 2
Mobile Home Park Setbacks

Front Yard (measured from center line of road)	50'
Side Yard (separation including all appurtenances)	14'
Rear Yard (separation including all appurtenances)	20'
Side Corner (measured from center line of road)	35'

7.3. Easements

Permits will not be issued for any structure that encroaches on any recorded easement (utility, drainage, ingress/egress, etc.). The easement may be recorded on either a plat / survey or by a separate recorded instrument. The structures can be permitted immediately adjacent to an easement, but in no circumstance will a structure be allowed within an easement. These requirements apply to any structure whether defined as permanent or non-permanent.

TABLE 3
Lot Size and Frontage Requirements

Area Measurements	Lot Area Public / Central Sewer	Lot Area On-Site Wastewater System	Minimum Frontage
Single-Family Dwelling	8,000 Square Feet	2 Acres	70 Feet
Two-Family Dwelling	8,000 Square Feet	4 Acres	70 Feet
Multi-Family Dwelling	3,000 Square Feet Per Dwelling Unit	---	70 Feet
Commercial Use	8,000 Square feet	2 Acres	70 Feet

8. PERFORMANCE GUARANTEES

Upon approval of one or more required [Technical Plans](#) and before the issuance of an associated permit, the developer may, as a good-faith [Performance Guarantee](#), be required to post a bond with good and sufficient [sureties](#) (as set out in sections 64.825 and 107.080 RSMo 1996 incorporated herein by reference with such provisions) as will guarantee the faithful performance of all required work to be done in accordance with the submitted plans.

8.1. Sediment and Erosion, Stormwater Management, Re-vegetation Bonds

8.1.1. POSTING REQUIREMENTS

The developer shall provide the necessary surety through certified check, establishment of an escrow account, or one-hundred (100) percent bond for the estimated cost of the required improvements, plus twenty (20) percent, as a guarantee that all improvements will be installed in accordance the [Technical Plan](#) submitted (at most within two years) in the amount of all required work to be done under the submitted Plan(s). Any work shown in the submitted plans that is considered above and beyond minimum county standards may be deducted from the required financial posting.

Note: Bonds for land grading are addressed in section 8.2, below.

8.1.2. AMOUNT OF BOND

The amount of the surety for the Performance Guarantee is specific to the type of work to be performed and will be based on cost estimates provided by a certified engineer.

8.1.3. RELEASE OF FUNDS

Prior to a release of funds, either partial or in full, a statement of plan compliance shall be submitted. The statement of compliance shall establish what portions of the plan have been met and to what standard. Up to ninety (90) percent of the funds can be released after all code requirements are met and approved by the Designated Official. Ten (10) percent will be held until the public improvements are accepted by the County to ensure that the required control measures are satisfied.

8.1.4. FAILURE TO PERFORM

If all planned improvements are not been completed on time and in compliance with the submitted and approved plan(s), the County will call the account or bond for completion. The Commission may, with sufficient proof of cause, extend the completion deadline, however no additional phase of the development shall be permitted to begin if an extension has been granted.

8.2. Land Disturbance Bonds

8.2.1. POSTING REQUIREMENTS

Upon approval of a [Land Disturbance Plan](#) and the issuance of the [Land Disturbance Permit](#), the developer shall post a performance bond, or submit cash or a certified check, in the amount of work to be done under the permit.

8.2.2. AMOUNT OF BOND

The amount of the surety for the bond is specific to the type of work to be performed and typically be in the range of \$500 to \$1,000 per acre, with a maximum of \$1,000 per acre. Planning & Zoning Staff shall determine the applicable bond amount.

8.2.3. RELEASE OF FUNDS

Once the planned work has been completed, the developer shall contact the Planning & Zoning office in writing. Upon review and approval of the work performed (in accordance with the plan), the funds will be released back to the developer.

8.2.4. FAILURE TO PERFORM

If the planned work has not been completed in compliance with the submitted and approved plan, the County will call the bond for completion. Planning & Zoning Staff, at their discretion, may work with the developer to correct any discrepancies necessary to ensure compliance with the approved plan.

9. ZONING DISTRICTS

The zoning districts established in this section are unlike those in traditional zoning ordinances and merit a brief explanation. Taney County, like many other relatively large, rural counties, contains significant diversity in its six hundred (600) square miles. Parts of the county have been extensively developed for resort, recreational home, commercial, and rural residential purposes; other parts presently have little such development. Residents' occupations and lifestyles reflect these differences, as do their feelings about the level of land-use control that Taney County should exercise. In order to accurately reflect the county's diversity, these Codes use the existing community structure as the basis for zoning district boundaries (see the map in [Appendix Q](#)). The traditional function of such boundaries, the segregation of incompatible land uses, is handled through performance standards.

• Code Performance Standards and Policies

Taney County's code is based on performance standards and the degree to which the Developer complies with these standards. In determining how well a Developer satisfies these established performance standards, two types of performance "policies" have been established; [Absolute Policies](#) and [Relative Policies](#). The Developer must meet absolute Policies or the project will be denied. Relative Policies are measured and scored based on a defined set of conditional parameters; scoring shall be performed by Planning and Zoning department Staff. The results of the scoring will aid in the decision to approve or deny a development project.

• Districts Established

These Codes establish two (2) zoning districts in the county: (1) the Western District and (2) the Eastern District, and because of their distinct differences in population and typical land use, there are some differences in code performance requirements.

• District Boundaries

The boundaries of the districts established above are defined on the official zoning map of the County. This map is shown in [Appendix Q](#).

9.1. Policies for Western Taney County

9.1.1. WATER QUALITY

The resort development that has supported Taney County's growth, and which is the most important facet of its economy, is centered on its lakes, making the protection of water quality a priority. Good water quality is also important to Taney County's residents who use the lakes for their own recreational pastimes and to everyone in Taney County and downstream whose drinking water supply may be affected by surface or groundwater pollution.

Absolute Policies

(1) Erosion and Sedimentation Control

Developments will submit erosion and sedimentation plans for approval prior to any clearing done on said project in the form of a Land Disturbance permit in accordance with [Appendix F](#). Reseeding will be done within forty-eight (48) hours of completion of clearing. The types of seeds to be used shall be perennial rye at 42 lbs. per acre, wheat at 30 lbs. per acre. Other seed may be used by the development in conjunction with these seeds.

(2) Wastewater Control

Developers shall obtain and produce a permit from the applicable wastewater system permitting entity to ensure adequate wastewater disposal.

(3) Floatels

No building shall be constructed in such a manner that its foundation is not located on land above the normal flow level of any body of water.

Furthermore, no structure shall be constructed that is designed to "float" or be suspended on a body of water when that structure is built for the purpose of providing commercial sleeping accommodations as would a hotel, motel, condominium, apartment or like business that will produce sewage waste. These structures are also prohibited for use as restaurants or other commercial food establishments.

Relative Policies

Sewage Disposal

Connection to a central sewage system is encouraged for all developments where severe limitations on the use of conventional on-site sewage disposal systems exist or where the use of on-site systems may result in ground or surface water pollution.

9.1.2. ENVIRONMENTAL

Water quality is the most prominent environmental issue in Taney County, but it is not the only one. Other resources are part of the county's scenic attractions and resort economy and of the quality of life its residents enjoy. It should also be understood that environmental abuse can become a taxpayer's issue. Building in the floodplain, for instance, or building construction that dramatically increases stormwater runoff leads to situations where all taxpayers must bear the costs of disaster assistance or of repairs to roads damaged by increased runoff.

Absolute Policies

(a) Storm Drainage

Developments that would accelerate stormwater runoff so as to increase down stream flooding peaks or have an adverse effect on public roads, bridges, culverts or down stream properties will submit for approval prior to the permitting of any building, structure or parking lot. Stormwater plans shall comply with the provisions of [Appendix H](#).

(b) Hazardous Wastes Disposal

No material classified as hazardous wastes shall be stored or disposed of within Taney County.

Relative Policies

(a) Soils Limitations

Developments on soils with severe limitations for any of the proposed uses are encouraged to show how those limitations will be mitigated. The proposed means of mitigation shall be presented in detail with the application for a permit.

(b) Slopes

Development on slopes of over thirty (30) percent is discouraged, except where a licensed professional engineer with demonstrated experience in the field of slope stabilization certifies that the proposed development will create no hazard of slope failure or excessive erosion.

(c) Wildlife Habitat and Fisheries

Any development that has the potential of adversely affecting critical wildlife habitat or fisheries of national or statewide importance is discouraged. Performance ratings on this policy shall be based on the input of the Missouri Department of Conservation.

(d) Air Quality

Developments that will result in the degradation of existing air quality are discouraged.

9.1.3. LAND-USE COMPATIBILITY

Assuring the compatibility of neighboring land uses is the traditional function of zoning. These policies encourage land use compatibility. And because they

assess several elements of compatibility for each proposed use, they will be more effective in doing so than a traditional zoning ordinance that simply assumes that all uses permitted in the same district are automatically compatible. Some of these policies also require affirmative action to assure compatibility (the mitigation of potential nuisances, or the provision of screening and buffering).

Absolute Policies

(a) Landscaped Buffers

- Developments will provide a buffer zone between any use and single-family residential that exists at the time a permit is issued for a land use change or a Division II permit.
- Developer will provide buffering between parking lot of proposed development and residential uses existing at time of rezoning

The width and planting density of buffers are defined in [Appendix I](#).

(b) Natural Vegetation

Where natural vegetation exists as to adequately serve as sufficient buffering it shall be used for that purpose. If the existing natural vegetation is not sufficient enough for the purposes of buffering, the developer must add additional landscape buffering to provide the required buffering.

(c) Planting Materials

Developments or areas of developments where existing vegetation is not present, landscape buffers must be utilized. Specifications for all plant materials shall accompany the application for a permit. Specifications shall be in conformance with the American Standard for Nursery Stock and the materials proposed shall be suitable for the site's climatic and soil conditions. Replacement plantings shall be in substantial accord with the original planting design.

(d) Maintaining and Re-vegetating

The developer shall be responsible for maintaining and re-vegetation plantings in such a manner that they remain in accordance with the original design. The buffer zone shall be platted as green area and shall not be used for any type of required improvements found in [section 12](#), except for "[structural screening or landscaped buffers](#)". Buffer zones may be crossed in order to bring utilities into the development or to extend utilities outside the development. The location and the width of the area to be disturbed must first be approved by the designated official of the Taney County Planning Commission prior to construction of any utilities, located within the buffer zone.

Relative Policies

(a) Off-site Nuisances

Off-site nuisances include dust, smoke, odors, noise, vibration, light, glare, and heat.

- Potential off-site nuisances are encouraged to be mitigated by appropriate means. The means of mitigation shall be presented in detail with the application for a permit.
- Where it cannot be demonstrated that a potential off-site nuisance will be acceptably mitigated, the development generating that nuisance is discouraged.

(b) Compatibility Factors

The compatibility of new development or redevelopment with neighboring uses shall be assessed by using the following factors:

- Use compatibility is encouraged. In predominantly residential areas where zoning requests to another use (commercial, industrial, or institutional) are being made, it shall be the responsibility of the Planning Commission to determine if the property change is compatible with the residential area. The request for major land use changes in residential areas will be heard before the Planning Commission. The final decision for land use compatibility will rest with the Planning Commission. Appeals may be made to the Board of Adjustment.

- [Building height](#) compatibility shall comply with section 4.
- Lot coverage compatibility is encouraged.
- Building bulk and scale compatibility is encouraged.
- Building materials compatibility is encouraged.

(c) Structural Screening

The structural screening from the public view is encouraged for the following:

- rooftop mechanical equipment and vents
- solid waste containers
- outdoor mechanical equipment storage and parking, storage of materials, and work areas
- buffers as described under "Landscaped Buffers" below

(d) Landscaped Buffers

- between residences and major (or arterial) streets or highways is encouraged
- between industrial uses and public roads is encouraged

Note: The requirements for landscaped buffers are defined in [Appendix I](#)

9.1.4. LOCAL ECONOMIC DEVELOPMENT

These policies are intended to make economic development a consideration in land use decisions. Existing agricultural and industrial operations, both of which are quite limited in Taney County, are given additional protection from the intrusion of incompatible uses. Developments that would create new permanent jobs in basic industries are encouraged.

Absolute Policies

None.

Relative Policies

(a) Right to Farm

Developments that could limit the viability of existing agricultural uses are discouraged. Limits to the viability of existing uses could include potential nuisance or liability suits, predation of stock by domestic dogs, and traffic conflicts.

(b) Right to Operate

Residential developments that could limit the viability of existing industrial operations are discouraged.

(c) Diversification

Developments that create five (5) or more year-round, full-time jobs in any basic industrial sector outside the recreation/resort sector are encouraged.

9.1.5. SITE PLANNING, DESIGN, AND OCCUPANCY

Absolute Policies

(a) Recreation Vehicle Parks

Recreation vehicle parks shall meet the performance standards of [Appendix M](#).

(b) Mobile Home Parks

Mobile home parks shall meet the performance standards of [Appendix L](#).

Relative Policies

(a) Residential Privacy

The privacy of occupants of both detached and attached dwellings is encouraged through the use of a combination of landscaped yards and buffers, structural screens, and structural design.

(b) Mixed-use Developments

Mixed-use developments are encouraged to integrate basically compatible uses or functions and to separate those that are incompatible.

9.1.6. COMMERCIAL DEVELOPMENT

Taney County's landscape is one in which highways tend to follow ridgelines, and its resort economy is one in which commercial development tends to follow highways. These factors have already produced a long commercial strip that is characterized by poor traffic flows, poor access (to the businesses that have lined the strip, and a visual environment that is more chaotic than attractive. These policies offer some ways of encouraging more functional, attractive, and successful commercial development patterns.

Absolute Policies

(a) Commercial Development Pattern

Commercial developments must make adequate provisions for handicapped access.

(b) Home Occupations

Home occupations are permitted as accessories to residential uses provided they comply with the performance standards under the Division III, [Special-Use](#) permitting process.

Relative Policies

(a) Commercial Development Pattern

Commercial developments are encouraged to be clustered so as to share parking facilities and to minimize road frontage, the number of access points needed, and the number of signs required to direct attention to the development.

(b) Buffers

Commercial developments are encouraged to provide buffers between structures and public roads. The design of landscaped buffers is defined in [Appendix I](#). Permitted signs may be placed in landscaped buffers, and access points are, of course, permitted to cross them.

9.1.7. SERVICES: CAPACITY AND ACCESS

These policies are intended to assure that the residents and users of new developments have adequate access to necessary utilities and public services.

Absolute Policies

(a) Utilities

Utilities capacity to serve the proposed development, as evidenced by letter from each utility, is required.

(b) Access to Existing Roads

All road accesses shall meet the requirements defined by the Taney County Road and Bridge department.

(c) Solid Waste

Developments for which landfill or solid waste collection capacity is unavailable are prohibited.

(d) Capacity Provision

The utility, road, or other service capacity required to accommodate a development may be provided at the expense of the developer in compliance with the requirements established for the construction, warranty, dedication, and financing of improvements established in [section 12](#).

(e) Future Roads

The dedication of all easements and rights-of-way for future expansion of county roads (including additional right-of-way width along existing roads) necessary for implementation of the county's Major Road Plan and for adequate local linkage of and circulation through individual developments is required.

Relative Policies

(a) Traffic

Developments that will contribute traffic in excess of current rated capacity to a public road or highway are discouraged.

(b) Emergency Services

Accessibility for emergency vehicles is encouraged.

(c) Right-of-Way of Existing Roads

Developments that are accessed by public roads shall have a right of way of no less than fifty (50) feet. However, right-of-ways greater than 50 feet are preferred.

9.1.8. INTERNAL IMPROVEMENTS

Taxpayers should not be required to subsidize the activities of land developers, but they often do so in communities where developers are not required to provide adequate improvements. The construction, warranty, dedication, maintenance, and financing of improvements are addressed in [section 12](#), and require the installation of all improvements in a project at the developer's expense and before occupancy.

Absolute Policies

(a) Water Systems

Where individual water supplies are proposed, the developer shall provide evidence that the proposed water supply is adequate in terms of both quantity and quality.

(b) Oversize Mains

Where adequate future water or sewage service necessitates the installation of mains larger than those needed to serve a development, the installation of the larger mains is required.

(c) Roads

The design and construction of all roads shall be in accordance with the requirements of [Appendix L](#) and the standards defined by the Taney County Road and Bridge department.

(d) Pedestrian Circulation

Residential developments shall provide adequate school bus loading and turn-around areas and to link school bus loading points into their pedestrian circulation system.

(e) Parking and Loading Areas

Parking spaces and loading areas shall be provided in accordance with [Appendix J](#), which controls the number, size, layout, and construction of required parking and loading areas.

Relative Policies

(a) Water Systems

- All developments should be served by a central water system that meets the capacity, storage, design, and construction requirements of the State of Missouri.
- All central water systems are encouraged to include fire hydrants capable of delivering adequate firefighting pressures and flows throughout the development.

(b) Pedestrian Circulation

- Developments are encouraged to provide a complete system for pedestrian circulation.
- The separation of pedestrian ways from roads is encouraged.

(c) Bicycle Circulation

The provision of an adequate system of bicycle circulation, including signage, bike lanes or separated bike trails, and bike racks at all places intended for public use is encouraged.

(d) Underground Utilities

All utility lines are encouraged to be underground.

9.1.9. OPEN SPACE - DENSITY

There are several ways of assessing a development's density or intensity of land use. Lot size, lot coverage, and floor area ratio are the most common. For rural areas where water quality, the scenic beauty that supports tourism, and other environmental concerns are the major planning issues, lot coverage in impervious surfaces is an excellent measure of land use intensity. It reflects a development's potential impact on its environment more directly than other land use intensity measures and has the added advantage of applying equally well to all kinds of development - residential, commercial, and industrial.

Absolute Policies

(a) Density (with on-site sewage disposal)

Developments using septic tank and leach field sewage disposal systems must be a minimum of two (2) acres per parcel or lot.

(b) Density (with central sewage)

Developments served by a central sewage system shall be limited to the maximum allowable coverage by impervious surfaces, or as defined by the [Stormwater Management Plan](#) and as prepared and certified by a registered engineer.

Relative Policies

Usable Open Space

Residential developments including more than twenty-five (25) units (if the gross density is <1 dwelling unit per acre) are encouraged to develop and maintain at least twenty-five (25) percent of their total open space for recreational purposes.

9.1.10. SOLID WASTE DISPOSAL

Absolute Policies

None.

Relative Policies

- (a) All developments and subdivisions are encouraged to present a letter from a solid waste pick-up service indicating weekly solid waste service is available.

9.2. Policies for Eastern Taney County

9.2.1. WATER QUALITY

The resort development that has supported Taney County's growth, and which is the most important facet of its economy, is centered on its lakes, making the protection of water quality a priority. Good water quality is also important to Taney County's residents who use the lakes for their own recreational pastimes and to everyone in Taney County and downstream whose drinking water supply may be affected by surface or groundwater pollution.

Absolute Policies

(a) Erosion and Sedimentation Control

Developments will submit erosion and sedimentation plans for approval prior to any clearing done on said project in the form of a Land Disturbance permit in accordance with [Appendix F](#). Reseeding will be done within forty-eight (48) hours of completion of clearing. The type of seeds to be used is perennial rye at 42 lbs. per acre, wheat at 30 lbs. per acre. Other seed may be used by the development in conjunction with these seeds.

(b) Wastewater Control

Developer shall obtain and produce a permit from the applicable wastewater system permitting entity to ensure adequate wastewater disposal.

Relative Policies

On-site Sewage Disposal

Connection to a central sewage system is encouraged for all developments where severe limitations on the use of conventional on-site sewage disposal systems exist or where the use of on-site systems may result in ground or surface water pollution.

9.2.2. ENVIRONMENTAL

Water quality is the most prominent environmental issue in Taney County, but it is not the only one. Other resources are a part of the county's scenic attractions and resort economy and of the quality of life its residents enjoy. It is also important to understand that environmental abuse often becomes a taxpayer's issue. Building in the floodplain, for instance, or building construction that dramatically increases stormwater runoff leads to situations where all taxpayers must carry the costs of disaster assistance or of repairs to roads damaged by increased runoff.

Absolute Policies

(a) Storm Drainage

Developments that would accelerate stormwater runoff so as to increase downstream flooding peaks or have an adverse effect on public roads, bridges, and culverts or downstream properties will submit for approval prior to the permitting of any building, structure or parking lot. Stormwater plans shall comply with the provisions of [Appendix H, Stormwater Plans](#).

(b) Hazardous Waste Disposal

No material classified as hazardous wastes shall be stored or disposed of within Taney County.

Relative Policies

(a) Storm Drainage

Developments are encouraged to rely on on-site retention and absorption of stormwater runoff. [Stormwater Plans](#) shall be supplied along with the application for a permit.

- (b) Air Quality
Developments that will result in the degradation of existing air quality are discouraged.

9.2.3. CRITICAL AREAS

The policies above regulate and sometimes discourage the development of environmentally sensitive areas. This policy rewards developers for clustering their projects into areas that are suitable for construction.

Absolute Policies

None.

Relative Policies

The preservation of designated critical areas in permanent open space is encouraged. Critical areas include:

- slopes of over 30%
- floodplains
- lakeshores
- critical wildlife habitat
- Class I-IV cropland

Dedicated critical areas may be used to reduce impervious cover limitations.

9.2.4. LAND-USE COMPATIBILITY

Assuring the compatibility of neighboring land uses is the traditional function of zoning. These policies encourage land-use compatibility. Some also require affirmative action to assure compatibility, such as the mitigation of potential nuisances or the provision for screening and buffering.

Absolute Policies

(a) Off-site Nuisances

Off-site nuisances include dust, smoke, odors, noise, vibration, light, glare, and heat. Where it cannot be demonstrated that a potential off-site nuisance will be acceptably mitigated, the development generating that nuisance is prohibited.

(b) Landscaped Buffers

- Developments will provide a buffer zone between any use and single family residential that exists at the time a permit is issued for a land use change or a Division II permit.
- Developers will provide buffering between parking lot of proposed development and residential uses existing at time of rezoning.
- The width and planting density of buffers is controlled by [Appendix I](#).

(c) Natural Vegetation

Where natural vegetation exists as to adequately serve as sufficient buffering it shall be used for that purpose. If the existing natural vegetation is not sufficient enough for the purposes of buffering, the developer must add additional landscape buffering to provide the required buffering.

(d) Planting Materials

Developments or areas of developments where existing vegetation is not present, landscape buffers must be utilized. Specifications for all plant materials shall accompany the application for a permit. Specifications shall be in conformance with the *American Standard for Nursery Stock* and the materials proposed shall be suitable for the site's climatic and soil conditions. Replacement plantings shall be in substantial accord with the original planting design.

(e) Maintaining and Re-vegetating

The developer shall be responsible for maintaining and re-vegetation plantings in such a manner that they remain in accordance with the original design. The buffer zone shall be platted as green area and shall not be used for any type of required improvements found in [section 12](#), except for "[structural screening or landscaped buffers](#)". Buffer zones may be crossed in order to bring utilities into the development or to extend utilities outside the development. The location and the width of the area to be disturbed must first be approved by the Designated Official of the Taney County Planning Commission prior to construction of any utilities, located within the buffer zone.

Relative Policies

(a) Off-site Nuisances

Off-site nuisances include dust, smoke, odors, noise, vibration, light glare, and heat. Potential off-site nuisances are encouraged to be mitigated by appropriate means. The means of mitigation shall be presented along with the application for a permit.

(b) Use Compatibility

Use compatibility is encouraged. The compatibility of new development or redevelopment with neighboring uses shall be assessed using the following factors. In predominantly residential areas where zoning requests to another use (commercial, industrial, or institutional) are being made, it shall be the responsibility of the Planning Commission to determine if the property change is compatible with the residential area. The request for major land use changes in residential areas will be heard before the Planning Commission. The final decision for land use compatibility will rest with the Planning Commission. Appeals may be made to the Board of Adjustment with a final appeal to the County Commission. The County Commission's overriding authority will be final.

(c) Structural Screening

The structural screening from the public view of:

- Rooftop mechanical equipment and vents is encouraged.
- Solid waste containers are encouraged.
- Outdoor mechanical equipment, work areas, storage parking and equipment or materials storage is encouraged.

(d) Landscaped Buffers

- Between residences and major (or arterial) streets or highways are encouraged.
- Between industrial uses and public roads are encouraged. The width and planting density of buffers is controlled by [Appendix I](#).

9.2.5. LOCAL ECONOMIC DEVELOPMENT

These policies are intended to make economic development a consideration in land use decisions. Existing agricultural and industrial operations, both of which are quite limited in Taney County, are given additional protection from the intrusion of incompatible uses. Developments that would create new permanent jobs in basic industries are encouraged.

Absolute Policies

None.

Relative Policies

(a) Agricultural Lands

Conversion of Class I-IV agricultural lands to other uses is discouraged.

- (b) Right to Farm
Developments that could limit the viability of existing agricultural uses are discouraged. Limits to the viability of existing uses could include potential nuisance or liability suits, predation on stock by domestic dogs, and traffic conflicts.
- (c) Right to Operate
Residential developments that could limit the viability of existing industrial operations are discouraged.
- (d) Diversification
Developments that create five (5) or more year-round, full-time jobs in any basic industrial sector outside the recreation/resort sector are encouraged.

9.2.6. SITE PLANNING, DESIGN, AND OCCUPANCY

Absolute Policies

- (a) Recreation Vehicle Parks
Recreation vehicle parks shall meet the performance standards of [Appendix M](#).
- (b) Mobile Home Parks
Mobile home parks/manufactured home parks shall meet the performance standards of [Appendix L](#).

Relative Policies

- (a) Residential Privacy
The privacy of occupants of both detached and attached dwellings is encouraged through the use of a combination of landscaped yards and buffers, structural screens, and structural design.
- (b) Mixed-use Developments
Mixed-use developments are encouraged to integrate basically compatible uses or functions and to separate those that are incompatible.

9.2.7. COMMERCIAL DEVELOPMENT

Taney County's landscape is one in which highways tend to follow ridgelines, and its resort economy is one in which commercial development tends to follow highways. These factors have already produced a long commercial strip in the Western part of the county that is characterized by poor traffic flow, poor access (to the businesses that have lined the strip, and a visual environment that is more chaotic than attractive. These policies offer some ways of encouraging more functional, attractive, and successful commercial development patterns in the Eastern part of the county.

Absolute Policies

- (a) Commercial Development Pattern
 - Commercial developments, where applicable, shall be clustered so as to share parking facilities and to minimize road frontage, the number of access points needed, and the number of signs required to direct attention to the development.
 - Commercial developments must make adequate provisions for handicapped access.
- (b) Home Occupations
Home occupations are permitted as accessories to residential uses provided they comply with the performance standards under the Division III, [Special-Use](#) permitting process.

Relative Policies

Commercial Development Buffers

All commercial developments are encouraged to provide a landscaped buffer between their structures and public roads. Design of landscaped buffers is defined in [Appendix I](#). Permitted signs may be placed in buffers, and access points are permitted to cross the buffer.

9.2.8. SERVICES: CAPACITY AND ACCESS

These policies are intended to assure that the residents and users of new developments have adequate access to necessary utilities and public services.

Absolute Policies

(a) Access to Existing Roads

All points of access to existing public roads or highways shall meet the standards defined by the Taney County Road and Bridge department.

(b) Solid Waste

Developments for which landfill or solid waste collection capacity is unavailable are prohibited.

(c) Capacity Provision

The utility, road, or other service capacity required to accommodate a development may be provided at the expense of the developer in compliance with the requirements established for the construction, warranty, dedication, and financing of improvements established in section 9.

(d) Future Roads

The dedication of all rights-of-way (including additional right-of-way width along existing roads) necessary for implementation of the county's Major Road Plan and for adequate local linkage of and circulation through individual developments is required.

Relative Policies

(a) Utilities

Utilities capacity to serve the proposed development, as evidenced by a letter from each utility, is encouraged.

(b) Traffic

Developments that will contribute traffic in excess of current rated capacity to a public road or highway are discouraged.

(c) Emergency Services

Building heights are encouraged to be limited to those serviceable by existing firefighting equipment.

(d) Right of Way of Existing Roads

Developments that are accessed by public roads shall have a right of way of no less than fifty (50) feet. However, right-of-ways greater than 50 feet are preferred.

9.2.9. INTERNAL IMPROVEMENTS

Taxpayers should not be required to subsidize the activities of land developers, but they often do so in communities where developers are not required to provide adequate improvements. The construction, warranty, dedication, maintenance, and financing of improvements are addressed in section 11, and require the installation of all improvements in a project at the developer's expense and before occupancy.

Absolute Policies

(a) Water Systems

Where individual water supplies are proposed, the developer shall provide evidence that the proposed water supply is adequate in terms of both quantity and quality.

(b) Oversize Mains

Where adequate future water or sewage service necessitates the installation of mains larger than those needed to serve a development, the installation of the larger mains is required.

(c) Roads

The design and construction of all roads shall be in accordance with the requirements of [Appendix L](#) and the standards defined by the Taney County Road and Bridge department.

(d) Pedestrian Circulation

Residential developments shall provide adequate school bus loading and turn-around areas and to link school bus loading points into their pedestrian circulation system.

(e) Parking and Loading Areas

Parking spaces and loading areas shall be provided in accordance with [Appendix J](#), which controls the number, size, layout and construction of required parking and loading areas.

Relative Policies

(a) Water Systems

- All developments are encouraged to utilize a central water system that meets the capacity, storage, design, and construction requirements of the State of Missouri.
- All central water systems are encouraged to include fire hydrants capable of delivering adequate firefighting pressures and flows throughout the development.

(b) Pedestrian Circulation

- Developments are encouraged to provide a complete system for pedestrian circulation.
- The separation of pedestrian ways from roads is encouraged.

(c) Bicycle Circulation

The provision of an adequate system of bicycle circulation, including signage, bike lanes or separated bike trails, and bike racks at all places intended for public use is encouraged.

(d) Underground Utilities

All utility lines are encouraged to be underground.

9.2.10. OPEN SPACE - DENSITY

There are several ways of assessing a development's density or intensity of land use. Lot size, lot coverage, and floor area ratio are the most common. For rural areas where water quality, the scenic beauty that supports tourism, and other environmental concerns are the major planning issues, lot coverage in impervious surfaces is an excellent measure of land use intensity. It reflects a development's potential impact on its environment more directly than other land use intensity measures and has the added advantage of applying equally well to all kinds of development - residential, commercial, and industrial.

Absolute Policies

- (a) Density (with on-site sewage disposal)
Developments using septic tank and leach field sewage disposal systems must be a minimum of two (2) acres per parcel or lot.
- (b) Density (with central sewage)
Developments served by a central sewage system shall be limited to the maximum allowable coverage by impervious surfaces, or as defined by the [Stormwater Management Plan](#) and as prepared and certified by a registered engineer.

Relative Policies

Usable Open Space

Residential developments including more than twenty-five (25) units (if the gross density is <1 dwelling unit per acre) are encouraged to develop and maintain at least twenty-five (25) percent of their total open space for recreational purposes.

9.2.11. SOLID WASTE DISPOSAL

Absolute Policies

None.

Relative Policies

- (a) All developments and subdivisions are encouraged to present a letter from a solid waste pick-up service indicating weekly solid waste service is available.

10. IMPROVEMENTS, INSTALLATION, PHASING, AND MAINTENANCE

10.1. Required Improvements

Required improvements include, to the extent they are used to either comply with any Absolute Policy or to score a Relative Policy, the following:

- (a) temporary and permanent, structural and nonstructural soil conservation measures and re-vegetation plants
- (b) sewage collection and treatment facilities
- (c) temporary and permanent, structural and nonstructural, stormwater runoff control measures
- (d) measures intended to mitigate potential off-site nuisances
- (e) structural screening or landscaped buffers
- (f) all utilities, including water service
- (g) roads and road improvements, including culverts and bridges, and school bus loading or turn-around facilities
- (h) sidewalks and trails, including bicycle trails or lanes and bicycle racks
- (i) parking and loading areas
- (j) recreational facilities

10.2. Installation

The installation of all required improvements shall be at the developer's expense.

10.3. Phasing

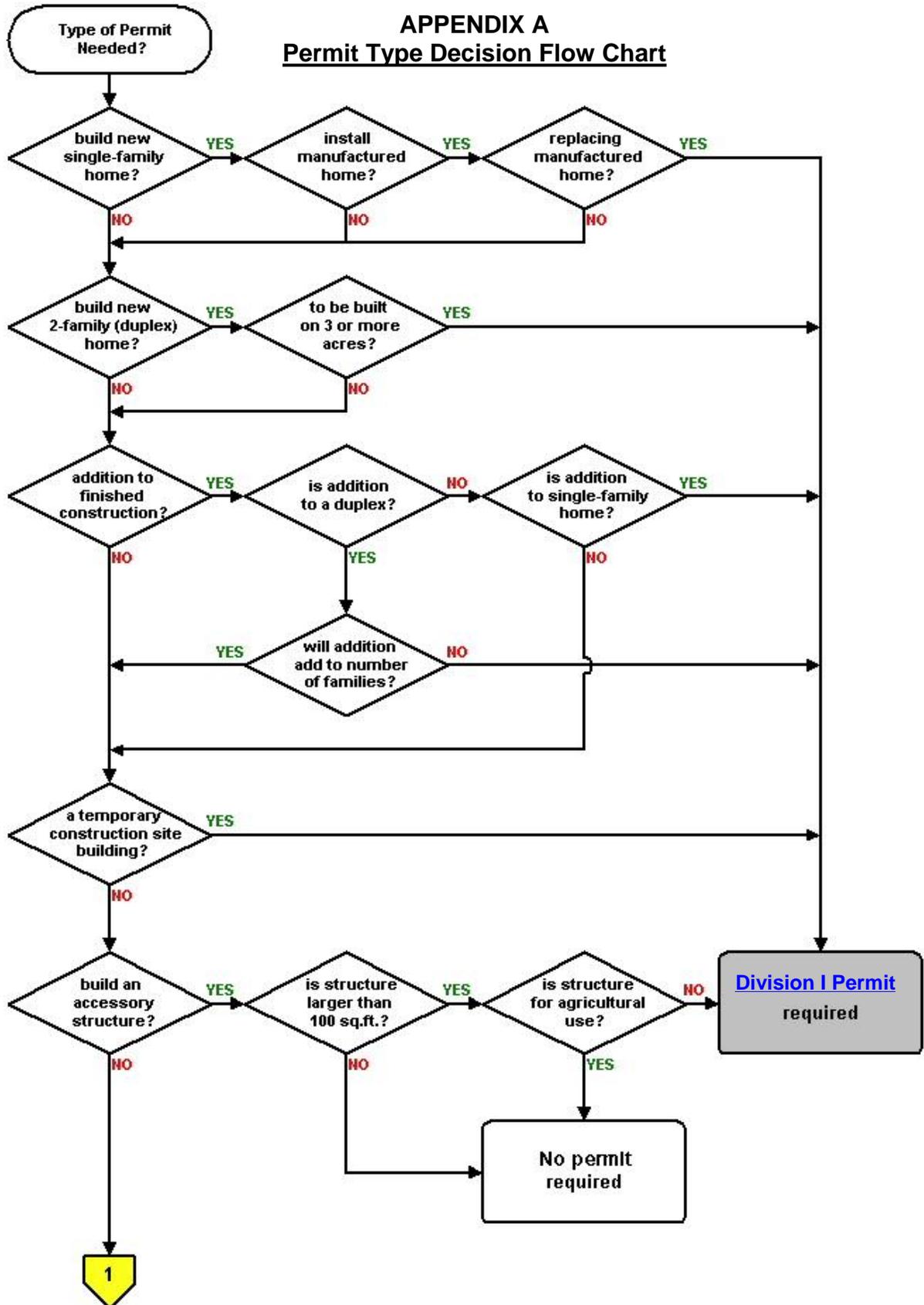
In large developments, improvements installation may be phased in accordance with a plan submitted with the application for a permit and approved by the Planning Commission. In subdivisions, a separate final plan shall be filed for each phase of the development.

10.4. Financing

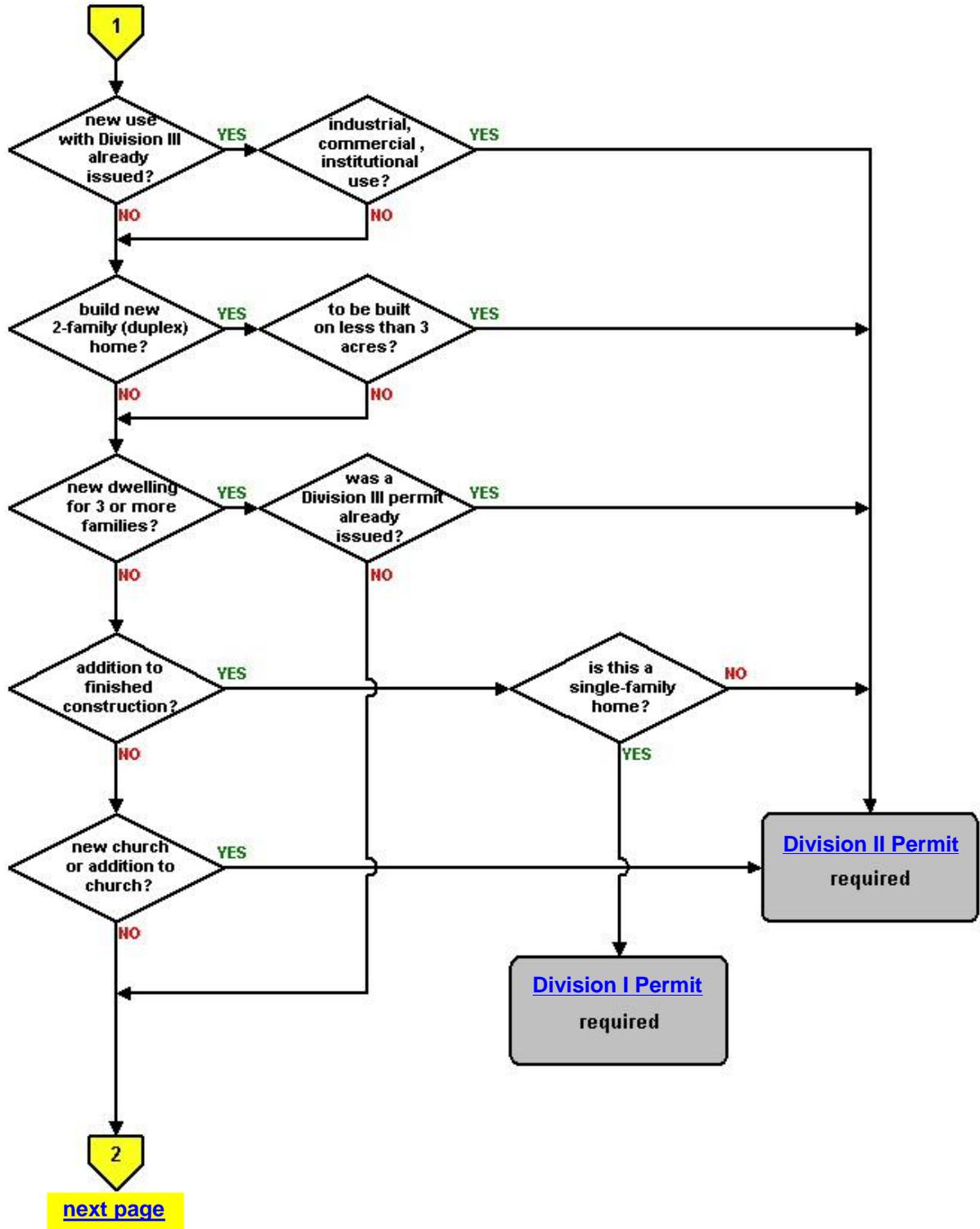
Installation of required improvements in a development or for any phase of a development may be guaranteed by any of the methods listed below:

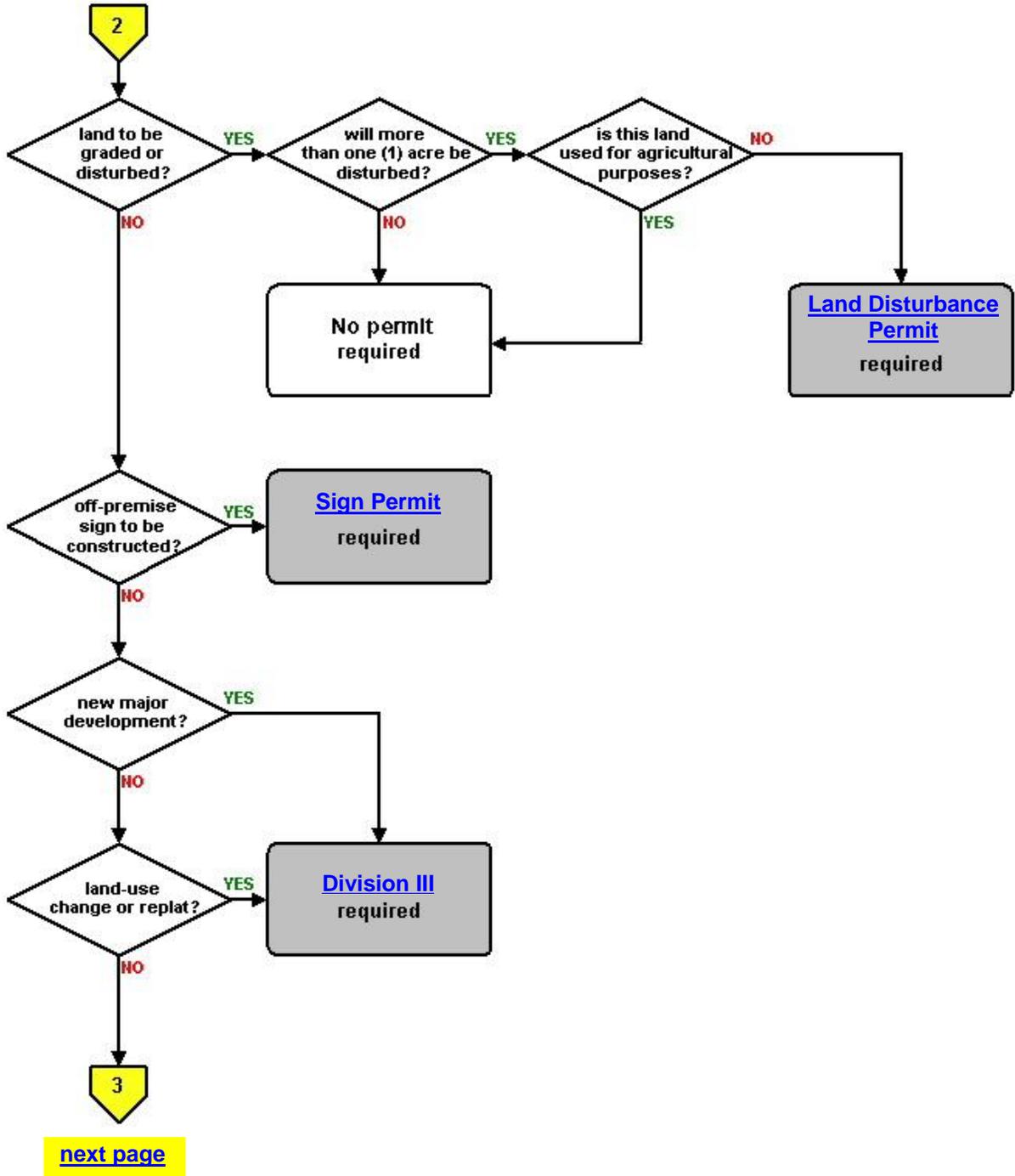
- 10.4.1. Installation of all required improvements prior to (a) filing the final plat, (b) any occupancy, or (c) land sales in the development.
- 10.4.2. Posting of a surety bond as a [Performance Guarantee](#).
- 10.4.3. Submission of an Irrevocable Letter of Credit by the developer from a certified lending institution, utilizing a form for use by the Planning & Zoning department.

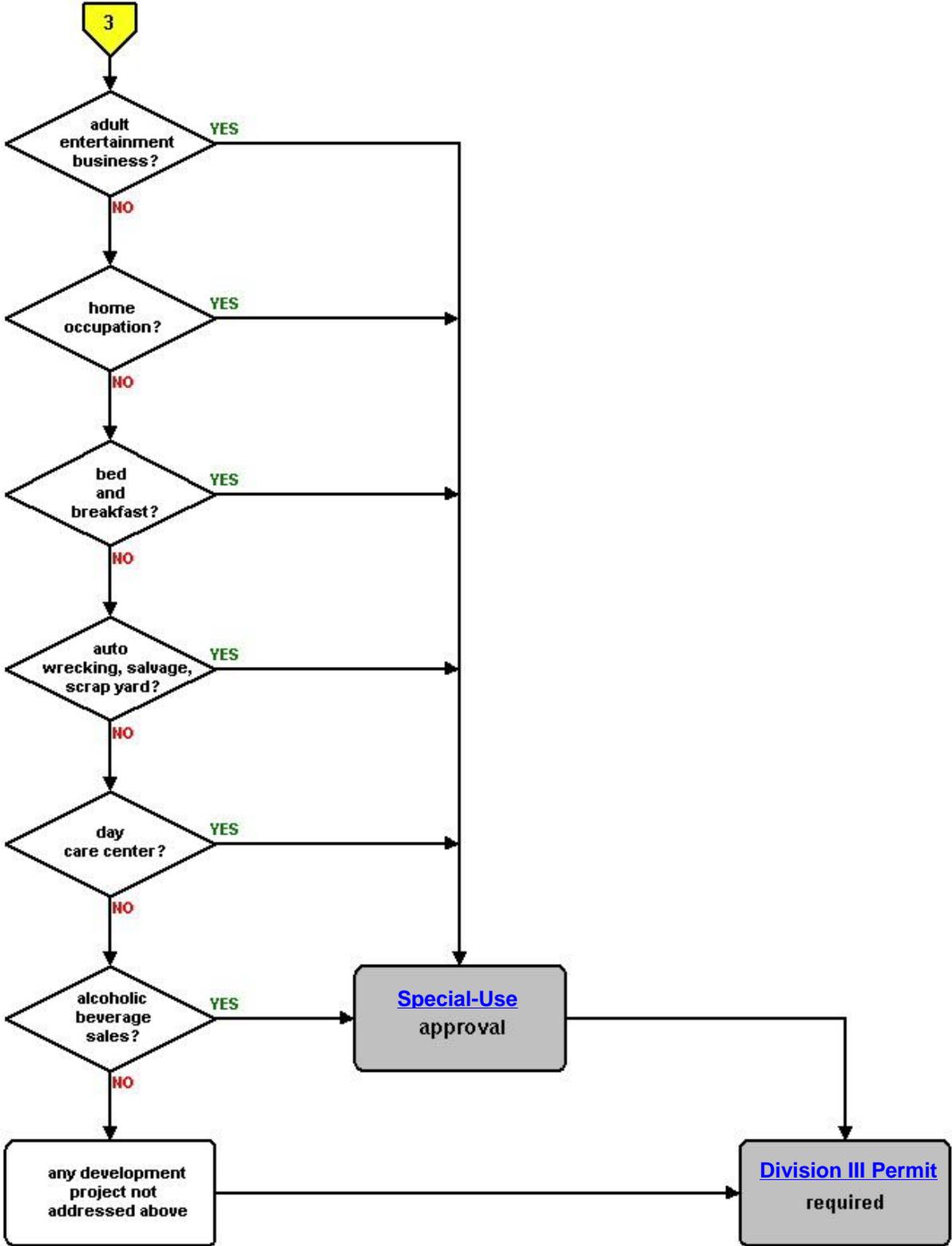
APPENDIX A Permit Type Decision Flow Chart



[next page](#)







APPENDIX B

Division I Permit Application Requirements

Division I permits provide for the rapid Staff approval for residences that are on large parcels and have little potential impact on the environment, their neighbors, or the taxpayers, or which are located in a subdivision that has already been approved for residential use by the county, assuring that environmental, land-use compatibility, public service, and other concerns have already been addressed.

Step 1: FILING

An application for a Division I permit may be filed with the Staff at any time during regular business hours. The applicant shall complete the permit application with the following information:

- (a) Parcel number and proof of property ownership – either a copy of the property tax statement, a warranty deed with all attachments, or other legally established document that includes both the property owners name and property legal description.
- (b) Diagram showing lot lines, dimensions, locations of access and structures, distances from each lot line to the structure for which the permit is intended, and any other pertinent information as designated by the Staff.
- (c) Applicable wastewater system permitting entity approval. (The applicant shall contact the applicable wastewater system permitting entity for determination of any requirements and for approval.)
- (d) For permits that involve building sites instead of lots, the appropriate submittals shall mimic the above requirements for lots.

Step 2: PLANNING & ZONING STAFF ACTION

- (a) If the Staff finds that the proposed development supports and satisfies the basic purposes of this Code, including, but not limited to, property line [setbacks](#), [building height](#), [land grading](#), etc., and the required submittals and Absolute Policies of the Development Guidance Code have been met, the application for a permit shall be accepted and the permit issued. If the development is not in compliance with the above, the application will not be approved.
- (b) Applications for Division I permits shall be processed within five (5) working days of their filing. Applications cannot be processed until all submittals have been made.
- (c) No more than one dwelling shall be allowed per two (2) acre lot when using an on-site septic system.

Step 3: NOTICE

The developer shall receive prompt written notice of the approval or denial of their permit application. The Planning Commission and the County Commission shall receive a monthly summary of all Division I permit applications.

APPENDIX C

Division II Permit Application Requirements

The Division II permit application provides a prompt comprehensive review of a development's compliance or non-compliance with the requirements of the Taney County Development Guidance Code.

Step 1: PRE-APPLICATION CONFERENCE

The filing of an application for a Division II permit shall be preceded by a Pre-Application Conference with the Division II permit examiner. Pre-Application Conferences are to be arranged with the applicant, who must submit, at a minimum, a sketch plan as the basis for discussion at the conference. The purpose of the Pre-Application Conference is to ensure that the developer understands the requirements of the Development Guidance Codes as they affect the planned project and to provide technical assistance on erosion control, parking, basic site planning, and any other subjects pertinent to the project. The Pre-Application Conference is required, but is not a regulatory proceeding and is intended as a service to the developer.

Step 2: FILING

An application for a Division II permit may be submitted at any time within one hundred twenty (120) calendar days after the Pre-Application Conference and during regular business hours. The following information submittals are required:

(a) Proof of Property Ownership

A property tax statement, a warranty deed, or other legally established document that includes both the property owner's name and a legal description of the property.

(b) Sketch Plan

A plan drawn to scale showing a north arrow, existing and proposed structures, dimensions of structures, property lines, utility lines, roads, streams, irrigation or drainage structures, any prominent topographic features, and distances from property lines to existing and proposed structures. All adjoining land uses shall also be shown (use of a separate vicinity map is permitted).

(c) Technical Plans

Technical Plans, such as Stormwater Management, Sediment and Erosion Control, Land Disturbance and Re-vegetation Plans, shall be submitted in accordance with this Development Guidance Code. Other plans may be required depending on the circumstances of the application.

Step 3: REVIEW

After all required information has been presented to the Planning & Zoning staff, a review shall be completed within thirty (30) calendar days. This review may require consultation with other county functions and departments on [Technical Plans](#), and coordination with other state and local agencies. Considerations, such as [easements](#), roads, property access, [building height](#), and [parking](#), among others, shall be reviewed. If it is determined that the proposal is in compliance with the Development Guidance Code and the requirements placed on the project by the Planning Commission, the permit shall be issued at an Administrative Hearing (see below). The property shall be posted in at least one location a minimum of five (5) calendar days prior to the scheduled Administrative Hearing. If the examiner finds the development is not in compliance with the Development Guidance Code or the requirements set forth by the Planning Commission, the application shall be denied. If the application is denied, the developer shall receive prompt written notice of the denial.

Step 4: ADMINISTRATIVE HEARING

To ensure that the developer is in complete understanding with regards to the requirements of this Development Guidance Code and the Division II permit (and, as applicable, the Division III Decision of Record), an Administrative Hearing shall be scheduled by Planning & Zoning Staff and attended by the developer or an authorized representative. The

developer will be presented with written notice of the approval of their application for a permit, a copy of the [Decision of Record](#), and the Division II permit.

Copies of all applications for Division II permits and supporting information are maintained in the Planning & Zoning office.

APPENDIX D

Division III Permit Application Requirements

The Division III permit application provides for the comprehensive review of major developments by the Taney County Planning and Zoning Commission and the affected public. The [Division III Flow Chart](#) shown below details the Division III permit process.

Step 1: PRE-APPLICATION CONFERENCE

Filing of an application for a Division III permit must be preceded by a Pre-Application conference with Planning & Zoning Staff. Pre-Application Conferences are to be arranged with the applicant, who must submit, at a minimum, a sketch plan as the basis for discussion at the conference. The purpose of the Pre-Application Conference is to ensure that the developer understands the requirements of the Development Guidance Codes as they affect the planned project and to provide technical assistance on erosion control, sewage disposal, parking, basic site planning, and any other subjects pertinent to the project. Staff will also provide guidance as to the information needed for the Concept Hearing. The Pre-Application Conference is required, but is not a regulatory proceeding and is intended as a service to the developer.

Step 2: FILING

After completing the Pre-Application Conference and all issues are resolved, the applicant may file the Division III permit application with the Planning & Zoning office. This filing must occur within one hundred twenty (120) calendar days following the Pre-Application Conference.

Step 3: CONCEPT HEARING

Once the Division III permit application has been filed, Planning & Zoning Staff will schedule the project for review at the next Concept Hearing with the Planning Commission. At the Concept Hearing, the applicant or their representative shall present to the Planning Commission their project plan and a [preliminary plat](#). If the Planning Commission determines that the project is feasible and appropriate, a decision shall be rendered to move to Public Hearing.

Step 4: APPLICATION FOR PUBLIC HEARING

Upon successful completion of the Concept Hearing, the developer shall make application for a Public Hearing. The developer shall provide Planning & Zoning with all materials needed to make the project file complete; at a minimum, these submittals shall include:

- application signed by the property owner
- [final plat](#)
- complete, typewritten, and recordable legal description of the specific property involved in the development request (this may be included on or with the final plat)
- a one-page description of the requested development
- site plans necessary to graphically show the development

Note: At this time, a public hearing date shall be set with adequate time allowed to give proper public notice as defined in Step 5 below. Developers who do not provide all required information within one hundred twenty (120) calendar days will be required to resubmit through the Division III process with a new application.

Step 5: PUBLIC NOTICE

- (a) Applications for Division III permits shall be reviewed at public hearings that are scheduled at regular Planning Commission meetings. Each hearing shall be preceded by at least one (1) notice that is published in a local newspaper of general circulation throughout the County at least fifteen (15) calendar days before the public hearing.

Sample Notice:

Notice of Proposed Land Use Change

The Taney County Planning Commission will conduct a public hearing on the application of [insert developer's name] to develop a _____ in the [insert brief legal description]. The proposed development is located [insert address or other description]. Public comment on this proposed development will be accepted at the hearing, which will be held on [month, day] at [time] at the [hearing location]. A copy of the application is available for public review at the offices of the Taney County Planning & Zoning department in Forsyth.

Note: The developer shall bear the costs of notice publication and shall submit an affidavit of publication as evidence that proper notice was published. Proof of publication shall be submitted to the Planning & Zoning department prior to the public hearing.

- (b) Hearings for Division III permits shall also be preceded by regular mail notifications to all owners of any [Real Property](#) located within a radius of six hundred (600) feet of the specific property for which the development is proposed. The Planning & Zoning department will identify all impacted properties and perform the mailings. The mailings will be completed at least fifteen (15) days prior to the scheduled public hearing. The developer will be responsible for the actual costs of these mailings.
- (c) Notice of public hearings, as required for Division II and III applications, shall be posted on the property described in the applications for the permit. The notice shall include the time, date and location of said hearing. The notice shall be supplied and posted by the staff at least ten (10) working days prior to the public hearing.
- (d) Copies of the application for a permit and of the staff report on that application shall be delivered to all Planning Commission members at least five (5) calendar days before the hearing. A copy shall also be made available for public review at the Planning & Zoning office.

Step 6: PUBLIC HEARING

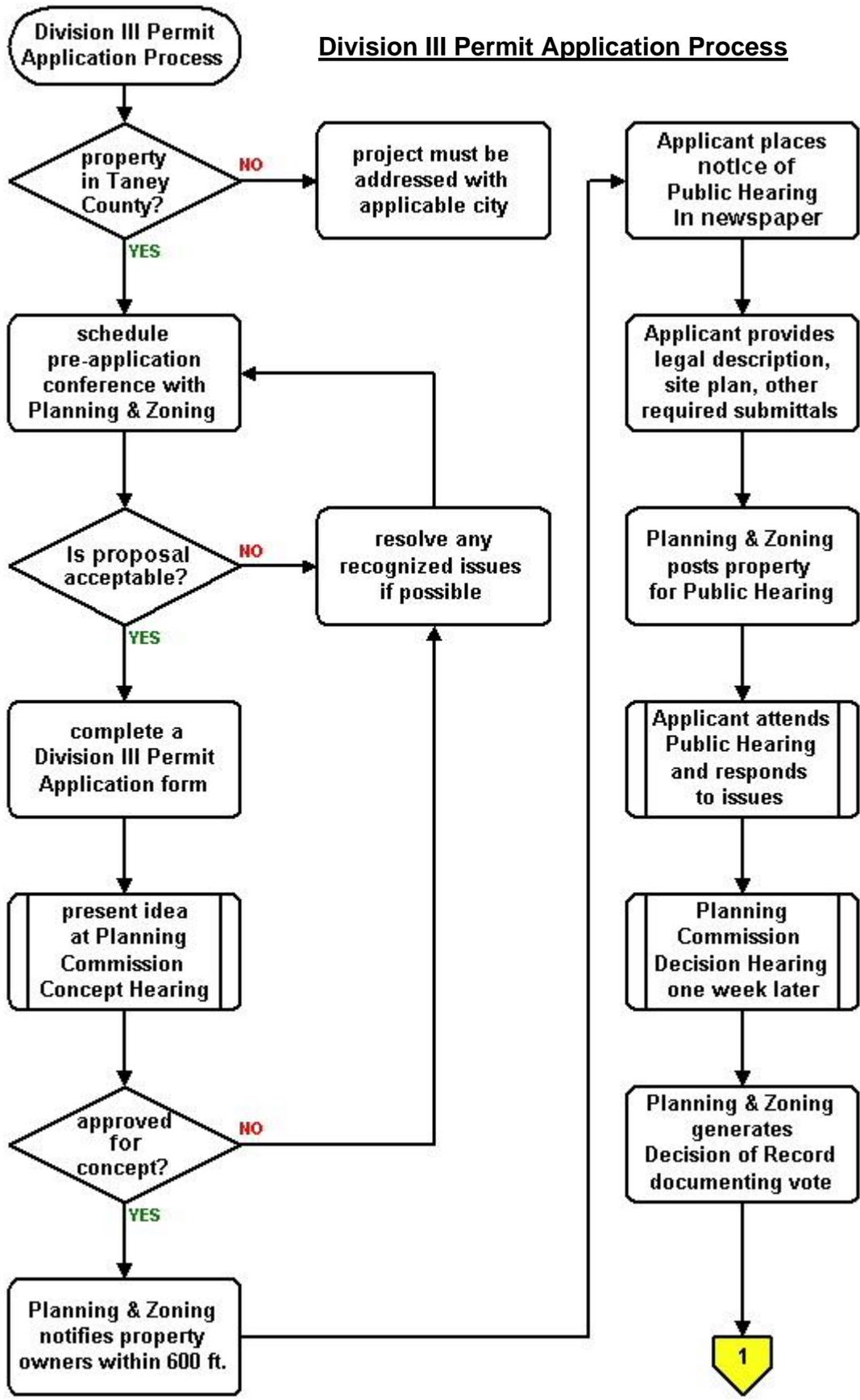
At the hearing, a Staff Report will be read to the Planning Commission describing the proposed development's level of compliance with the policies adopted in these Codes. Members of the public in attendance shall be permitted to address the Planning Commission and state their position and reasons in favor of or against the proposed development. The developer shall also be permitted to address the Planning Commission concerning their development.

Once the Planning Commission is satisfied with the information provided and with the degree to which the project complies with all applicable Code requirements, the Planning Commission shall close the public hearing.

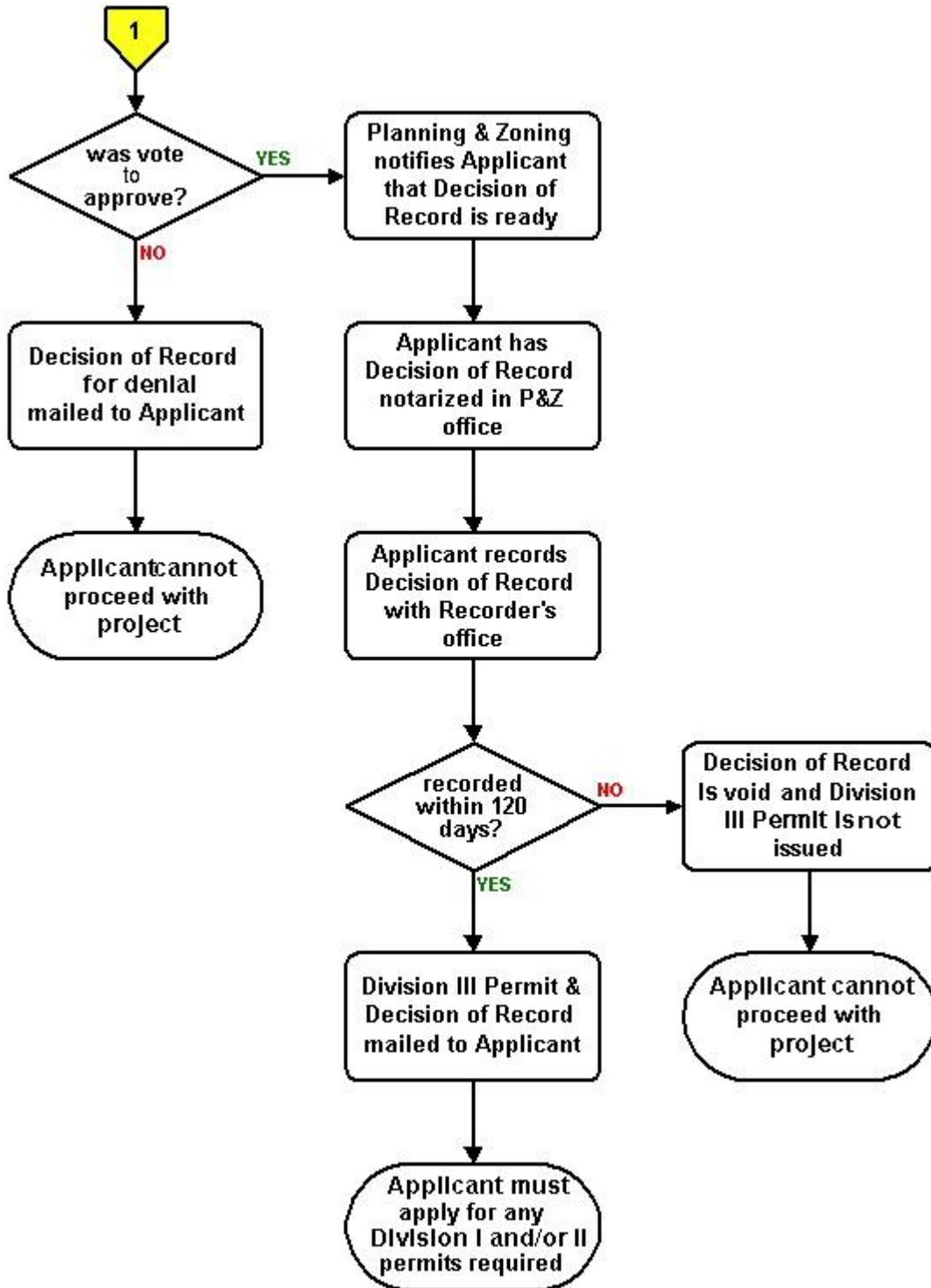
During the regularly scheduled meeting one week following the Public Hearing, the Planning Commission will commence a vote, based on all information about the project, to either approve or deny the project.

Step 6: DECISION OF RECORD

Following the Planning Commission's vote on the Division III Permit application, a [Decision of Record](#) will be prepared by the Planning & Zoning Staff. If the Division III Permit application was approved, the official Decision of Record must be signed and notarized by the developer within 120 days following said approval. Once notarized, the developer is responsible for having the Decision of Record recorded with the Taney County Recorder's office. After being recorded and the Planning & Zoning office receives an official copy, a Division III permit will be sent to the developer. When the developer receives their copy of the Decision of Record and their Division III permit, the developer may then apply for any required Division I, Division II, and/or Land Grading permits. If, however, the Planning Commission denies the Division III Permit application, the Decision of Record will reflect the denial and a copy will be sent to the developer.



[next page](#)



APPENDIX E **Special-Use Permits**

1. GENERAL PROVISIONS

Special-Use permits are a subset of the Division III permit process. The Planning Commission is authorized to decide whether Special-Use permits shall be granted subject to the general and specific standards contained in these regulations; to grant Special-Use permits with such conditions or restrictions as appropriate to protect the public interest and to secure compliance with these regulations, and to deny requests which fail to satisfy the standards and requirements contained herein and which are not in harmony with the purposes and interest of these regulations and the health, safety, and welfare of the community. In no event shall a Special-Use permit be granted where the proposed use is not authorized by the terms of these regulations or where the standards of this section are not found to exist.

Prior to the granting of any Special-Use permit, the Planning Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the permit as is deemed. In all cases in which a Special-Use permit is granted, the Planning Commission may require such evidence and guarantees as may be deemed necessary to ensure full compliance with stated conditions. In the case of a Special-Use permit that involves completion of work based on a [Technical Plan](#) (i.e., Land Disturbance, Re-vegetation, Stormwater, Sediment and Erosion Control), the guarantee of completion can be in the form of a [Performance Guarantee](#).

2. PROCEDURES

The process of application and hearing for a Special-Use permit shall be the same process as used for any other Division III permit and if granted, it shall result in the issuance of a Division III permit.

- 2.1. Applicants for a Special-Use permit shall submit, at a minimum, the following:
 - (a) application form - properly completed and signed by the property owner
 - (b) proof of property ownership
 - (c) sketch plan
 - (d) full legal description of the boundaries of the proposed development or request
 - (e) description of the requested project in the applicant's words
 - (f) all other information submittals as required by the Planning Commission or Planning & Zoning Administrator
- 2.2. Once the Special-Use permit is issued, as a Division III permit ([Appendix D](#)), all land disturbance and construction, as applicable, must be permitted separately (as Division I and/or II permits) prior to any work taking place. Land Disturbance permits shall be required for any land grading operations that exceed one (1) acre in area and shall meet all standards specified in [Appendix F](#). Construction of buildings or structures shall be permitted by either a Division I ([Appendix B](#)) or Division II ([Appendix C](#)) permit as the situation dictates.
- 2.3. Prior to any Special-Use permit being granted, the Planning Commission shall consider that adequate provisions have been made for the following:
 - (a) the location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and degree of the proposed operation
 - (b) accessibility of the property to police, fire, refuse collection, and other public services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas
 - (c) utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility

- (d) the location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening
- (e) the adequacy of required yard and open space requirements and sign provisions
- (f) the general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community; and with the standards for development in these regulations

3. GENERAL CONDITIONS FOR SPECIAL-USE PERMITS

The Planning Commission can, at their discretion and with any degree of stipulations (as noted above), grant a Special-Use permit for most any application that does not meet the requirements for a Division I, II, or III permit. The following stipulations shall apply to all Special-Use permits:

- 3.1. The permit is specific to the applicant to whom the permit is issued and, as applicable, is specific to an approved development plan and cannot be transferred without Planning Commission approval.
- 3.2. The permit does not constitute a land-use change and is not, therefore, tied to the property; that is, it does not transfer as part of property sale or ownership change.
- 3.3. The property where a Special-Use permit is granted shall not be used to establish commercial compatibility for or with any future land-use change applications (Division III).
- 3.4. If the conditions and restrictions of a Special-Use permit are not complied with, the permit can be revoked by [administrative decision](#). If the permit has been revoked, it can be reinstated only by the Planning Commission through the Division III process.
- 3.5. If the Special-Use permit is not executed within a one-year period from the date of the approval or is discontinued for a period of one year or greater, it shall be considered abandoned and no longer executable.

4. SPECIFIC CONDITIONS FOR PARTICULAR SPECIAL-USES

The following are pre-determined applications where a Special-Use permit is required. However, this list shall not be considered all-inclusive.

4.1. Adult Entertainment Business

Any business, operation, or establishment that falls within the definition of an Adult Entertainment Business shall meet the following conditions:

- 4.1.1. The applicant must specify the exact use proposed and delineate how the business will operate.
- 4.1.2. The proposed use shall not serve alcoholic beverages or be located closer than 2,000 feet to any establishment that sells alcoholic beverages either sold, consumed, or set-ups, by the drink or through package sales.
- 4.1.3. The proposed use shall be located no closer than 3,000 feet from any church, school, public building, existing residential structure, or establishment which caters specifically to children.
- 4.1.4. An adult entertainment business shall be located no closer than 2,000 feet from another adult entertainment business.
- 4.1.5. The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.2. Auto Wrecking Yards, Junk Yards, Salvage Yards, Scrap Processing Yards

Auto wrecking yards, junk yards, salvage yards, and scrap processing yards shall meet the following conditions:

- 4.2.1. Shall be located at least 660 feet from any adjacent other owned residential structure.

- 4.2.2. Shall be conducted wholly within a noncombustible structure or within an area completely enclosed by a solid fence, wall, or vegetative buffer tall enough to completely screen the use from public right of way and adjacent residences and at least eight feet high. The fence, wall, or buffer shall be of uniform height, color and texture, and shall be maintained in good condition by the property owner. No scrap, junk, or other salvaged materials shall be piled to exceed the height of this fence, wall, or buffer.
- 4.2.3. No junk or salvaged material shall be loaded, unloaded or stored, either temporarily or permanently, outside the enclosed structure, fence, wall, or buffer.
- 4.2.4. Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the fire department or jurisdiction, except when prohibited by the Missouri Department of Health and Environment.
- 4.2.5. All provisions of Missouri State Statutes 301.217 through 301.227 shall be complied with in reference to any salvage operations involving motor vehicles.
- 4.2.6. Temporary or permanent installation or use of crushing, compacting, or baling machinery must specifically be covered by special use permit and the following conditions shall be met:
 - 4.2.6.1. The use of crushing, compacting, or baling machinery shall be authorized only for sites which are currently zoned for salvage operations and which are in complete compliance with existing State of Missouri and Taney County Regulations for salvage yards.
 - 4.2.6.2. Appropriate provisions are to be made to collect and remove all by-products such as glass, petroleum products, and refrigerant gases .
- 4.2.7. Pieces of equipment not in use at the present time that will fit equipment that is in use are not considered junk. *Example: Farm and construction equipment a person uses to make a living. This extra equipment shall be stored out of sight of the general public.*
- 4.2.8. The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.3. Bed and Breakfast

Any business, operation, or establishment that falls under the definition of a bed and breakfast shall comply with the following conditions:

- 4.3.1. No more than four guest rooms can be provided under the special use permit procedure.
- 4.3.2. Parking shall be provided at the following rate: Two off-street spaces plus one additional off-street parking space per lodging room provided.
- 4.3.3. Lodging can be provided on a short or long term basis and still be termed a bed and breakfast.
- 4.3.4. The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.4. Home Occupations

Any business, operation, or establishment to be operated as a home occupation shall comply with these conditions:

- 4.4.1. EMPLOYEES
Home occupations shall involve no more than one (1) employee outside the resident family.

- 4.4.2. **RESIDENTIAL CHARACTER**
Home Occupations shall not alter the residential appearance or character of the residence in which they are conducted, and no home occupation shall be allowed in a residence that is otherwise vacant.
- 4.4.3. **SIGNS**
No home occupation shall display a sign larger than a two by four (2X4) foot, unlighted nameplate.
- 4.4.4. **PARKING / TRAFFIC**
Home occupations should not generate traffic beyond what normally occurs on a single-family property, either from truck deliveries or client/customer visits, and the construction of additional parking for a home occupation is prohibited. The presence of client/customer vehicles shall not impede or block the normal flow of traffic and, in particular, the access by emergency services. The Certificate of Conformance for any home occupation demonstrated to be creating parking or traffic flow problems in its neighborhood shall be suspended.
- 4.4.5. **STORAGE**
There shall be no outdoor storage of materials used in the home occupation.
- 4.4.6. **BUSINESS RELATED AREA**
The total area used for the home occupation shall not exceed one-third (1/3) the floor area of the living area of the dwelling (excluding garage and storage areas) whether the home occupation is in the principal dwelling or an accessory building.
- 4.4.7. **ANNOYANCES**
There shall be no offensive noise, dust, smoke, odors, heat, or glare noticeable at or beyond the property line.
- 4.4.8. **LIMITATIONS ON HOME OCCUPATIONS**
Home occupations shall not include animal hospitals, nursing homes, retail sales, barbershop/beauty salons, auto repair/detailing or sales, restaurants, motels or bed and breakfast establishments, as defined by the Missouri State Lodging Law.
- 4.4.9. The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.5. Day Care Centers

Any child or adult day care facility that provides service for more than six children or adults shall meet the following conditions:

- 4.5.1. One off-street parking space is provided for each non-resident employee in addition to the two off-street parking spaces required for the residence.
- 4.5.2. The day care shall be operated from the permanent residential dwelling of the proprietor or an employee.
- 4.5.3. If the day care is located on a major road or highway an off-street drop-off pick-up area shall be provided.
- 4.5.4. All requirements to obtain a Missouri State permit as a certified day care must be met.
- 4.5.5. The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.6. Alcoholic Beverage Sales

Any business, operation, or establishment that sells alcoholic beverages by-the-drink and which exceed a 12% alcoholic content shall be required to acquire a Special-Use permit. This requirement is not necessary for package sales or by-the-drink sales that do not exceed 12% alcoholic content. The following conditions shall apply:

- 4.6.1. All such establishments must be at least 1000 feet from any school or church.
- 4.6.2. If music, whether live or reproduced, is used for entertainment the sound levels shall not be such as to be a nuisance to any existing residences.
- 4.6.3. The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.7 Nightly Rental

A residential building, structure or part thereof that may be rented for any period of time less than thirty (30) calendar days, counting portions of days as full days. The term —Nightly rental shall not include hotel, motel, or bed and breakfast establishments. Nightly Rentals in a residential area have the potential to be incompatible with the surrounding residential uses. Therefore, special regulation of Nightly Rentals is necessary to ensure that their use will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

4.7.1. **Occupancy**

The maximum occupancy for a Nightly Rental shall be two (2) persons per dwelling unit, plus two (2) persons per bedroom (e.g., a two (2) bedroom dwelling unit is permitted a maximum occupancy of six (6) persons). The maximum occupancy shall be further limited based upon the capacity of the wastewater treatment system serving the Nightly Rental, off-street parking requirements and local fire district occupancy limits, whichever is lesser. Please note that the term **person** for the purpose of establishing occupancy is defined as an individual at least four (4) years of age. Please note that the term **bedroom** as used in reference to nightly rental is defined as a room utilized primarily for sleeping that shall have a floor area of not less than 70 square feet, shall not be less than 7 feet in any horizontal direction and shall contain at a minimum a door, a window and a closet.

4.7.2. **Parking**

One (1) off-street parking space shall be provided for each two (2) persons of occupancy in a Nightly Rental. All Nightly Rentals shall provide clearly marked and appropriately situated parking spaces for the handicapped, one (1) such space in each parking area.

No more vehicles shall be parked on the property than there are designated off-street parking spaces. Inability to provide the required off-street parking will reduce the permitted occupancy. A site plan shall be submitted with an application for a Nightly Rental Special-Use Permit which identifies the location of the required off-street parking.

4.7.3. **Solid Waste Disposal**

The management company or a waste collection provider shall provide weekly solid waste collection during all months that the Nightly Rental is available for rent.

4.7.4. **Lighting**

Outdoor lighting shall be downward lit, subdued and have minimal off-site impacts to adjoining properties.

4.7.5. **Safety**

All Nightly Rentals shall contain a minimum of one operable fire extinguisher, operable smoke alarms and operable carbon monoxide alarms in compliance with the local fire district regulations, where applicable.

4.7.6. **Fire District Compliance**

A compliance letter shall be submitted from the local fire district, with an application for a Nightly Rental Special-Use Permit ensuring adequate fire suppression and the provision of occupancy limits.

4.7.7. Fire District Inspection

Each Nightly Rental dwelling unit shall be inspected annually by the Fire District, unless waived by the local Fire District, in order to determine whether it meets adequate safety requirements of the applicable building codes. Prior to the issuance of a Certificate of Conformance, the Owner shall make all necessary alterations to the dwelling unit as required by the Fire District Official pursuant to the applicable building codes.

4.7.8. Taney County Assessor's Office Compliance

A compliance letter shall be submitted from the Taney County Assessor's Office prior to the issuance of a Certificate of Compliance.

4.7.9. Taney County Collector's Office Compliance

A valid Merchant's License shall be provided to the Planning Department for each nightly rental property. The Merchant's License shall be provided prior to the issuance of a Certificate of Compliance.

4.7.10. Missouri Department of Revenue Compliance

A valid Missouri Department of Revenue Sales Tax License shall be provided to the Planning Department prior to the issuance of a Certificate of Compliance. A No Tax Due Letter from the Missouri Department of Revenue shall be submitted to the Planning Department office annually, indicating that the sales taxes have been paid.

4.7.11. Permit Posting

The Nightly Rental Special-Use Permit shall be posted within five (5) feet of the main entrance of each dwelling unit, both on the inside and on the outside of the dwelling unit, and contain the following information:

- (a) The name and telephone number of the Local Representative.
- (b) The name and address of the Owner.
- (c) The contact information for the Planning Department and Sheriff's Department office in Taney County.
- (d) The maximum occupancy permitted.
- (e) The name and telephone number of all local emergency personnel (police, fire and medical personnel).
- (e) The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property.
- (f) The solid waste disposal collection day if provided by a solid waste company.

4.7.12. Health Department Compliance

A compliance letter shall be submitted from the Taney County Health Department with an application for a Nightly Rental Special-Use Permit, if the nightly rental will involve five (5) or more "guest rooms". The Missouri Department of Health and Senior Services defines a guest room as a room in which one or more guests sleep (e.g. including a common room such as a living room if that room will provide sleeping arrangements for one or more guests).

4.7.13. Ownership

A Nightly Rental Special-Use Permit is issued to a specific "Owner" of a property. If the property changes ownership then the Special-Use Permit shall immediately expire.

4.7.14. Local 24-Hour Representative

The Owner of the property shall designate a "Local Representative". The Local Representative shall be available on a twenty-four (24) hour basis, seven days per

week. The Local Representative may be the owner, a property management company representative, agent, designee or other person employed, authorize or engaged by the owner to manage, rent or supervise the Nightly Rental. The Local Representative shall maintain a residence or permanent place of business within either Taney County or the Counties adjoining Taney County and shall be available on a twenty-four (24) hour basis, seven (7) days per week.

(a) **Change Local Representative**

The Local Representative may be changed by the Owner from time to time throughout the term of the permit, by the Owner filing a revised permit application that includes the name, address and telephone number of the new Local Representative. Failure to notify the County of a change in the Local Representative constitutes a Violation pursuant to Section 3.10 and may also lead to the revocation of the Special-Use Permit.

(b) **Guest and Vehicle Register**

The Local Representative shall maintain a guest and vehicle register for each tenancy of the Nightly Rental. The register shall include the names, home addresses, and telephone numbers of the occupants and the vehicle license plate numbers of all vehicles used by the occupants and the date of the rental period. The above information must be available for County inspection upon request. Failure to maintain or provide the required information constitutes a Violation per the provisions of Section 3.10 and may also lead to the revocation of the Special-Use Permit.

(c) **Complaints**

The Local Representative must be authorized by the Owner to respond to questions or concerns from the occupants or neighbors. The Local Representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the property as a Nightly Rental. The Local Representative must respond to those complaints in a timely manner to ensure that the use of the property complies with the standards for Nightly Rental occupancy, as well as other pertinent County code requirements pertaining to noise, disturbances, or nuisances, as well as State law pertaining to the consumption of alcohol, or the use of illegal drugs.

(d) **Availability**

If the Taney County Sheriff's Department is not able to contact the Local Representative in a timely manner twice during a twelve month period, this shall be considered a Violation pursuant to Section 3.10 and may also lead to revocation of the Special-Use Permit.

4.7.15. **Required Buffering**

A buffer shall be established between any structure utilized for nightly rental and any existing residential land use, meeting the requirements of Appendix H, Section 6 (Technical Plans).

4.7.16. **Additional Conditions**

The Taney County Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary.

4.7.17. **Compliance**

Compliance with the terms and conditions set forth herein shall be the non-delegable responsibility of the owner of the Nightly Rental; and each owner of a Nightly Rental shall be strictly liable for complying with the conditions set forth in this Section or imposed by Taney County. The Owner shall comply with all applicable County, State and Federal Regulations.

4.7.18. **All Nightly Rentals Shall Obtain a Special-Use Permit**

The nightly rental of **all** residential structures shall require the issuance of a Special-Use Permit.

4.7.19. **Revocation**

The Planning Department is hereby authorized to revoke any Nightly Rental Special-Use Permit issued under the terms of this Section, if, after due investigation, it determines that the holder thereof has repeatedly violated any provisions of this Section or that any facility is being maintained in an unsanitary or unsafe manner, or is a nuisance.

4.7.20. **Limitation of Liability**

Taney County assumes no responsibility for the operation of the site and Owner covenants and agrees to hold Taney County harmless for any injury or damage which may occur, of whatever type or nature, as the result of the operation of the Nightly Rental. Owner shall maintain appropriate liability insurance for the Nightly Rental. Owner further warrants and agrees to compensate Taney County for any expense incurred in the defense of any lawsuit or other type of action which may be brought against said County as a result of said Owner's operation of this use.

APPENDIX F

Land Disturbance Permit Application Requirements

No land grading, except hand clearing or brush-hogging, shall commence on any property before all proper permits have been obtained.

Step 1: FILING

An application for a Land Disturbance permit may be filed with the Staff at any time during regular business hours. The applicant shall complete the permit application with following information:

- applicant's name, address and phone number
- property information, including location, proof of ownership, floodplain, etc.
- description of work to be performed
- applicable [Technical Plans](#)

Step 2: ACTION

(a) Technical Plans

The developer shall provide a [Land Disturbance Plan](#) and an [Erosion and Sediment Control Plan](#) (see [Appendix H](#)).

(b) Approvals

Following the review and comment by the Designated Official and any other qualified authority, such as the Conservation District, as needed, the Designated Official shall approve, deny, or recommend modification of the plans.

(c) Issuance of Land Disturbance Permit

Upon approval of the final plans, the Designated Official shall issue a Land Disturbance permit. Such permit may be revoked by the Designated Official if, upon periodic inspection, it is determined that the work is not progressing in accordance with specifications of the approved plan.

APPENDIX G

Sign Permit Application Requirements

1. GENERAL CONSIDERATIONS

Off-premise or outdoor advertising is a legitimate commercial use of property adjacent to road systems. This regulation is intended to provide for the orderly management of this commercial use to promote safety, convenience, business development, and enjoyment of travel, while preserving the natural scenic beauty of Taney County.

This code is adopted pursuant to the authority of RSMo 226.527 that allows local zoning authorities to regulate signs relative to size, lighting, spacing, and location.

2. PROCEDURES

All [off-premise advertising signs](#) are structures requiring a [Sign Permit](#). Permits must include, at a minimum, the following information:

- completed application signed by the property owner of record, or a certified copy of the lease agreement (financial information can be blanked out)
- sketch or drawing that clearly delineates the location of the sign relative to surrounding roads, buildings, or other pertinent structures.

3. GENERAL PROVISIONS

- 3.1. Any off-premise advertising sign that is less than or equal to 32 square feet in size is exempt from these provisions and shall not require a permit.
- 3.2. A minimum of a five (5) foot setback from the right-of-way is required for all off-premise signs. This setback is measured from the right-of-way to the nearest part of the sign.
- 3.3. Any sign which sustains 50 percent (%) or more damage or alteration to its structure for any reason, shall (if replaced) be rebuilt in compliance and with a new permit required. If vandalism can be proven as the cause of the damage, a variance can be requested from the [Board of Adjustment](#). The request for a variance is not to be considered a guaranteed right.
- 3.4. Any sign that is moved to a new location will be considered a new structure and shall comply with the requirements of this regulation.
- 3.5. No off-premise advertising sign or structure, of any size, shall be allowed within a platted residential subdivision.
- 3.6. Illuminated signs shall be designed, located, oriented, and constructed to eliminate direct light and significantly reduce glare on any property not under the same ownership and control as the sign. The lighted area shall be confined to the face of the structure as intended and shall not increase the lighting intensity upon adjoining premises that are not under the same ownership and control. Within 250 feet of any residence or primarily residential structure, no illumination of an off-premise sign shall occur between the hours of 11:00 p.m. and 7:00 a.m.

4. SIGN REQUIREMENTS

4.1. Permitted Locations

- (a) District I: All of State Highway 65 from the Christian County line to the Arkansas State line.
- (b) District II: All numbered State Highways and the following lettered highways: F, H, V, J (between State Highway 76 and JJ), and JJ, all within Taney County.
- (c) District III: All other roads, streets and highways in Taney County that are not included in Districts I and II.

4.2. Sign Height Measurement Methods

- 4.2.1. ABOVE ROAD SURFACE MEASUREMENT
The maximum vertical distance measured from the centerline of the road to the tallest portion of an off-premise sign at the closest point between sign and road.
- 4.2.2. ABOVE GROUND SURFACE MEASUREMENT
The maximum vertical distance measured from the ground surface at the center-base of the sign to the top of the sign.

4.3. District Provisions

The following define specific sign requirements based on the district in which the sign would be constructed. These data are also shown in the Table G-1 below. The referenced state regulation comes from sections 226.500 to 226.600 of the Missouri Revised State Statutes. Only the referenced requirements apply, with any inconsistencies will be interpreted by the Designated Official in favor of the county’s code requirements.

TABLE G-1
Dimensional Requirements for Signs

OFF-SITE SIGNS	District I	District II	District III
Size (max.)	1,200	800	500
Height (max.)	55	45	35
Spacing (min.)	400	500	300

Note: Detailed explanations and applicable deviations are described below.

4.3.1. DISTRICT I

All off-premise signs shall conform to the requirements of the Missouri Highway and Transportation Department for a divided four lane limited access primary route, with the following additions:

- Maximum Height: 55 ft.

Note: If the ground surface elevation exceeds the road surface elevation, then the maximum height shall be 50 ft. above the ground surface.

The general requirements of the Missouri Transportation Department for a four lane limited access primary route are:

- Maximum Size: 1,200 sq.ft.
- Minimum Spacing: 500 ft. (and at least 500 ft. from interchange ramps)

4.3.2. DISTRICT II

All off-premise signs shall conform to the following specific requirements as well as all special provisions within this regulation:

- Maximum Size: 800 sq.ft.
- Maximum Height: 45 ft.
- Minimum Spacing: 500 ft.

4.3.3. DISTRICT III

All off-premise signs shall conform to the following specific requirements as well as all special provisions within this regulation:

- Maximum Size: 400 sq.ft.
- Maximum Height: 35 ft.
- Minimum Spacing: 300 ft.

4.3.4. SPECIAL PROVISIONS

These provisions apply to District II and III signs only.

4.3.4.1. Off-premise signs must be either on property used for an operating commercial land use or within 500 feet of the improved area of an operating commercial land use, but not within 100 feet of any residence or primarily residential structure, and be at least 25 feet from any side or rear property line (residential or otherwise).

4.3.4.2. No off-premise sign may be located within 500 feet of a designated scenic overlook.

4.3.4.3. When an incorporated community does not have existing controls on off-premise signs, the Taney County regulations shall apply based on the roadway designation and a minimum spacing requirement of 100 feet. The incorporated community shall be given an opportunity to review the sign permit prior to approval and issuance by the county.

4.3.4.4. Development Directional / Location Signs

A temporary permit is available for developments, residential or commercial, that are in the construction phase. The following conditions shall apply:

- permit is issued with a one-year (1) limit
- the sign shall meet all district requirements (I and II), except the commercial situation
- while the development is under construction, a total of two (2), one-year (1) extensions may be authorized, but will double any future permit costs

4.3.4.5. An off-premise signs that has any moving, flashing, waving, or other distracting elements or characteristics must be specifically approved by the Planning & Zoning department. In no case shall a sign copy or mimic an emergency service vehicle.

APPENDIX H **Technical Plans**

1. PURPOSE

This appendix details the requirements for Technical Plans that may, depending upon the development project, be required as part of a permit application and approval. A Technical Plan is comprised of one or more of the following individual plans:

- [Land Disturbance Plan](#)
- [Sediment and Erosion Control Plan](#)
- [Stormwater Management Plan](#)
- [Re-vegetation Plan](#)

Based on the specific development project, one or more these plans may be required. It should be noted that these are to be appropriately engineered plans provided by recognized and certified engineering entities.

2. GENERAL PROVISIONS

2.1. Inspection and Violation

2.1.1. INSPECTIONS

Permitted developments are subject to inspection; see [On-Site Inspections](#).

2.1.2. CORRECTIONS

All infractions and corrections shall be completed within the time limit specified in the issuance of a written notice to correct. All persons failing to comply with such notice shall be deemed in violation of this regulation. A “Stop Work” order can, but is not required, to accompany the notice to correct and if so shall be adhered to entirely until all required corrections are completed and the “Stop Work” order is lifted.

2.1.3. REVOCATION OF PLANS AND PERMITS

Permits may be [revoked](#) and will not be reinstated until the cause for revocation has been corrected or a plan for correction has been submitted and approved.

2.1.4. STOP WORK ORDERS

A [Stop Work Order](#) will be issued whenever land disturbance, construction, or development activity, which constitutes a violation of the Development Code, occurs.

2.1.5. VIOLATIONS

In the event that all required work under the submitted plan is not completed as required, the [Performance Guarantee](#) will be used by the county to correct or complete the work as deemed necessary and as funds allow. A violation will result in the [revocation of permits](#), as applicable, until the developer corrects the violation(s) or an appeal is made to the Board of Adjustment and a variance is granted.

2.1.6. PENALTIES

Any person violating any provision of these regulations and found guilty of such violation shall be subjected to applicable [legal actions as described in section 3](#) of this Code.

2.1.7. APPEALS

Any person aggrieved by any decision during the administration or enforcement of this appendix may appeal to the [Board of Adjustment](#). During such appeals, however, no work other than that required by the Designated Official can continue.

- 2.1.8. VARIANCES
Any required variances shall follow the [variance procedure](#) of this Code.
- 2.1.9. CONFLICT
Where any provision of this appendix imposes restrictions that differ from those imposed by any other law or regulation, whether state, federal, or local, whichever is more restrictive or imposes a higher standard shall prevail.
- 2.1.10. LIABILITY
Compliance with the requirements of this appendix does not implicitly or explicitly guarantee that facilities constructed to the minimum standards defined herein will ensure properties remain free from sediment, erosion, or stormwater damage. This appendix shall not create liability on the part of or cause legal action against the county, any county officer, or employee of the county for such damages.

3. LAND DISTURBANCE PLAN PROVISIONS

3.1. General Requirements

- 3.1.1. Land Disturbance permits are required for any development site where the affected land area exceeds one (1) acre.
- 3.1.2. Developments consisting of lots or tracts, whether phased or not, that are smaller than one (1) acre in area typically do not require a Land Disturbance permit. However, when the affected area is part of a larger development and the Designated Official determines that an excessive sedimentation hazard exists, a permit will then be required.
- 3.1.3. Prior to issuing a Land Disturbance permit, a [Sediment and Erosion Control Plan](#) must be provided that defines how soil erosion will be prevented.
- 3.1.4. Agricultural activities are exempted from these provisions.

3.2. Site Development Plan

In determining compliance of the sediment control element of the Sediment and Erosion Control Plan with acceptable practice, the following shall be shown:

- 3.2.1. An average of three (3) tons of soil loss per acre per year shall be deemed the maximum tolerable level of sediment leaving the site during development. The universal soil loss equation shall be used in predicting average soil loss.
- 3.2.2. The calculation of the above tolerable level of soil loss shall be based on average anticipated losses during the year or years of development and in a one (1) year period immediately following development.
- 3.2.3. A Best Management Practices plan shall be implemented and maintained in accordance with the concepts and methods described in the following documents:
 - (a) ***Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices***, (Document number EPA 832-R-92-005) published by the United States Environmental Protection Agency (USEPA) in 1992. This manual is available at the USEPA internet site.
 - (b) ***Protecting Water quality: A field guide to erosion, sediment and Stormwater Best management practices for development sites in Missouri***, published by the Missouri Department of Natural Resources in November 1995.

Note: Other commonly accepted publications may be used for guidance but must be referenced in the application if used.

3.3. Conformance with Permit and Plan

All and disturbance activity on property for which a Land Disturbance permit has been issued shall conform to the requirements of the permit and to the provisions of the approved site development plan. This plan shall meet the requirements defined in section 7, [general plan information requirements](#).

3.4. Exemptions

A land disturbance permit shall not be required for sites equal to or less than one (1) acre or for individual residential lots. Agricultural activities are exempted from the provisions of this appendix.

3.5. Design Criteria

- 3.5.1. Cut or fill slopes shall be left not steeper than two (2) horizontal to one (1) vertical, unless such slopes can and will be stabilized with properly designed retaining walls or other mechanical means.
- 3.5.2. Provisions shall be made to safely collect and discharge surfaced water to storm drains or suitable natural water course and to prevent surface runoff from damaging cut faces and fill slopes.
- 3.5.3. Subsurface drainage shall be provided in areas having a high water table. Drains shall intercept seepage that would affect slope stability or building foundation or create undesirable wetness.
- 3.5.4. Excavations or fills made near property boundaries shall be supported to protect the adjoining property from erosion, sliding, settling, or cracking.
- 3.5.5. No fill is to be placed where excess sediment may erode upon the premises of another or so placed adjacent to the bank or a channel as to create bank failure or reduce the natural capacity of the stream.
- 3.5.6. Timber, logs, brush, rubbish, and vegetative matter that will interfere with the grading operation or affect the planned stability of fill areas shall be removed and disposed of properly.
- 3.5.7. Topsoil is to be stripped and stockpiled in amounts necessary to complete finish grading of all exposed areas requiring topsoil for the establishment of vegetation.
- 3.5.8. Cut slopes that are to be top soiled shall be scarified to a minimum depth of three (3) inches prior to placement of topsoil.
- 3.5.9. Frozen materials or soft, mucky, or easily compressible materials are not to be incorporated in fills intended to support buildings, parking lots, road structures, sewers, or conduits.
- 3.5.10. Maximum thickness of layers of fills to be compacted shall not exceed eight (8) inches.

4. SEDIMENT AND EROSION CONTROL PLAN PROVISIONS

4.1. Principles and Standards

- 4.1.1. All excavations, grading, or filling shall result in a finished grade not to exceed a 3:1 slope (33%). Steeper grades may be approved if the excavation is through rock or if the excavation or fill is adequately protected (i.e., a designed head wall or toe wall may be required), or if the original grade exceeded the 3:1 slope requirement.
- 4.1.2. Sites that involve less than one acre of grading shall provide for sediment and erosion control. The measures should be sufficient to retain the majority of sediment on site. Appropriate facilities can be required if it determined by an on-site inspection that a sediment and/or erosion control problem exists.

- 4.1.3. Sediment and Erosion Control Plans for sites that exceed one acre of grading shall provide for sediment or debris basins, silt traps or filters, staked straw bales, or other approved measures to remove sediment from run-off waters. Temporary siltation control measures shall be designed to assure that sediment is not transported from the site by a storm event of a 10-year frequency. Temporary siltation control measures (i.e., structural) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site.
- 4.1.4. When natural vegetation is removed during grading, vegetation shall be re-established in such a density as to prevent erosion. Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed. Re-vegetation shall be provided for at a base rate of \$250.00 per acre or at a sufficient rate to cover the work required, whichever is greater.
- 4.1.5. When grading operations are completed or suspended for more than 30 calendar days, permanent grass must be established at sufficient density to provide for erosion control on the site. Within 48 hours of any completion or suspension of grading operations, temporary cover shall be provided according to the Designated Official's recommendation. All finished grades (areas not to be disturbed by future improvement) in excess of 20% slopes (5:1) shall be mulched and tacked at the rate of 100 pounds per 1,000 square feet when seeded.
- 4.1.6. Provisions shall be made to accommodate the increased water runoff caused by changed soil and surface conditions during and after grading. Open channels shall be designed so that gradients result in velocities of 2 fps (feet per second) or less. Open channels with velocities more than 2 fps and less than 5 fps shall be established in permanent vegetation by use of commercial erosion control blankets or lined with rock riprap as approved. Detention basins, diversions, or other appropriate structures shall be constructed to prevent velocities above 5 fps.
- 4.1.7. Land adjoining a development site shall be protected from accelerated and/or increased surface water flow, silt from erosion, and any other adverse consequences of erosion. Runoff water from developed areas (parking lots, paved sites and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems. Sufficiently anchored straw bales may be temporarily substituted.
- 4.1.8. Development along natural watercourses shall have residential, commercial or industrial improvements, parking areas, and driveways set back a minimum of 25 ft. from the top of the existing stream bank. The watercourse shall be maintained by and made the responsibility of the subdivision trustees or, in the case of a site plan, by the property owner. Permanent vegetation should be left intact. The submitted plan shall include any designed stream bank erosion control measures. FEMA and US Army Corps of Engineers guidelines shall be followed where applicable regarding site development areas designated as flood plains and wetlands.
- 4.1.9. All lots shall be seeded and mulched at rates specified in these Codes or sodded before an occupancy permit shall be issued except that a temporary occupancy permit may be issued by the Planning & Zoning department in cases of undue hardship because of unfavorable ground conditions.
- 4.1.10. Maintenance of all sediment and erosion control facilities will be considered an integral part of the plan. Within 24 hours of a storm event, inspection and maintenance of the facilities shall take place at the developer's responsibility.
- 4.1.11. During periods of dry windy weather, wind erosion in the form of dust can be a problem. Efforts shall be made to minimize the problems of dust. Corrective procedures will be required if problems with dust become apparent.

- 4.1.12. Phasing of clearing and grading operations is one of the most effective methods to control the creation of sedimentation. Project clearing and grading operations should be phased in no more than 5-acre increments of disturbed area. It is possible to work using larger increments, however, a phasing plan shall be part of any clearing or grading plan exceeding ten (10) acres of disturbed area.

4.2. Sediment and Erosion Control Plan Approval

- 4.2.1. The Sediment and Erosion Control Plan must define the measures to be taken to meet erosion control principles and standards as defined in the following paragraph. The plan must assure that sediment is not transported from the development site at an annual rate that exceeds the erosion factor "T" from the Soil Survey of Taney County, Missouri.
- 4.2.2. When a Sediment and Erosion Control Plan is submitted to the Soil & Water Conservation District for comments and recommendations, the Soil & Water Conservation District shall have fifteen (15) days to respond. Comments and recommendations shall pertain to, but not be limited to, the following:
- erosion and sedimentation control
 - soil use limitations
 - environmental considerations

4.3. Erosion and Sedimentation Control Plan Content

Erosion and Sediment Control Plans submitted to the Planning Commission shall include two sets of maps and plans, with specifications showing proposed excavation, grading, and/or filling and will include, along with the [general plan information requirements](#) (section 7, below), the following:

- (a) The portion of the property that is to be excavated, graded, and/or filled with excavated material.
- (b) Identification of any portions of the property that are to remain as natural areas; these are areas to be protected and untouched by clearing, grading, or construction.
- (c) The location of any sewerage disposal system or underground utility line, any part of which is within 50 feet of the proposed excavation, grading, and/or filling area, and the location of any pipe line operated at a maximum service pressure in excess of 200 p.s.i.g., any part of which is within 100 feet of the proposed excavation, grading, and/or filling area.
- (d) Existing grade and topography of the premises and the proposed finished grade and final contour elevation at a contour interval of not more than two (2) feet on United States Geological Survey datum.
- (e) The location and present status of any previous permitted grading operations on the property.
- (f) Details of any temporary drainage systems proposed to be installed and maintained by the applicant and a comprehensive drainage plan designed to safely handle surface water, streams or other natural drains following heavy rains during grading operations.
- (g) Details of proposed water impoundment structures, embankments, sediment or debris basins, grass or lined waterways, and diversions, with the details and locations of proposed stable outlets and the location of any down stream impoundment's which could be affected by the proposed grading.
- (h) Details of soil preparation and re-vegetation of the finished grade and of other methods of soil erosion control.
- (i) Proposed truck and equipment access ways to the work site.
- (j) Delineation of the 100-year flood plain and floodway.
- (k) A statement from the property owner or their agent assuming full responsibility for the performance of the operation as stated in the application; this statement shall also contain assurance that all County property or roads will be adequately protected.

- (l) The proposed phasing of development of the site, including clearing, rough grading and construction, and final grading and landscaping. Phasing will identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving streets and parking areas, and establishment of temporary and permanent vegetative cover. The specific requirements for the content of submissions may be partially waived upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of these regulations.

5. STORMWATER MANAGEMENT PLAN PROVISIONS

5.1. General Requirements

- 5.1.1. Stormwater Management Plans must provide for the collection and conveyance of surface water through and from the area encompassed by the land disturbance permit in such a manner as to avoid increasing the potential for damage to developed properties downstream from the site.
- 5.1.2. The general criteria for stormwater management shall be that all conduits and channels be designed to accommodate the peak flow from the design storm event (100-year 24-hour duration). All detention facilities shall contain the runoff from a 25-year return frequency, 24-hour duration storm. Such facilities shall be designed to release the retained surface water runoff such that the peak rate of runoff from the tract after development shall not exceed the peak rate of runoff from the tract prior to development for a 2, 10, and 25-year return frequency, 24-hour duration storm. The site and all facilities shall be developed to protect against runoff of a 100-year return frequency, 24-hour duration storm if a down slope flooding problem is identified. The design and sizing of stormwater facilities shall use the Hydrograph Method for all developments of ten (10) acres or larger. The Rational Equation and the Simplified Volume Formula may be used for developments less than 10 acres in size, although the Hydrograph Method is preferred.

Stormwater conveyance systems shall be designed to transport concentrated stormwater runoff to detention basins or stable channels (not subject to erosion) under fully developed conditions. The stormwater conveyance system shall be designed to carry both on-site and off-site runoff. Concentrated runoff from upstream shall be carried by stormwater facilities on the subject property. The requirements outlined in these standards are only minimum requirements.
- 5.1.3. Open channels shall be located in drainage easements designed to provide a 100-year floodplain and shall be designed and constructed in such a manner as to provide easy maintainability of the channel and side slopes and to prevent erosion from the design flows. If the channel extends between buildings, consideration must be given to provide adequate protective measures, such as paving the channel invert and side slopes, bank protection or fencing. Open channels in residential areas should generally be located along the rear or side lot lines.
- 5.1.4. Where storm drainage along the side lot lines of residential property is to be in a conduit, the conduit shall extend to a point at least thirty (30) feet to the rear of the front building line or ten (10) feet beyond the rear line of the structure, whichever is greater. A surface swale shall be provided over this area to contain at least a 100-year storm. At the point of intersection with the open channel, some type of facility shall be provided to disperse flow and minimize erosion.
- 5.1.5. When culverts and stormwater facilities are placed under roadways, they shall extend as necessary to the toe of the roadway embankment, which, if required, will extend past the limits of right-of-way, and proper hydraulic structures shall be

provided for dissipation of velocity to prevent erosion. Embankments shall be protected to prevent erosion against a 100-year storm.

- 5.1.6. Pipe drains or culverts constructed to intercept the flow of ditches or channels, which may be enclosed in a conduit at a future time, shall be installed at adequate depth to permit their extension at the same required depth.
- 5.1.7. On curbed streets, curb inlets shall be installed at or near intersections where they are deemed necessary for the safety of pedestrian and vehicular traffic. Curb inlets shall be placed to intercept the stormwater before it reaches the crosswalks. No curb inlet shall be located within a crosswalk.
- 5.1.8. Tributary areas that drain across public sidewalks must not exceed three thousand (3,000) square feet of impervious area, including roofs discharging upon paved areas, or nine thousand (9,000) square feet of sodded areas, or in proportional amounts for a combination of such areas. Paved, roofed, or impervious areas exceeding three thousand (3,000) square feet shall be provided with drains for discharge into storm conduits, channels, or street gutters.
- 5.1.9. Any concentration of surface flow in excess of 2.0 cfs for a 10-year frequency rain event shall be intercepted before reaching the street right-of-way and shall be carried by an enclosed storm drain to connect with a drainage structure at the low point in the street right-of-way or to discharge to a watercourse.
- 5.1.10. All detention facilities shall include an emergency or overflow spillway that will pass excess flows greater than those of the 25-year frequency and overflows resulting from obstructions of the principal outlets. The emergency spillway shall be designed to safely pass the flow resulting from a 100-year frequency, 24-hour duration storm.

5.2. Stormwater Management Plan

- 5.2.1. A Stormwater Management Plan, as prepared and certified by a registered professional engineer licensed in the State of Missouri, shall accompany all applications for Land Disturbance and Division II permits, unless 5.2.1.1, 5.2.1.2, or 5.2.1.3, below, apply. A Stormwater Management Plan may be prepared in conjunction with or as a supplement the [Sediment and Erosion Control Plan](#).
 - 5.2.1.1. The Taney County Planning Commission may partially or completely waive the requirement for a certified Stormwater Management Plan if it is determined that stormwater facilities are unnecessary. If the requirement is completely waived the [Impervious Cover Limitations Table](#) will automatically apply.
 - 5.2.1.2. Projects that are approved through the [administrative process](#) and that are of a limited nature and do not require stormwater facilities may have the requirement for a certified Stormwater Management Plan waived by the Designated Official based on policy set by the Planning Commission. These kinds of developments include minor subdivisions of property, [Special-Use Permits](#), etc.
 - 5.2.1.3. A developer may choose to substitute the requirements of the [Impervious Cover Limitations Table H-1](#) for the required Stormwater Management Plan. This substitution does not negate the need to address stormwater runoff issues and any other provisions of this section.

TABLE H-1
Impervious Cover Limitations Table

SITE CHARACTERISTICS	ALLOWED COVERAG E
0 – 5% slopes Hydrologic Class A-B	60%
0 – 5% slopes Hydrologic Class C-D	55%
5 – 10% slopes Hydrologic Class A-B	50%
5 – 10% slopes Hydrologic Class C-D	45%
10 – 15% slopes Hydrologic Class A-B	40%
10 – 15% slopes Hydrologic Class C-D	35%
15 – 25% slopes Hydrologic Class A-B	30%
15 – 20% slopes Hydrologic Class C-D	25%
25% or greater slopes All Hydrologic Classes	25%

- 5.2.2. The slope of an area may be determined from topographic maps. Soil hydrologic classes, which have been established for all soil series in Taney County by the Natural Resource Conservation Service, may be determined from soil maps. Class A soils have characteristics that normally lead to slow stormwater runoff; Class B to moderately slow runoff; Class C to moderately rapid runoff; and Class D runoff. The use of the Impervious Coverage Limitations Table to determine development density does not exempt a development from complying with the intent of the standards for sediment and erosion control or stormwater requirements detailed in this section.
- 5.2.3. No storm drainage facility shall be constructed, altered, or reconstructed without first obtaining a [Land Disturbance](#) or [Division II](#) permit from the Planning & Zoning department. No such permit shall be issued unless the Planning Commission is satisfied that the proposed storm drainage facilities meet the requirements of this section. Approval of Land Disturbance permits that include the construction of storm drainage facilities shall constitute issuance of permits to construct those facilities in accordance with the approved Stormwater Management Plan.
- 5.2.4. No Certificate of Occupancy shall be issued for any property subject to the provisions of this section until construction of the required storm drainage facilities is completed in accordance with the approved Stormwater Management Plan.

5.3. Stormwater Management Plan Content

Stormwater Management Plans shall include, along with the [general plan information requirements](#) (section 7, below), the following information:

5.3.1. EXISTING FEATURES

5.3.1.1. A drainage area map showing topography of the entire drainage basin(s) contributing to the site. The scale of the map shall be no smaller than 1 inch = 200 feet for drainage areas up to five hundred (500) acres. A topographic map of appropriate scale shall be provided for larger areas upstream from the design area. The drainage map is to show total acreage of the site and acreage of all drainage areas contributing to the site.

5.3.1.2. A site plan having a scale no smaller than 1 inch = 100 feet and existing contour intervals of not more than five (5) feet. The plan shall show topographic features such as highways, utilities, natural watercourses, existing drainage facilities and structures, adjacent property lines, north arrow, scale, and vicinity map. The site plan is to also show the limits of the adopted 100-year flood plain on the site and any critical environmental areas such as streams, lakes, ponds and wetlands. The nature and extent of existing vegetation shall also be shown on the plan.

5.3.2. Plans and profiles of each storm drain, showing location, size, design flow, flow-line elevations, gradients, and materials; location, depths and sizes of adjacent or crossing sewer lines and utilities; and special construction requirements such as concrete cradle or encasement, backfill, size and class of pipe. All elevations shall be based upon USGS datum with location noted of benchmarks used.

5.3.3. Typical cross-sections of swales, ditches or channels.

5.3.4. Details of special structures, culverts, transitions, headwalls, aprons and junction chambers, all adequately detailed and dimensioned including placement of steel. Unless otherwise indicated, standard county structures are assumed where applicable.

5.3.5. For the design of detention facilities, calculations of peak runoff from 2, 10, 25, and 100-year frequency, 24-hour duration storms. Calculations shall be provided for all areas that are tributary to the subject under existing conditions and conditions after the planned development of the site. The information shall include the acreage of all areas contributing flow to the site and the present land use by acreage of those areas.

5.3.6. Basic design criteria including frequency of rainfall, percentage of imperviousness, runoff for drainage area, time of concentration, loadings, and any other pertinent design criteria.

5.3.7. Locations of all building areas and the minimum floor elevations for building to be constructed on the site.

5.4. Stormwater Detention Requirements

5.4.1. Stormwater detention facilities that are constructed in the county must be constructed in accordance with the criteria of this appendix.

5.4.2. A stormwater detention facility shall be located only on the lot or tract it is intended to serve unless otherwise approved by the Planning Commission as provided in this section.

- 5.4.3. The Planning Commission may permit the construction of a stormwater detention facility on a lot or tract other than the lot or tract it is intended to serve when the facility is designed to serve more than one lot or tract and the other requirements of this section have been met. In such cases, the Designated Official must first determine that there are sufficient easements and covenants filed of record imposing the duty to maintain the facilities upon the owners of each of the lots served by the facility. Such covenants must provide that the assessed cost of any repairs and maintenance work done by the County shall be a lien enforceable by foreclosure against each of the lots so served.

5.5. Exemptions

On-site stormwater detention is not required in low-density single-family residential subdivisions where the overall density is equal to or less than one unit per acre.

5.6. Maintenance of Storm Drainage Facilities

Storm drainage facilities that have not been dedicated to and accepted by the county shall be maintained by the owner of the land on which they are located. Stormwater detention facilities that serve more than one lot or tract shall be maintained by the owners of the lots or tracts served.

5.7. Failure to Maintain: Abatement Procedure

- 5.7.1. Failure to adequately maintain a storm drainage facility is hereby declared a violation of this code.
- 5.7.2. Whenever it is determined that a storm drainage facility is inadequately maintained or is in violation of code requirements, notice of this determination shall be given to the property owner(s) with an order for the violation to be abated. The abatement order shall state the number of calendar days within which the violation must be abated. The Planning Commission shall also give notice of the right of the property owner(s) to appeal the abatement order.
- 5.7.3. The notice shall be provided in writing and shall either be personally served or mailed by certified or registered mail with return receipt requested. When service cannot be had by either of the above two methods, then service may be made by publication. Notice by publication shall be made by inserting the required notice in a newspaper of general circulation and published in the county at least once.
- 5.7.4. A property owner may appeal any administrative abatement order by filing a written demand for a hearing with the Board of Adjustment. The Planning Commission must receive the demand for a hearing within ten (10) calendar days after the notice was issued.
- 5.7.5. After receiving the written demand for a hearing, the Board of Adjustment shall designate a date to conduct the hearing. The hearing shall be conducted in accordance with the [Variances and Appeals](#) section of these codes.
- 5.7.6. If the owner or owners fail to comply with the order of abatement, the Planning Commission may cause the violation to be abated and shall certify the cost of such abatement to the County Commissioners. The Commissioners may levy the cost thereof as a special tax bill against the property. The tax bill shall be collected in the same manner as other special tax bills and shall be a lien on the property until paid.

6. RE-VEGETATION PLAN PROVISIONS

6.1. Buffer Requirements

Buffer requirements for projects requiring site plans shall be designed in conformance with the following standards:

6.1.1. Requirements Between Non-Residential and Residential Uses

A landscaped buffer is required between any residential land use whether those uses are single or two-family, manufactured home parks, multi-family residential, or any other residential land use, and any other non-residential land use such as commercial or industrial (but not agricultural).

6.1.2. Requirements Between Multi-Family Residential and Single / Two-Family Residential

A landscaped buffer is required along the common property line in any multi-family project (any project with three or more dwelling units in one structure) in a specified project parcel where such a project is adjacent to a single-family or two-family parcel.

6.1.3. Required Buffer Specifications

The required buffer shall be a minimum of twenty-five feet (25) in width and may consist of existing indigenous plant material left in the undisturbed state. In the event the required buffer does not provide a visual screen of at least fifty (50) percent, it is required that this buffer be augmented by additional plantings consisting of conifer and deciduous trees and shrubs to fill in any voids or sections of the buffer where the existing material is light. An appropriate root zone protective area must be provided to ensure that the vegetative buffer does not degrade from construction damage. The Planning Commission will establish any required buffers that are wider than the minimum 25 feet during the Division III process. A privacy fence, wall, landscaped earthen berm or other screening device found to be appropriate by the Planning Commission may be utilized in lieu of the required twenty-five (25) wide landscaped buffer. If an alternative form of buffering is proposed, the applicant shall submit a detailed plan indicating all features to be utilized in order to obtain Planning Commission approval. This alternative buffering plan shall be submitted upon application for a Division III Permit.

6.2. Site Distance Requirements

All shrubbery, trees, walls, or any plantings required by this section that are located near the intersection of streets or county roads, shall be maintained to ensure sight visibility clearance as specified by the Taney County Road & Bridge department. Where buffers or vegetative plantings cause site problems or safety hazards, the Planning Commission can approve changes to provide an equitable solution.

6.3. Recommended Landscape Improvements

The following recommendations for project landscaping relate to the desire to visually improve the quality of proposed developments and to replace some of the vegetation removed during construction. It is the county's goal to encourage developers to utilize the suggestions contained herein to enhance the visual qualities of their developments. Suggestions for additional landscape improvements are as follows:

6.3.1. Off -Street and Vehicular Use Paved Areas

The interior and perimeter of parking lots and vehicular-use areas should be planted with shrubs or low walls to screen the headlights and grills of vehicles, and with trees to provide shade and vertical relief from the flat paved surfaces.

6.3.2. Street / Yard Landscaping

The intent of the landscaped street yard is to visually soften the masses of building and parking lots and to separate building areas from parking areas through the use of plantings. Developers are encouraged to use trees and shrubs

in the front yards of proposed developments and to establish street trees along the street frontages of their projects.

6.3.3. Xeriscape and Irrigation Considerations

New plant material requires up to two years of careful maintenance and watering to become established. To accomplish this, it is recommended that either yard hydrants or automatic irrigation systems be included in the final plans. The practice of xeriscape is also encouraged which is basically water conservation through creative landscaping, including factors for improving the water retention capacity of the soil, selection of hardy plant material grouped according to moisture needs, reduction of turf areas, mulching, and the use of drip irrigation or other efficient irrigation methods.

6.4. Preservation of Existing Forested Areas and/or Natural Waterways

Of all the options available for landscape enhancement of proposed developments, the first that should be used is the preservation of existing trees and shrubs. These plant materials are usually much larger than those which can be used for replacement, and they are acclimated to the site and well established, thus providing immediate visual and screening benefits to proposed projects. Developers shall preserve and properly protect any area of established forested areas within required buffer yards, excessive slopes, identified sensitive areas, and natural drainage or waterways during development / construction. These areas are to be designated in the Re-vegetation Plan and should be fenced off at the drip line of the trees to be conserved to ensure that construction traffic does not venture into the area. No construction of any kind is allowed in these designated areas without permission, and only selected trimming and thinning will be allowed as permitted by the approved Re-vegetation Plan. Detention / retention facilities can be constructed within natural waterways, but the area to be disturbed is to be identified on the Re-vegetation Plan and approved for such use. The construction limits for such facilities would then be fenced off as described above. Detailed specifications for establishing the required drainage / waterway areas to be preserved, and the extent of preservation, are as follows:

6.4.1. The natural condition shall be determined by evaluating the contours and determining the natural pilot channel in the bottom of the drainage way. The Re-vegetation Plan shall propose a width for the protected area on either side of the edge of the visible pilot channel. This identified area shall remain undisturbed.

6.4.2. Provisions for roadway or utility crossings, as well as limited retention / detention facilities, may be allowed across the defined drainage / waterway. When retention / detention facilities are constructed, the width of the required drainage / waterway will be increased to include any required buffers on either side of that facility, thereby maintaining continuity of the area.

6.5. Re-vegetation Plan Content

The following items of information are needed, along with the [general plan information requirements](#) (section 7, below), to meet the submittal requirements for the Re-vegetation Plan:

- (a) proposed areas of re-vegetation and a general time line for the completion of any proposed re-vegetation
- (b) proposed landscaping, walls, fences, etc. used as re-vegetation or to augment buffer yards
- (c) types and amounts of vegetation to be used as cover or within buffers
- (d) methods and maintenance provisions, including methods of providing water for vegetation and responsibilities concerning maintenance of vegetation and buffers
- (e) areas to remain as undisturbed natural areas

7. GENERAL TECHNICAL PLAN SUBMITTAL REQUIREMENTS

All Technical Plans shall include, but not be limited to, the following information:

- full name, address, and phone number of the owner of record
- name and address of designated agent or contractor, if any
- property address and a location map showing property location
- summary or index of plan content
- site plan including property boundary and internal lot lines, existing and proposed structures and facilities, location of open space, buffers, natural areas, etc., and topographic information

8. COMMENTS FROM THE CONSERVATION DISTRICT

The Designated Official may submit a Technical Plan to the Conservation District for comments and/or recommendations. The Conservation District shall provide any comments and recommendations within fifteen (15) calendar days of receipt of the Technical Plan. Such comments may pertain but need not be limited to:

- erosion and sedimentation control
- soil use limitations
- environmental considerations
- water management

9. CONDITIONS OF APPROVAL

The developer shall plan necessary sedimentation prevention practices to ensure effective control of soil losses within the tolerable limits prescribed in these Codes. It shall be the developer's option to select a specific practice or combination of practices that will provide effective control of sediment within the prescribed limits in his specific area of development.

9.1. The sediment control plan should be fitted to the topography and soils so as to create the least potential for soil loss, and maximum use may be made of vegetation to minimize the inevitable soil loss through land-disturbing activity, such as:

- (a) Natural vegetation should be retained wherever possible.
- (b) Where inadequate natural vegetation exists, or where it becomes necessary to remove existing natural vegetation, temporary vegetation or mulching should be installed promptly to minimize inevitable soil loss and to ensure that soil losses are kept below the tolerable limits prescribed in these Codes.
- (c) Sediment control elements should be implemented as soon as practical in the development process, except that the time elapsed shall not exceed the time limits prescribed in these Codes.

9.2. Exposure of the soil through land-disturbing activity should be held to the smallest practical area over and above the exempt limits prescribed in these Codes, and to the shortest practical period of time consistent with maximum tolerable soil loss levels.

9.3. Appropriate provisions will be made to accommodate increased stormwater runoff and consequential soil loss occasioned by changed soil and surface conditions during and after development. Plans and specifications to be based on retention of water for a 10 year flood. Plans and specifications to be based on minimal soil loss not to exceed one ton per acre for a 24-hour time period with a maximum loss of 3 ton per acre per year. Such provisions will include in addition to the use of vegetation and limitations on soil exposure, but not be limited to:

- (a) Scheduling permanent improvements, such as streets, storm sewers, curb and gutters, and other features for control of storm runoff, before removing vegetative cover from the area.

- (b) Installing and maintaining sediment basins, debris basins, de-silting basins, or silt traps to substantially reduce sediment from runoff water.

10. INSPECTION AND COMPLIANCE

The Designated Official shall be responsible for determining whether the sediment control element of the plan is in conformance with requirements specified and whether development is proceeding in accordance with the sediment control element of the approved plan.

- 10.1. Periodic inspection of the development site shall be performed by the Designated Official and/or a Conservation District representative. In applying for a Land Grading Permit, the developer shall be deemed to have consented to such inspections.
- 10.2. The Designated Official, through such periodic inspections, shall ensure that sediment control elements are implemented within six (6) months after cessation, termination, or completion of grading, whichever occurs first. In the event weather conditions or other factors beyond the control of the developer dictate that the above conditions cannot be met, the developer shall be allowed sufficient time for compliance.
- 10.3. Any erosion or sedimentation control structure or vegetative practice rendered ineffective by an act of God shall not be considered non-compliant with the provisions of these Codes if such structure or practice is restored to its original level of effectiveness within a reasonable length of time as determined by the Designated Official.

11. MODIFICATION OF PLAN

An approved Technical Plan may be modified by submitting an application for modification to the Designated Official. In examining such application, the Designated Official may require additional reports and data sufficient to validate the need for the requested modification.

APPENDIX I Landscaping and Vegetative Cover

A landscape [buffer](#) separates or screens one land use from another. To be effective, the buffer should reduce or eliminate objectionable sights, sounds, and/or nuisances from one land use reaching another. A landscape buffer adds to the quality of life by enhancing the scenery, reducing wind, noise and dust, and providing cover and food for birds and small animals. The types of plants and the planting configurations are recommended by the Missouri Department of Conservation.

1. PLANTING RECOMMENDATIONS FOR LANDSCAPED BUFFERS

Figure I-1 shows the recommended planting configuration.

FIGURE I-1: Landscape Buffer Row Definitions

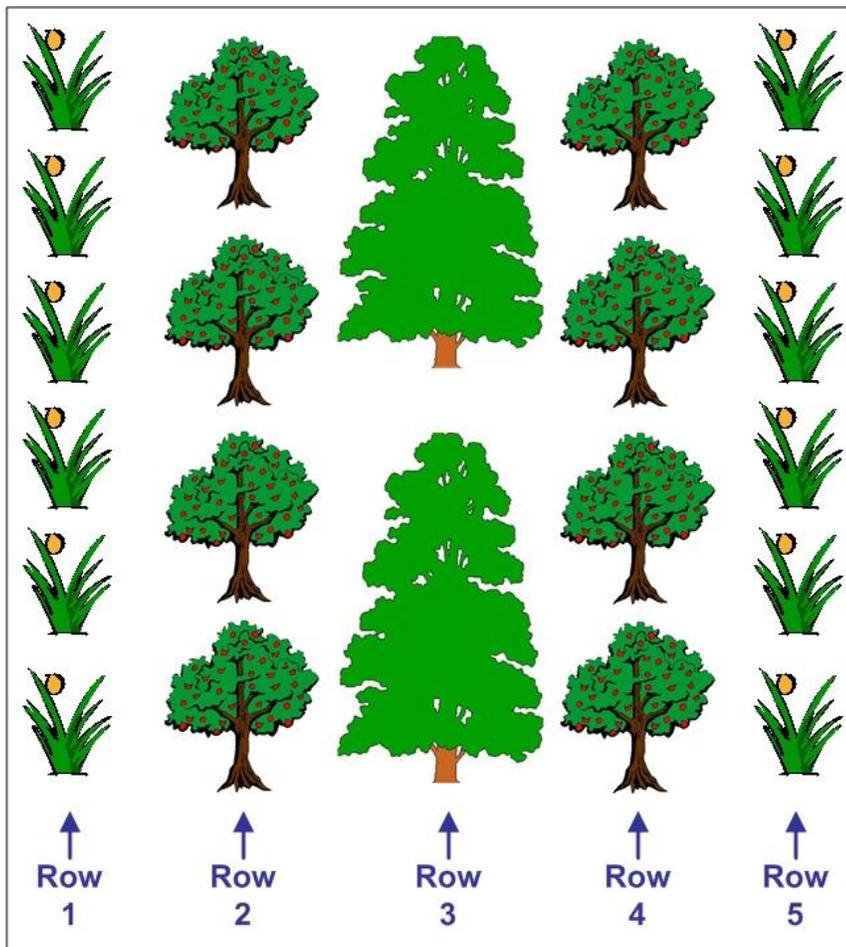


Figure I-1 shows the recommended row definitions for landscaped buffers. This configuration includes shrub plants in the outermost rows, medium height trees next, and tall trees in the middle row. Figure I-2, below, gives the recommended types of plants for each row, along with the typical plant height and row separation dimensions.

FIGURE I-2: Landscape Buffer Plant, Size and Spacing Requirements

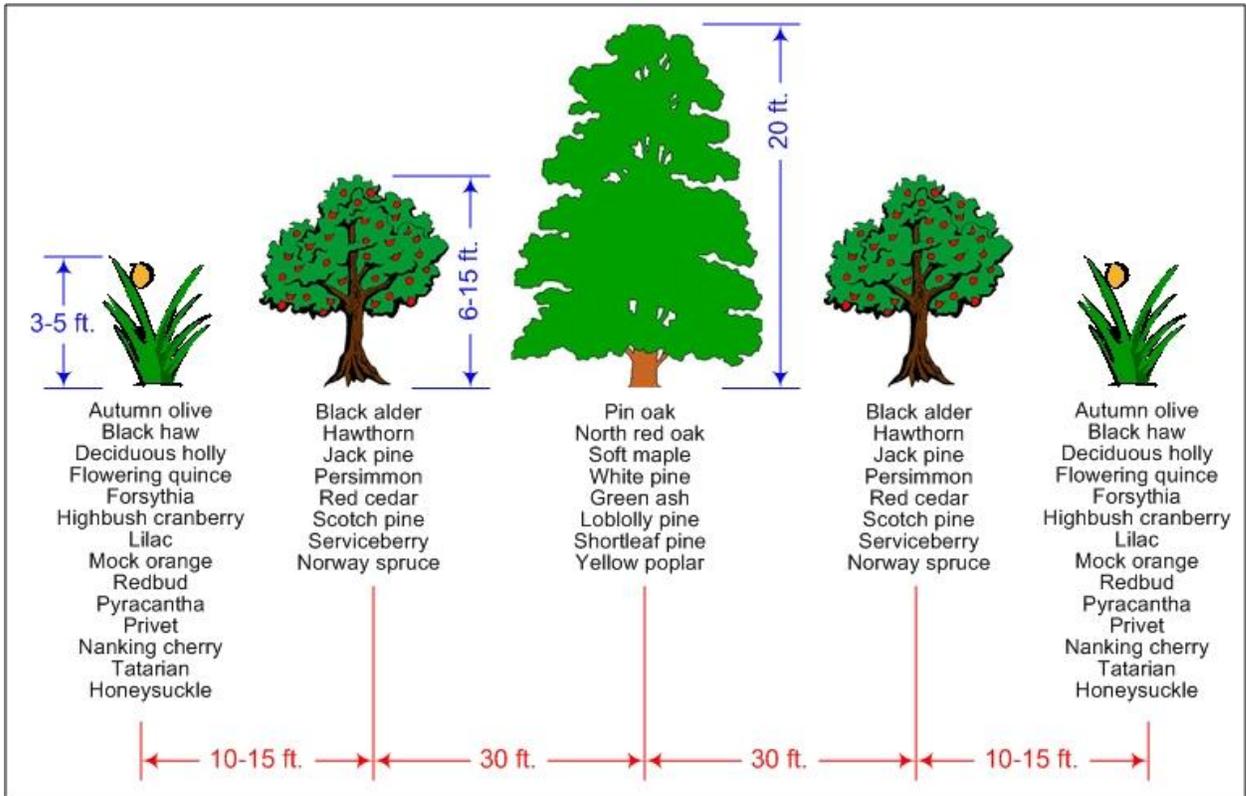


Table I-1 defines the row combinations that should be planted between specific structures and roads when using landscaped buffers.

**TABLE I-1
Landscaped Buffers: Planting Rows Between Structures and Roads**

Landscaped Buffers Between:		Use Planting Rows:
parking lots	& adjoining residences	1, 2, 5
parking lots	& public roads	1
commercial / industrial facilities	& adjoining residences	1, 2, 3, 4, 5
commercial / industrial facilities	& public open space	1, 2, 3, 4, 5
residences	& major streets / highways	1, 2, 5
industrial facilities	& public roads	1, 2, 5
higher density residences	& lower density residences	1, 2, 5

Table I-2 shows the buffer spaces to be used whenever the natural vegetation of the area is kept in place.

TABLE I-2
Natural Vegetation Buffer: Minimum Spacing

Natural Vegetation Buffer Between:		Space
parking lots	& adjoining residences	25 feet
parking lots	& public right-of-ways	10 feet
commercial / industrial	& adjoining residences / public open space	25 feet
residences	& major streets and highways	25 feet
industrial	& public roads	25 feet
higher density residences	& lower density residences	25 feet

Table I-3 lists the types of soils found in Taney County. With each soil type is listed the trees or shrubs that grow best in that soil. To plant an effective landscape buffer, the type of buffer and plantings recommended for each type must be matched with the soils at the planting site to ensure plant survival.

TABLE I-3
Suggested Plantings by Soil Type

TYPE OF SOIL	SHRUBS (Rows 1 & 5)	MEDIUM TREES (Rows 2 & 4)	TALL TREES (Row 3)
Ashton	Forsythia Redbud Honeysuckle (Tatarian)	Norway Spruce Jack Pine Red Cedar Scotch Pine	Pin Oak Northern Red Oak Yellow Poplar Eastern White Pine Sweet Gum
Bardley	Silky Dogwood Honeysuckle (Tatarian)	Red Cedar American Plum	Soft Maple Green Ash Pin Oak Silver Maple White Pine
Britwater	Redbud Dogwood Honeysuckle	Red Cedar Scotch Pine	Short Leaf Pine Red Oak
Cedargap	Maple Honeysuckle Lilac	Red Cedar Hackberry Austrian Pine	White Pine Green Ash Pin Oak Cottonwood
Clarksville	Honeysuckle Lilac Fragrant Sumac	Red Cedar Austrian Pine Hackberry	Green Ash Bur Oak Honey Locust
Gasconade	(see Clarksville)	(see Clarksville)	(see Clarksville)
Gatewood	Honeysuckle (Tatarian)	Red Cedar Crabapple	White Pine Bur Oak

TYPE OF SOIL	SHRUBS (Rows 1 & 5)	MEDIUM TREES (Rows 2 & 4)	TALL TREES (Row 3)
	Lilac	Jack Pine	Honey Locust
	Fragrant Sumac	Austrian Pine	Green Ash
Goss	(see Clarksville)	(see Clarksville)	(see Clarksville)
Moniteau	Sumac Red Bud Dogwood	Red Cedar Jack Pine Persimmon	Green Ash Pin Oak Yellow Poplar
Verdigris	American Plum Sumac	Austrian Pine Mulberry	Honey Locust Green Ash Pin Oak Silver Maple
Viration	Honeysuckle (Amur)	Red Cedar Jack Pine	Green Ash Honey Locust
Wilderness	Honeysuckle (Amur) Sumac	Austrian Pine Red Cedar	Green Ash Bur Oak Honey Locust

APPENDIX J

On-Site Parking and Loading

1. PURPOSE

These on-site parking performance standards are intended to promote and protect the public health, welfare, and safety by providing adequate on-site parking and loading areas, thereby lessening the overall traffic circulation capacities. These standards also provide that parking areas be properly constructed for safety purposes and to eliminate or mitigate any potential nuisances they might create for neighboring land uses.

2. MINIMUM PARKING SPACE REQUIREMENTS

All developments shall provide and maintain the minimum number of parking spaces and the loading areas required in [Table J-1](#), except for changes of occupancy, and reconstructed or redeveloped uses on sites where parking or loading areas have not been provided in the past. In some cases, available on-street parking may be used to reduce the number of spaces required. It must be demonstrated that a reduction of the on-site requirement will not create a traffic hazard or parking conflicts with neighboring properties.

3. JOINT PARKING FACILITIES

Developments may utilize joint parking or loading areas if those joint areas are of adequate size, as defined in [Table J-1](#). Joint parking areas shall be within six hundred (600) feet of all uses served. Developments with differing peak activity periods may utilize joint parking areas with a consequential reduction in parking space requirements.

Example: A church with one hundred (100) sanctuary seats would be required to provide twenty-five (25) parking spaces. A day care center with six (6) employees and serving thirty (30) children would be required to provide six (6) spaces. If the day care center, operating five (5) calendar days a week, were housed within the church, operating mostly on Sundays, twenty-five (25) parking spaces could serve both uses.

4. PARKING AREA DESIGN

Minimum dimensions for parking spaces of different configurations are found in [Table J-2](#) and [Figures J-1 through J-4](#). Parallel or perpendicular parking is preferred over angled parking. Parking spaces in commercial, industrial, institutional, and public parking lots should be clearly marked with dividers or painted lines. Parking areas accommodating over ten (10) vehicles should have continuous, as opposed to dead-end, circulation patterns. Parking area surfaces shall be free of dust and mud through adequate drainage; that is, a minimum slope of one percent (1%) and a maximum slope of five percent (5%). Parking areas should have safe access to public streets and be adequately lighted for night use. Recreational vehicle or storage parking areas should have security fencing and lighting.

5. PARKING AREA BUFFERS

Commercial, industrial, institutional, public, recreational vehicle, and storage parking areas should be buffered from adjoining residential uses by landscaping, walls, berms, or similar treatments.

6. HANDICAPPED PARKING

Commercial, institutional, and public parking areas shall provide clearly marked and appropriately situated parking spaces for the handicapped, with a minimum of one (1) such space in each parking area.

7. MAINTENANCE REQUIRED: OTHER APPLICABLE PERFORMANCE STANDARDS

Parking areas shall be subject to perpetual maintenance assurances where they are required (as in condominium developments) and to the other performance standards set forth in this appendix.

8. DECREASING EXISTING PARKING OR LOADING SPACE

No new development may decrease existing parking or loading areas below the required minimum without providing adequate replacements.

9. LOADING AREA DESIGN

Loading areas shall be clearly marked to exclude parking, have safe access to public streets or alleys, and be designed with adequate clearances, curb radii, lane widths, maneuvering room, and lighting to accommodate their anticipated use.

**TABLE J-1
On-Site Parking Performance Standards**

Proposed Land Use	Minimum Requirements
Single-family dwelling	2 spaces per dwelling
Duplex	3 spaces each
High-density residential	1.5 spaces per two-bedroom dwelling unit with ½ spaces added for a lockout bedroom and ½ spaces added for each additional bedroom. Adequate RV parking may be required for larger projects.
Mobile home / manufactured home parks	2 spaces per home unit; adequate RV parking may be required for larger projects. 1 additional space per every 2 home units as guest spaces.
Residential subdivisions	Must covenant for 2 spaces per dwelling. Larger projects may be required to provide RV or off-street guest parking.
Nursing homes, rest homes, similar resident care facilities	1 space for every 5 residents. 1 additional space for each detached residential unit and 1 additional space for every 2 resident employees.
Day care centers	1 space for every 2 employees, plus 1 additional space for every 10 children served.
Schools	2 spaces for every classroom, plus 1 additional space for every 8 secondary students. Adequate off-street bus loading/unloading areas.
Libraries	1 space for every 5 reading or study room seats
Sports arenas, theatres, auditoriums, churches	1 space for every 4 seats and/or 30 square feet of assembly area without fixed seating (secondary schools are exempted from this requirement).
Restaurants, bars, clubs, bowling alleys, and similar uses	1 space for every 3 fixed seats and/or 30 square feet of floor area used for assembly, dancing, recreations, etc. 1 space for every 2 employees on the largest work shift. 5 spaces per lane for bowling alleys (no use in this category shall provide less than 10 spaces).
Banks and similar financial institutions; real estate, insurance, business and professional offices; auto sales and services centers	1 space for every 300 square feet.
Clinics and medical offices	1 space for every 100 square feet.
Major appliance, furniture, and general merchandise and discount stores	1 space for every 400 square feet and adequate loading areas.
Other commercial uses	1 space for every 200 square feet and adequate loading areas, as applicable.

Proposed Land Use	Minimum Requirements
Outdoor sales areas (boats, autos, RVs, implements, mobile / manufactured homes)	1 space for every 1000 square feet up to 10 spaces, with 1 additional space for each additional 500 square feet. Adequate loading area, as applicable.
Industrial uses	1 space for every employee, spaces for all company-owned vehicles, adequate space for salesmen, visitors, etc. Adequate loading areas and holding areas for vehicles awaiting loading/unloading.
Mixed uses	Where mixed uses occur, parking space requirements should be determined on a proportional basis. <u>Example</u> : A single office building containing 6,000 square feet of usable floor area has 2,000 sq.ft. devoted to a physician's suite and 4,000 sq.ft. used for legal and accounting services. The physician's suite requires 20 parking spaces (1 per 100 sq.ft.) and 13 spaces for the offices (1 per 300 sq.ft.), for a total of 33 parking spaces.

Note: The square footage used to determine parking space requirements will be the gross square footage devoted to a use's principle function. Service and support spaces, such as restrooms, boiler and equipment rooms, and closets will not be included.

TABLE J-2
Off-Street Parking

Off-Street Parking Dimensional Requirements				
	45°	60°	90°	Parallel
Width of Parking Space	12'	10'	9'	9'
Length of Parking Space	19'	19'	19'	23'
Width of Driveway Aisle	13'	17'-6"	25'	12'
Width of Access Road	17'	14'	14'	14'

Note 1: All dimensions are minimum requirements.

Note 2: Click angle (blue text) in table to link to figure.

FIGURE J-1: Parking Space Configuration - 45°

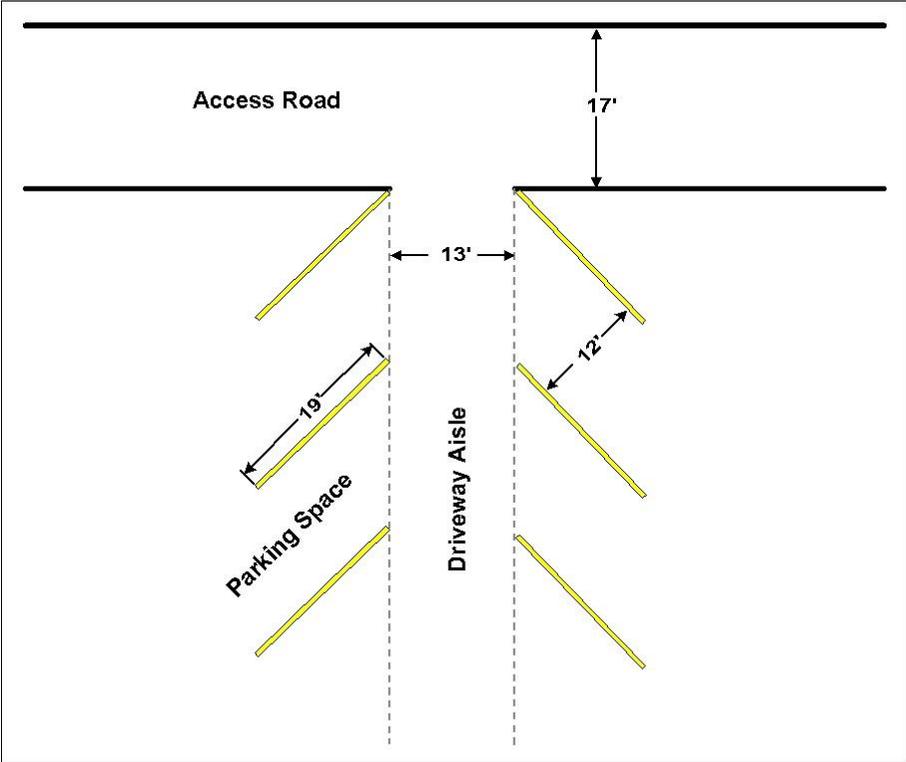


FIGURE J-2: Parking Space Configuration - 60°

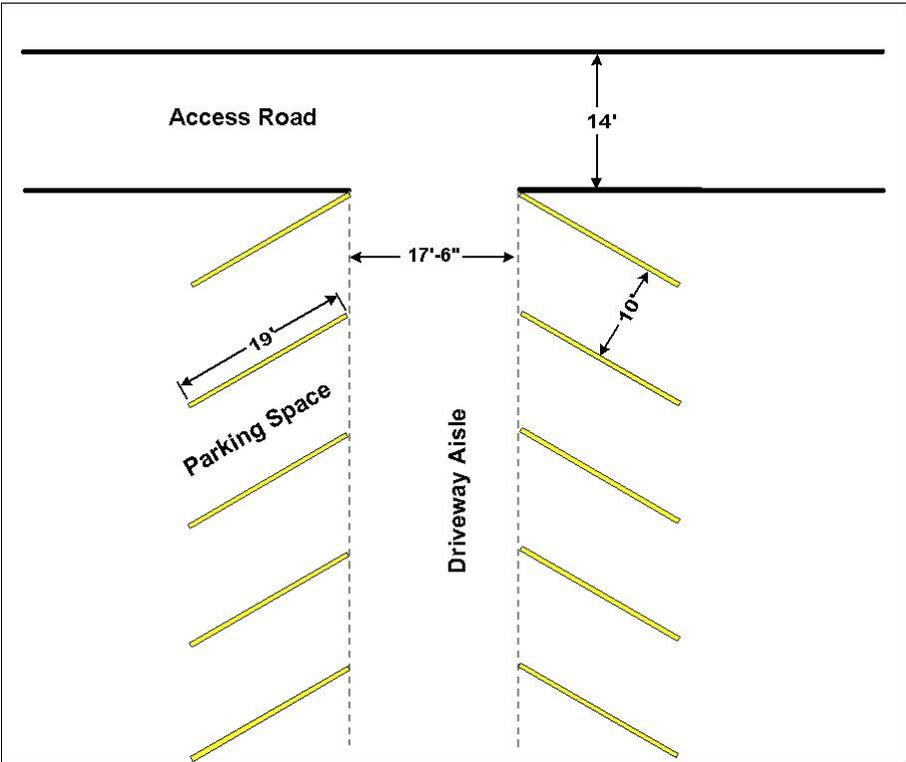


FIGURE J-3: Parking Space Configuration - 90°

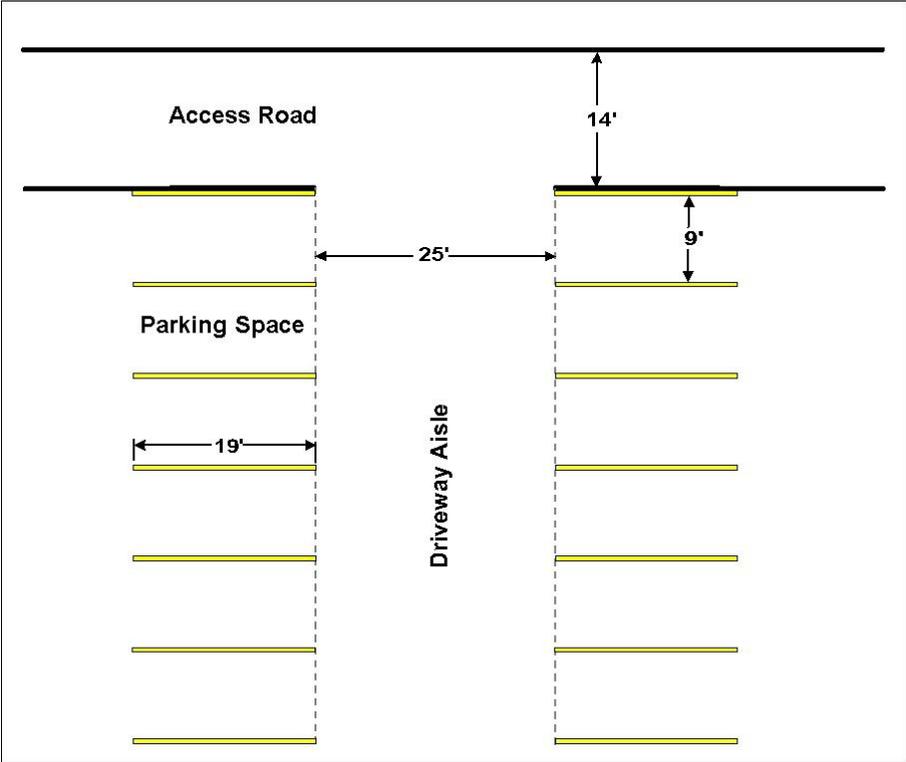
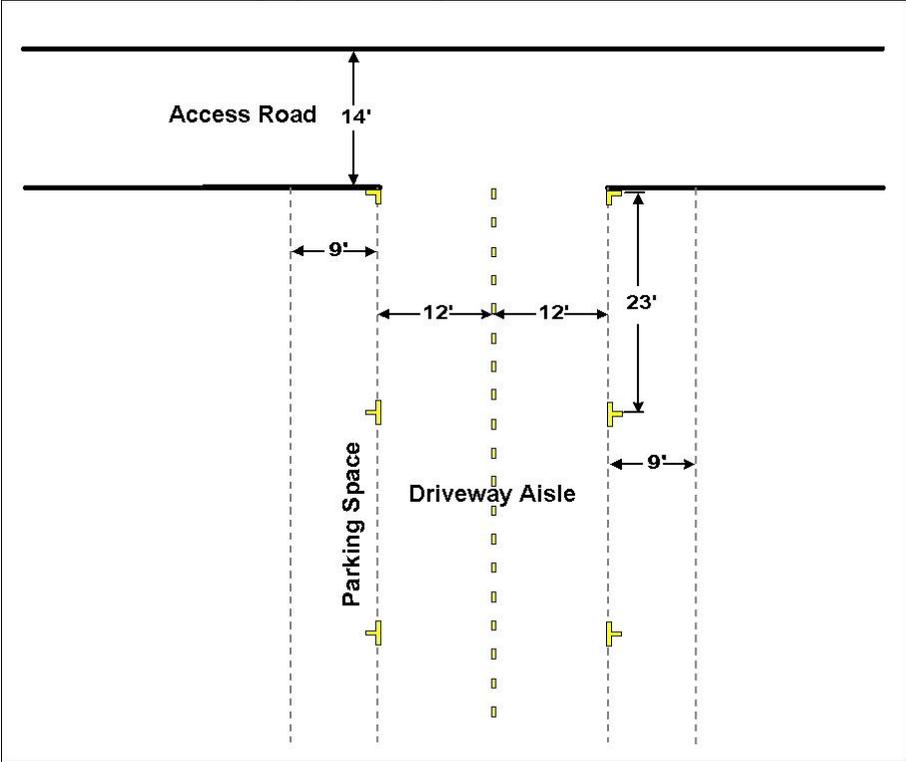


FIGURE J-4: Parking Space Configuration - Parallel



APPENDIX K

Road and Access Standards

1. GENERAL PROVISIONS

County road standards and requirements are defined and managed by the Taney County Road and Bridge department. All construction must adhere to the current published standards set for the in the Taney County Road Standards.

2. CLASSIFICATION OF STREETS AND RIGHTS-OF-WAY

Minimum right-of-way widths and width of roadway shall be as follows:

	<u>Type of Street</u>	<u>Right-of-Way</u>	<u>Roadway Width</u>
Local	<u>Residential</u>	50'	24'
	<u>High Density Residential</u>	50'	31'
	<u>Industrial/ Commercial</u>	60'	36' – 49'
	(Provides access to industrial/commercial properties.)		
Collector	<u>Residential</u>	60'	31' – 49'
	<u>Industrial/ Commercial</u>	60'	39' – 49'
	(Typical residential collector is 31 feet. Could go up to 49 feet depending on conditions; i.e., three (3) lanes or four (4) lanes.)		
Minor Arterial		70' – 80'+	To be determined individually
Primary Arterial		100'+	To be determined individually
Expressway		130'+	To be determined individually

APPENDIX L **Mobile Homes**

1. PURPOSE

These policies ensure safe and healthful occupancy of mobile homes and the compatibility of mobile home developments with neighboring uses. Mobile homes that meet the standards of the county's adopted codes shall be treated the same as other dwellings and shall not be subject to these special policies except when located in a mobile home park.

2. REQUIREMENTS

2.1. Permits

A [Division I permit](#) is required for the installation or replacement of each mobile home in all mobile home parks. The Division I permit shall be obtained prior to the placement of the mobile home.

2.2. Area

No mobile home park shall be constructed on a parcel of property that has an area of less than three (3) acres.

2.3. Buffer

There shall be a minimum twenty-five (25) foot landscaped buffer strip along all roads bordering a mobile home park. These buffers shall be considered required improvements, subject to the requirements of the applicable Zoning District ([Western District](#) or [Eastern District](#)).

2.4. Storage Parking

A combined/storage parking area of at least two hundred (200) square feet for each mobile home space shall be provided for the storage of boats, campers, etc. Such storage parking areas are subject to the screening requirements of [Appendix J, Parking Area Buffers](#). Any storage type building placed within this area must be temporary in construction and placement.

2.5. Limits on Occupancy and Use

2.5.1. Only one mobile home shall be allowed on any one space or lot.

2.5.2. Travel trailers, campers, boats, and similar vehicles shall not be allowed on any mobile home space, but shall be stored in the area defined in the [Buffer](#) section of this appendix.

2.5.3. Mobile home parks shall comply with the density requirements of the applicable Zoning District ([Western District](#) or [Eastern District](#)). In any case the maximum density shall not exceed eight (8) homes per acre.

2.5.4. Within any mobile home park, specific [setbacks](#) and separations shall be used.

2.6. Covenants / Regulations

Mobile home park regulations / covenants shall be filed with the Taney County Recorder's Office.

2.7. Recreational Area

For developments that include twenty-four (24) or more lots or spaces, a minimum of ten (10) percent of the total area must be developed and maintained for recreational purposes. This area will count as part of the total open space provided.

APPENDIX M

Recreational Vehicle Parks

1. PURPOSE

These policies ensure the safe and healthful occupancy of recreational vehicles during limited periods of time. For the purposes of land-use decisions, Recreational Vehicle Parks shall be considered commercial.

2. REQUIREMENTS

2.1. Area

No Recreation Vehicle Park shall be developed on a parcel of property having an area of less than three (3) acres.

2.2. Density

Recreation Vehicle Parks shall contain not more than an average of eighteen (18) recreation vehicles per acre. The spaces may be clustered provided the land is not contained in individual spaces, roads, or parking, set aside and developed as a park, playground, or service area. Not more than one recreation vehicle shall be placed on a recreation vehicle space.

2.3. Site Width

Each recreation vehicle site width within a park shall be a minimum of twenty-five (25) feet. Vehicles shall be separated from each other and from any structure by at least ten (10) feet.

2.4. State Regulations

Service facilities shall comply with the codes of the State of Missouri.

2.5. Buffers

Landscaped buffers (constructed and maintained in accordance with [Appendix I](#)) shall be provided between recreation vehicle parks and adjoining uses.

2.6. Recreational Vehicle Occupancy

Recreational vehicles are intended for temporary or seasonal occupancy and shall not be occupied on a year around basis.

2.7. Large Recreational Vehicle Parks

Recreational Vehicle Parks having twenty-four (24) or more lots or spaces, a minimum of ten (10) percent of the total area must be developed and maintained for recreational purposes. This area shall count as part of the total open provided.

2.8. Permits

No permit is required for an individual recreational vehicle in a properly permitted recreation vehicle park and campground. However, accessory structures and additions built in conjunction with a recreational vehicle that meets the requirements of [section 4, Permits](#), must obtain a [Division I permit](#).

APPENDIX N

Commercial Zoning Compatibility List

The following uses are considered compatible with existing commercial uses when located within 1000 feet of a zoning request.

1. Offices and Office Buildings

Offices and office buildings to be used only for the administrative functions of companies, corporations, and social or philanthropic organizations or societies.

2. Medical Clinics

3. Savings and Loan Institutions, Credit Union Offices and Banks

4. General Offices

Office uses including and limited to: accounting, architects, brokers, engineers, dentists, insurance, lawyers, physicians, osteopaths, chiropractors, planners, and real estate.

5. Radio and Television Studios

Broadcast studios, provided no broadcasting towers are located on the premises.

6. Photography Studios

7. Automotive Service Stations

8. Animal Hospital or Clinic

Facilities appropriate for small animals only.

9. Hospitals

10. Mortuaries

11. Retail Stores and Shops

Retail operations including and limited to the following:

- antique shop
- appliance store
- art school, gallery, museum
- artist materials, supply studio
- auto supply
- baby shop
- bakery goods
- barber
- beauty shop
- book and stationery store
- camera
- candy
- catering establishment
- cleaning, pressing, laundry collection agency
- clothing or apparel
- curio or gift shop
- dry goods
- dairy products or ice cream store
- delicatessen
- department store
- florist

- furniture store
- grocery store or supermarket
- hardware store
- jewelry or notion
- lodge hall
- meat market
- medical facility
- messenger or telegraph service
- musical Instrument sales
- newspaper or magazine sales
- optical sales and service
- package liquor store
- paint and decorating shop
- pharmacy
- radio and television sales and service
- restaurant
- self-service laundry or dry cleaning
- sewing machine sales, instruction
- sporting goods sales
- shoe store or repair shop
- tailor shop
- variety store

12. Auditorium and Theater

Excludes open-air drive-in type theaters.

13. Bowling Alleys and Amusement Arcades

14. Drive-through Establishments

15. Food Storage Lockers

16. Hotels, Motels and Motor Hotels

17. Membership Clubs / Organizations

18. Printing, Publishing and Engraving Firms

Includes newspaper publishing operations, provided the operation is principally a retail business.

19. Taverns

20. Appliance Repair Shop

21. Car Wash

22. Drive-in Restaurant

23. Dyeing and Cleaning Works

24. Farm Machinery Sales and Service

Includes equipment storage yard.

25. General Service and Repair Establishments

26. Lumber Yard

27. Motor Vehicle Sales, Service and/or Repair

Automotive sales may be for new or used vehicles.

28. Paint Shop

29. Pay-Per-Use Parking Lots

30. HVAC Shop

31. Tire Sales and Service

Excludes tire manufacturing.

32. Trailer and Mobile Home Sales

33. Recording Studio

APPENDIX O

Industrial Zoning Compatibility List

1. Chemicals, Petroleum, Coal and Allied Products

- cosmetics and toiletries
- ice manufacture, including dry ice
- ink manufacturing (mixing only)
- insecticides, fungicides, disinfectants and related industrial and household chemical compounds (blending only)
- laboratories
- perfumes and perfumed soap (compounding only)
- pharmaceutical products
- soap, washing or cleaning, powder or soda, (compounding only)
- thermo-plastic processing
- adhesives
- bleaching products
- bluing
- calcimine
- candle
- dyestuff
- essential oils
- exterminating agents and poisons
- ink manufacture from primary raw materials (including colors and pigments)
- soap and soap products
- acids and derivatives
- acetylene, generation and storage
- alcohol, industrial
- ammonia
- caustic soda
- cellulose and cellulose storage
- chlorine
- coke oven products (including fuel gas) and coke oven products storage
- creosote
- distillation, manufacture, or refining of coal, tar, asphalt, wood and bones
- fertilizer (organic or non-organic)
- fish oils and meal
- fuel briquettes
- glue, gelatin, or size
- hydrogen and oxygen
- nylon
- petroleum, gasoline, and lubricating oil refining, and wholesale storage
- plastic materials and synthetic resins
- potash
- pyroxylin
- rayon

- rendering and storage of dead animals, offal, garbage, of waste products

2. Food and Beverage

- bakery products, wholesale (manufacturing permitted)
- beverage, blending, bottling (all types)
- candy, wholesale (manufacturing permitted)
- chewing gum
- chocolate, cocoa, and cocoa products
- coffee, tea, and spices, processing and packaging
- condensed and evaporated milk processing and canning
- creamery and dairy operations
- dairy products
- flour, feed, and grain (packaging, blending, and storage only)
- fruit and vegetable processing (including canning, preserving, drying and freezing)
- gelatin products
- glucose and dextrin
- grain blending and packaging, but not milling
- ice cream, wholesale (manufacturing permitted)
- macaroni and noodle manufacture
- malt products, manufacture (except breweries)
- meat products, packaging and processing (no slaughtering)
- oleomargarine (compounding and packaging only)
- poultry packing and slaughtering (wholesale)
- yeast
- breweries
- fish, shrimp, oysters, and other seafood, processing, packaging storing, except fish curing
- flour, feed, and grain milling
- molasses
- oils, shortenings, and fats (edible and storage)
- pickles, vegetable relish, and sauces
- rice cleaning and polishing
- sauerkraut
- sugar refining
- casin
- cider and vinegar
- distilleries (alcoholic), breweries and alcoholic spirits (non-industrial)
- fat rendering
- fish curing
- slaughtering of animals
- starch manufacture

3. Metals and Metal Products

- agricultural or farm implements (manufacturing only)
- aluminum, extrusion, rolling, fabrication, and forming
- bicycle manufacture and assembly
- boat manufacture (vessels less than five tons)

- bolts, nuts, screws, washers and rivets
 - container (metal)
 - culvert
 - firearms
 - foundry products manufacture (electrical only)
 - heating, ventilation, cooking, and refrigeration supplies and appliances
 - iron (ornamental fabrication)
 - machinery, manufacture
 - nails, brads, tacks, spikes, and staples
 - needles and pins
 - plating, electrolytic process
 - plumbing supplies
 - scale and vault
 - sheet metal products
 - silverware and plated ware
 - stove and range
 - tin smith shop
 - tool, die, gauge, and machine shops Tools and hardware products
 - vitreous enameled products
 - boat manufacture (over five (5) tons)
 - boiler manufacture
 - brass and bronze foundries
 - forge plant, pneumatic, drop and forging hammering
 - foundries
 - galvanizing or plating (hot dip)
 - lead oxide
 - locomotive and railroad car building and repair
 - motor testing (internal combustion motors ore dumps and elevators)
 - structural iron and steel fabrication
 - wire rope and cable
 - aircraft and aircraft parts
 - automobile, truck trailer, mobile home, motorcycle and bicycle assembly
 - blast furnace, cupolas
 - blooming mill
 - metal and metal ores, reduction, refining, smelting and alloying
 - scrap metal reduction
 - steel works and rolling mill (ferrous)
- 4. Textiles, Fibers, and Bedding**
- bedding (mattress, pillow, and quilt)
 - carpet, rug, and mat
 - hat, bodies of fur and wool felt (including men's hats manufacture)
 - hosiery mill
 - knitting, weaving, printing, finishing of textiles, and fibers into fabric goods
 - rubber and synthetic treated fabrics (excluding all rubber and synthetic)
 - yard, threads, and cordage

- bleachery
- cotton wadding and lintier
- hair and felt products, washing, curing, dyeing
- jute, hemp, and sisal products
- linoleum and other hard surface floor covering (except wood)
- oilcloth, oil-treated products, and artificial leather
- shoddy
- wool, pulling or scouring

5. Wood and Paper Products

- basket and hamper (wood, reed, rattan, etc.)
- box and crate
- cooperage works (except cooperage stock mill)
- furniture (wood, reed, rattan, etc.)
- pencils
- planing and millwork
- pulp goods, pressed or molded (including paper mache products)
- shipping container (corrugated board, fiber, or wire bound)
- trailer, carriage, and wagon
- wood products
- excelsior
- paper and paperboard (from paper machine only)
- wallboard
- match manufacture
- wood preserving treatment
- wood pulp and fiber, reduction and processing

6. Unclassified Uses

- building materials, (cement, lime in bags or containers, sand, gravel, shell, lumber) and the like, storage and sales
- bus garage and repair shop
- button manufacture
- carbon paper and inked ribbons manufacture
- cigar and cigarette manufacture
- cleaning and dyeing of garments, hats, and rugs
- coal and coke storage and sales
- fir finishing
- industrial vocational training school, including internal combustion engines
- laboratories, research, experimental, including combustion-type motor testing
- leather goods manufacture, but not including tanning operation
- laundries (commercial only)
- market, wholesale
- motion picture production
- printing, publishing, and engraving
- produce and storage warehouse
- railroad switching yard, primarily for railroad service in the district
- tire re-treading and vulcanizing shop

- truck or transfer terminal, freight
- wholesale houses and distributors
- railroad switching and classification yard, roundhouses, repair, and overhaul shops
- oils, vegetables, and animal (non-edible processing and storage)
- paint, lacquer, shellac, and varnish (including colors and pigments, thinners and removers)
- roofing materials, building paper, and felt (including asphalt and composition)
- bag cleaning
- cotton seed oil refining
- hair, hides, and raw fur, curing, tanning, dressing, dyeing, and storage
- leather tanning curing
- rubber (natural or synthetic, gutta perchas, chicle, and balata processing)
- rubber tire and tube
- storage battery (wet cell)

7. Clay, Stone, and Glass Products

- abrasive wheels, stones, paper, cloth, and related products
- brick, firebrick, and clay products
- concrete products (except central mixing and proportioning plant)
- glass and glass products
- monument and architectural stone
- pottery and porcelain products
- refractors
- sand-lime products
- wallboard and plaster, building, insulation and composition flooring

APPENDIX P
Rural Residential Compatible Uses

1. **Agricultural Use**
2. **Single-Family Detached Dwellings**
3. **Churches and parish halls, temples, convents and monasteries**
4. **Schools**
5. **Public Parks, Playgrounds, and Community Buildings**
6. **Home Occupations**

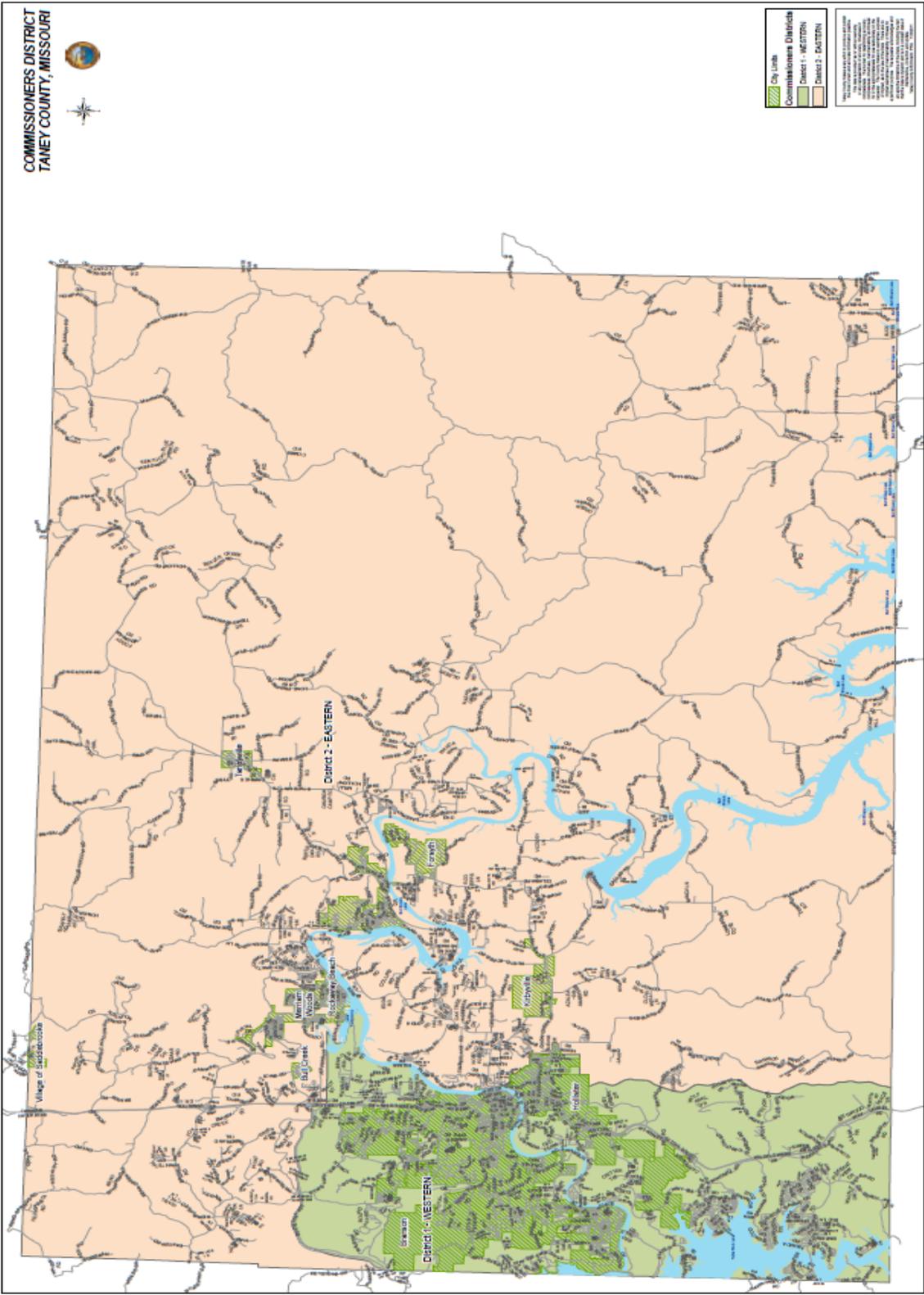
The following residential uses are considered to be compatible if another similar use currently exists within a 1000-foot radius of the proposed use or the use has been previously recorded on an existing plat.

7. **Two family dwellings**
8. **Condominiums, Townhouses**
Excludes nightly rentals. Nightly rentals are a commercial use and must be permitted as such. Nightly rentals constitute any condominium or townhouse that may be rented for any period of time less than 30 days in duration. Assurance of classification will be made through the filing of restrictive covenants when the plat is recorded.
9. **Apartment Complexes**
10. **Multiple-Family Dwellings**

Mobile Homes as Residential Structures Compatible Uses

11. **Mobile Home**
12. **Mobile Home Parks**

APPENDIX Q Zoning Districts



APPENDIX R
Agency Referral Contact Listing

- **Missouri Department of Natural Resources (MoDNR)**

Main: (800) 361-4827
Branson: (417) 337-9732
Springfield: (417) 891-4344

- **Department of Conservation**

Branson: (417) 334-3324

- **Missouri Department of Transportation (MoDOT)**

Main: (888) 275-6636
Branson: (417) 335-4077

- **Army Corps of Engineers**

Branson: (417) 334-4101

- **Department of Forestry**

- **Incorporated Areas**

Branson: (417) 334-3345
Forsyth: (417) 546-4763
Hollister: (417) 334-3262
Merriam Woods: (417) 561-4341
Rockaway Beach: (417) 561-4424
Taneyville: (417) 546-5594
Bull Creek: (417) 561-1111

- **Schools (Superintendents)**

Bradleyville: (417) 796-2288
Branson: (417) 334-6541
Forsyth: (417) 546-6384
Hollister: (417) 243-4000
Kirbyville: (417) 348-0444

APPENDIX S
Process And Specifications

A schedule of processing cost has been adopted by the County Commission and processing cost are to be paid by all persons, corporations, partnerships, or other entities submitting any such plat or plan as required by these Codes for the approval process by the Planning and Zoning Commission. The processing cost shall be collected by the Planning Department when the requested action is submitted and accepted for review and consideration.

Processing Cost

<u>Action Applied For:</u>	<u>Cost</u>
Division I Permit	\$50.00 per lot
Division II Permit	\$100.00 per footprint
Division III Permit	\$150.00
Special Use Permit	\$150.00
Major Subdivision	\$150.00
Board of Adjustment Appeal	\$125.00
Board of Adjustment Variance	\$125.00
Plats (all)	\$50.00
Subdivision Appeal of Denial	\$125.00
Land Disturbance	\$75.00
Sign Permit	\$35.00
Decision of Record (Division III)	\$25.00
Accessory Buildings (decks,pools,storage)	\$15.00
Permit Extensions	\$15.00

DEVELOPMENT GUIDANCE CODE

Adopted by the Taney County Commission on November 13, 1984.

**Taney County Planning Commission
P.O. Box 383
Forsyth, Missouri 65653
Phone: (417) 546-7225 / 7226
Fax: (417) 546-6861**

Prior Revisions:

*First Update - September, 1988
Second Update - November, 1994
Third Update - November, 1996
Fourth Update – October 1998
Fifth Update – May 2003
Sixth Update – October 2004*

*This Code is implemented on a daily basis by the staff of the
Taney County Planning Commission.*

REVISION HISTORY

<u>Revision Date</u>	<u>Revision Summary</u>
September 8, 2008	Major re-formatting and re-organization of document flow. Added hyperlinked text to facilitate subject searches. Clarified numerous topics to improve readability. Added decision flow charts, diagrams, and data tables to aid in understanding certain processes and information. Added section on building heights.
November 30, 2009	Appendix "E" modified with the addition of section 4.7 concerning Nightly Rental Requirements. Appendix "T" added which deals with processing and fee schedule. This change made to reflect average times involved to process and issue applications, permits, and plans.
January 1, 2011	"Permit Extensions" replaced with new verbiage referring to land use changes that occur with Division III Permits. Division III Permits are effecting zoning changes and should not require yearly permit renewal.
March 15, 2012	Amendment of Section 6.1 and Table I-2 (Buffer Requirements), allowing for the utilization of alternative forms of buffering. Amendment of Section 11.1, 11.2 and Appendix B replacing the term Taney County Regional Sewer District with applicable wastewater system permitting entity. The addition of duplex requirements to Section 3.13. The amendment of Section 4 concerning permits required for duplexes.
May 21, 2012	Addition of "excluding fireworks stands (so long as they conform to state guidelines)" to the definition for <i>Special Event</i> .
July 19, 2012	Amendment of the following terms in Section 2 Definitions: <i>Amended Plat, Development, Land-Use Change, Metes and Bounds, Minor Subdivision and Replat</i> . Amendment of Section 3.11.6 removing the provisions related to Subdivision of land and adding a provision which exempted cemeteries from the provisions of the Development Guidance Code. Amendment of Section 4.1.3 (Division III Permits), removing the Provisions concerning subdivision of land. Removal and separation of the subdivision regulation formerly known as Section 5 (Subdivision of Land), Section 6 (Plats) and Appendix H (Requirements for Plats), allowing for the adoption of the Subdivision Regulations for Taney County, Missouri. Amendment of Section 11.1.10 , Section 11.2.11 (Solid Waste Disposal) And Appendix D (Division III Permit Application Requirements) removing the provisions concerning subdivision of land. Amendment of Appendix T (Process and Specifications) adding a processing cost for Major Subdivisions, and Subdivision Appeal of Denial.

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| July 19, 2012
Continued | Amendment of Appendix L (Road and Access Standards), removing the road and access standards from the Development Guidance Code and referencing the current published standards set for the in the adopted Taney County Road Standards.

Addition of a Lot Size and Frontage Table to Section 9 (Setbacks and Easements). |
| February 11, 2013 | Amendment of Appendix Q (Zoning Districts), replacement of the previous zoning map with a newly revised zoning map. |
| March 21, 2013 | Amendment of Section 4.7 (Nightly Rental) of Appendix E (Special-Use Permits). The verbiage of the entire Section was rewritten in its entirety. |