

# **ZONING REGULATIONS TANEY COUNTY, MISSOURI**

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## **ARTICLE 001.000 TITLE AND INTENT**

### **SECTION 001.001 TITLE AND AUTHORITY**

The Taney County Development Guidance Code for Taney County, Missouri was adopted on November 13, 1984 by order of the Taney County Commission pursuant to the authority granted by the Legislature of the State of Missouri in Sections 64.800 through 64.895 of the Revised Statutes of Missouri. The Taney County Development Guidance Code created two districts, the Western District and the Eastern District. These Codes were designed to manage the growth and development of Taney County by segregating incompatible land uses with use permits and performance standards based upon absolute and relative policies. The Taney County Development Guidance Code, pursuant to the authority granted by Section 64.875 of the Revised Statutes of Missouri, is henceforth amended and shall be known as the "Zoning Regulations for Taney County, Missouri" and shall be cited as such. The map portion of these Zoning Regulations may also be cited separately as the Taney County Zoning Map.

### **SECTION 001.010 APPLICABILITY AND JURISDICTION**

The Zoning Regulations for Taney County, Missouri shall apply to all development, public and private, within unincorporated Taney County. All structures and land uses constructed or commenced hereafter and all enlargements of, additions to, changes in and relocations of existing structures and uses occurring hereafter shall be subject to these Zoning Regulations.

### **SECTION 001.020 COMPLIANCE REQUIRED**

It shall be unlawful to conduct any development or construct any structure until (1) all applicable development review and approval processes have been followed; (2) all applicable approvals have been obtained; and (3) all required permits or authorizations to precede have been issued. Violations will be processed in accordance with Article 046.000 of these Zoning Regulations.

### **SECTION 001.030 MINIMUM REQUIREMENTS**

The standards of the Zoning Regulations for Taney County, Missouri are minimum requirements. The issuance of any permit, certificate or approval in accordance with the standards and requirements of these Zoning Regulations shall not relieve the recipient of the responsibility for complying with all other applicable requirements of any other County, state or federal agency.

### **SECTION 001.040 PURPOSE AND LEGISLATIVE INTENT**

- A.** These Zoning Regulations are adopted for the following purposes:
  - 1.** To preserve the health, safety and general welfare;

2. To secure safety from fire, panic and other dangers;
3. To prevent the overcrowding of land;
4. To facilitate the adequate provision of adequate facilities for transportation, water, sewage, schools, parks and other public requirements;
5. To promote a more homogeneous relationship of land use within unincorporated Taney County;
6. To protect property values;
7. To regulate the use of the land and to promote the orderly development of the County in accordance with the Master Plan for Taney County as adopted by the Planning Commission; and
8. To effectuate the use of other accepted purposes of zoning.

#### **SECTION 001.050 CONFLICTING PROVISIONS**

##### **A. Conflict with State or Federal Regulations**

If the provisions of these Zoning Regulations are inconsistent with those of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

##### **B. Conflict with Other County Regulations**

If the provisions of these Zoning Regulations are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the County, the more restrictive provision shall control.

##### **C. Conflict with Private Agreements and Covenants**

These Zoning Regulations are not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship. Taney County is responsible for enforcing these Zoning Regulations; however, the County does not enforce private agreements.

#### **SECTION 001.060 DEVELOPMENT UNDER PRIOR REGULATIONS**

##### **A. Violations Continue**

Any violation of the previous Taney County Development Guidance Code shall continue to be a violation under these Zoning Regulations and shall be subject to penalties and enforcement under Article 046.000, unless the

use, development, construction or other activity is consistent with the express terms of these Zoning Regulations, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before \_\_\_\_\_ (*Effective Date*).

**B. Completion of Development**

**1. Applications Submitted Before \_\_\_\_\_  
(*Effective Date*)**

Any building, development or sign for which a complete application was submitted to the County before \_\_\_\_\_ (*Effective Date*), at the applicant's option, may be reviewed wholly under the terms of the Taney County Development Guidance Code. If approved, such projects may be carried out in accordance with the development standards in effect at the time of application. Any re-application for an expired permit shall meet the standards in effect at the time of re-application.

**2. Permits Issued Before \_\_\_\_\_  
(*Effective Date*)**

Any building, development or sign for which a permit was in effect prior to \_\_\_\_\_ (*Effective Date*) may be completed in conformance with the issued permit and other applicable permits and conditions, even if such building, development or sign does not fully comply with provisions of these Zoning Regulations. If construction is not commenced or completed in accordance with the applicable permit terms, the County Commission may, for good cause shown, grant not more than one (1) extension of up to six (6) months for such construction. If the building is not completed in a timely manner, within the time allowed under the original permit or any extension granted, then the building, development or sign may be constructed, completed or occupied only in strict compliance with the requirements of these Zoning Regulations.

### **Section 001.070 Severability**

- A.** If any Court of competent jurisdiction rules any provision of these Zoning Regulations invalid, that ruling shall not affect any provision not specifically included in the judgment.
- B.** If any Court of competent jurisdiction invalidates the application of any provision of these Zoning Regulations to a particular property, building, or other structure, or use, that ruling shall not affect the application of the Zoning Regulations to any property, building, other structure, or use not specifically included in the judgment.

## **ARTICLE 002.000 DEFINITIONS, INTERPRETATIONS AND STANDARDS**

### **SECTION 002.001 GENERAL RULES OF CONSTRUCTION**

- A.** Certain words used in the Regulations have been defined in this Article. Where this is the case, they shall have the meaning given in the applicable Section of the Article.
- B.** Where words have not been defined, the standard dictionary definition shall prevail.
- C.** In the event of questions regarding matters of interpretation of the Zoning Regulations, the Planning Administrator shall have interpretive authority. In construing the meaning of these Zoning Regulations, the following rules shall apply:
  - 1.** Words used in the present tense shall also include the future tense.
  - 2.** Words used in the singular number shall also include the plural, and vice versa.
  - 3.** The word "**shall**" is mandatory.
  - 4.** The word "**may**" is permissive, unless the context indicates otherwise.
  - 5.** The words "**used**" or "**occupied**" shall be construed to include "intended, designed or arranged to be used or occupied."
  - 6.** Where reference is made to either the Regulations or the Zoning Regulations, it shall be construed to mean the Taney County Zoning Regulations, recommended by the Planning Commission, and adopted by the County Commission, as originally passed and all subsequent amendments, supplements, and revisions.
  - 7.** Except where otherwise specified, the provisions of these Zoning Regulations shall be construed to mean the minimum standards and requirements adopted in pursuit of the purposes of these Zoning Regulations.

## **SECTION 002.010 DEFINITIONS**

### **Accessory Use or Accessory Structure**

A use or structure that: (1) is subordinate to and services a principal building or a principal use legally existing on the same zoning lot; (2) is subordinate in area, extent and purpose to the principal building or principal use; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served and (4) is located on the same zoning lot as the principal structure or principal use served.

### **Accessory Apartment**

A dwelling unit that is wholly contained within the principal structure and is never rented. Typical uses include a “mother-in-law” apartment, guest apartment or domestic workers’ quarters.

### **Accessory Dwelling Unit**

A separate dwelling located on the same lot as the principal structure, which is a maximum of fifteen hundred (1,500) square foot footprint and is not rented out to third parties. Typical uses include a “mother-in-law” apartment, guest cottage or domestic workers’ quarters.

### **Administrative Officer**

The Planning Administrator, who is charged with the administration of planning and zoning matters, and the Planning and Zoning Department.

### **Agriculture**

1. The use of land for agricultural purposes, including, but not limited to farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for parking, treating or storing the produce or products;
2. Provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
3. Animal feeding operations must conform to the Missouri Department of Natural Resources regulations pertaining to wastewater management and odor control and Taney County Ordinance No. 2019-819 pertaining to health regulations and standards for permitting confined animal feeding operations.

**Agricultural Sales and Service**

An establishment engaged in sale from the premises of feed, grain, fertilizers, and pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered.

**Alley**

A passage or way generally affording a means of vehicle access to abutting properties and not intended for general traffic circulation.

**Amusement Parks**

A commercially operated park with a predominance of outdoor games and activities for entertainment.

**Animal Service**

Retail sales, veterinary service, grooming, and boarding of dogs, cats, birds, fish, or similar small animals customarily used as household pets, provided all such activities are totally enclosed within a building. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

**Animal Shelter**

A facility established for the purposes of sheltering lost or unwanted animals. Activities include animal control operations, owner retrieval, adoption, spay and neutering services, and cremation, when necessary.

**Apartment Hotel**

A facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom.

**Auction House**

A building, or areas within a building, used for the public sale of wares, merchandise or equipment to the highest bidder. This definition excludes livestock.

**Bar or Lounge**

A facility engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a Restaurant.



### **Basement**

1. A story whose floor is more than twelve (12) inches, but not more than half of the story height below the average level of the adjoining ground (as distinguished from a "cellar" that is a story more than one-half below such level).
2. A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, and as a half-story for purposes of side setback determination.

### **Bed-and-Breakfast Facility (also referred to as “B&B”)**

A private home in which guests are accommodated in private bedrooms with private bathrooms, or in a suite of rooms including an *en suite* bathroom, or in private bedrooms with a bathroom that is shared with other guests. Breakfast may be served in the bedroom, a dining room, or the host's kitchen. A B&B may be operated either as a secondary source of income or a primary occupation. To qualify as a B&B, the owners must live in the private home, prepare the meals and clean the rooms, *et cetera*. If the B&B has hired staff, employees or contractors for cooking and cleaning, the facility does not qualify as a B&B.

### **Beginning of Construction**

The incorporation of labor and material for the purpose of placing or erecting a building or structure.

### **Billboard or Signboard**

Any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial depictions are displayed for advertising purposes, other than the name and occupation of the user of the premises or the structure of the business conducted thereon or the products primarily sold or manufactured thereon.

### **Board**

The Board of Adjustment of Taney County, Missouri.

### **Board, Planning**

See Commission, Planning.

### **Boarding House**

See Hotel.

### **Brewery**

An establishment for the manufacture of malt liquors, such as beer and ale licensed by the State of Missouri under Division 70, Division of Alcohol and Tobacco Control.

**Building**

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

**Building, Height of**

The vertical distance between the average finished grade (based on an average of the highest and lowest points) at the base of the building being measured and: 1) the average height level between the eaves and ridge line of a gable, hip or gambrel roof; 2) the highest point of a mansard roof; or 3) the highest point of the coping of a flat roof.

**Building, Nonconforming**

A legally existing building that fails to comply with the provisions of these Zoning Regulations that is applicable to the Zoning District in which such building is located.

**Building, Principal**

A building or buildings in which the principal use of the building site is conducted. In any Residential District, any dwelling shall be deemed to be the principal building on the building site.

**Bulk Limitations (Floor Area Ratio)**

The number of square feet of floor area that is permitted for each square foot of lot area.

**Business Area**

Any Zoning District designed for office, government and institutional, commercial and industrial use.

**Business or Trade School**

A use providing education or training in business, commerce, language, or other similar vocational activity or occupational pursuit, and not otherwise defined as a home occupation, college, university, or public or private educational facility.

**Campground**

An area where facilities are provided for recreational or camping vehicles or travel trailers, tents or other portable habitation, utilized by the public as a place for camping, vacationing. The park may include service facilities for the use of the residents of the park.

**Cellar**

A story the floor of which is more than one-half (1/2) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purposes of height regulations, only if used for dwelling purposes.

**Cemetery**

Land used or intended to be used for burial or cremation of the dead, whether human or animal, including a mausoleum or columbarium.

**Change in Use**

When the essential character or nature of the activity conducted on the lot changes. This occurs whenever the change involves a change from one principal use category to another. A mere change in the status of property from unoccupied to occupied or vice versa does not constitute a change in use.

**Church**

See Religious Assembly.

**Club or Lodge**

An establishment providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

**Cluster Development**

A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and Subdivision Regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

**College or University Facility**

A post-secondary educational institution or other institution of higher learning that offer courses of general or specialized study leading to a degree.

**Commercial**

Relating to the sale or barter of goods or services.

**Commercial Motor Vehicle**

Any vehicle designed, maintained, or used primarily for the commercial transportation of property or persons for hire.

**Commercial Motor Vehicle, Large**

1. A commercial motor vehicle designed and regularly used for carrying more than sixteen (16) passengers, including the driver, but not including a vehicle used for public school transportation; or

2. A commercial motor vehicle license for more than eighteen (18) thousand pounds; or
3. A panel truck regularly used for the carrying of freight or merchandise in the regular course of business; regularly advertising the name of a commercial business; and/or regularly used for responding to calls for service in the regular course of business;
4. Examples include but are not limited to, semi-truck and trailer, box truck, dump truck, panel truck.

**Commercial Trailer, Large**

A trailer licensed for more than ten thousand (10,000) pounds.

**Commission, Planning**

The Taney County Planning Commission.

**Communications Antenna Amateur**

An antenna that transmits noncommercial communication signals and is utilized by any person licensed as an amateur operator by the Federal Communications Commission.

**Community Recreation, Private**

A recreational facility for use by residents and guests of a particular residential development, Planned Unit Development, church, private primary or secondary educational facility, club or lodge, or non-profit organization, including both indoor and outdoor facilities.

**Compensation**

The receiving of goods, services, or money in exchange for or as a result of a service performed.

**Comprehensive Plan**

See Master Plan.

**Conditional Use**

A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after and approval by the Planning Zoning Commission.

**Conditional Use Permit**

A permit issued by the Planning and Zoning Commission that authorizes the recipient to make use of property in accordance with the requirements of the Taney County Zoning Regulations as well as any additional requirements imposed by the Planning and Zoning Commission.

### **Condominium Development**

A development in which individual ownership in fee is restricted to that which is within the walls or designated bounds of a unit, and collective ownership applies to all other land and facilities beyond the individual units. A residential structure in a condominium development is: (1) a unit, (2) a two-family dwelling if the structure contains two dwelling units, or (3) a multiple dwelling if the structure contains three or more dwelling units.

### **Concentrated Animal Feeding Operation (CAFO)**

Commercial agricultural activities such as feedlot operations, poultry operations and associated uses that involve the confinement of animals in mass for the purpose of breeding, feeding, boarding, slaughter or for the production of animal products for consumption or other uses. This is an operating location where animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area within the normal crop growing season. A feeding operation shall not be considered a CAFO unless the operation is expected to meet or exceed the animal populations indicated in Sections 640.700 to 640.755 of the Missouri Revised Statutes and Taney County Ordinance No. 2019-819.

### **Congregate Living**

A use providing 24-hour supervision and assisted living for more than fifteen (15) residents not needing regular medical attention. This classification includes personal care homes for the physically impaired, mentally retarded, developmentally disabled, and persons sixty-two (62) years of age or older, maternity homes, and emergency shelters during crisis intervention for victims of crime, abuse, or neglect.

### **Construction Permit**

A permit issued by Taney County for the construction, erection or alteration of a structure or building.

### **Construction Sales and Service**

An establishment primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. Typical uses include building materials stores, tool and equipment rental or sales, or building contractors.

**Convalescent Services**

A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

**Convenience Store**

An establishment, not exceeding five thousand (5,000) square feet of gross floor area, engaged in the retail sale of food, beverages and other frequently needed items for household use. Gasoline sales may or may not be included.

**Commission, County**

The Taney County Commission, the governing body of the County.

**Court**

An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

**Court, Outer**

A court that extends directly to and opens for its full length on a street or other permanent open space or yard at least twenty-five (25) feet wide.

**Crematorium**

Land used or intended to be used for the cremation of the dead, whether human or animal, but not to include a mausoleum or columbarium.

**Cultural Service**

A library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

**Day Care Operation:**

**1. Day Care, Family**

A day care that provides care, protection and supervision for one (1) to five (5) non-related individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.

**2. Day Care, Group**

A day care center that provides care, protection and supervision for six (6) to twenty-one (21) individuals at any one time, including those under the supervision or custody.

**3. Day Care, Commercial**

A day care center that provides care, protection and supervision for more than twenty-one (21) individuals at any one time, including those under the supervision or custody of the day care provider and those under the supervision or custody of employees.

**Detention Facility**

A publicly operated use providing judicially required detention or incarceration of people.

**District; also Zoning District**

Defined areas of Taney County for which these Zoning Regulations impose uniform regulations and requirements or various combinations thereof apply.

1. The term Agricultural District, or A District, shall mean any A-1 District;
2. The term Residential District, or R District, shall mean any RR-1, R-1, R-2, R-3, MH-1 or RV-1 District;
3. The term Nightly Rental District or NR District, shall mean any NR-1 or NR-3 District;
4. The term Office District, or O District, shall mean any O District
5. The term Commercial District, or C District, shall mean any C-1 or C-2 District;
6. The term Manufacturing District, or M District, shall mean any M-1 or M-2 District;
7. The term PUD shall mean any Planned Unit Development.

**Duplex**

The use of a single lot or parcel for two (2) dwelling units contained within a single building, other than a mobile home.

**Dwelling**

Any building or portion thereof designed or used exclusively for residential occupancy of one or more persons including one-family, two-family and multi-family dwellings, but not including tents, travel trailers, hotels or motels.

**Dwelling, Mobile Home**

See Mobile Home or Manufactured Home.

**Dwelling, Multi-Family (Household)**

A dwelling or portion thereof designed, arranged or occupied as a residence by two or more families or housekeeping units having separate quarters and living independently of each other.

**Dwelling, Single-Family (Household)**

A building designed exclusively for residential purposes by one family or housekeeping unit.

**Dwelling, Two-Family (Household)**

A building designed exclusively for residential purposes by two families or housekeeping units living independently of each other.

**Dwelling Unit**

One or more rooms in a dwelling designed for occupancy by one family or housekeeping unit for living and sleeping purposes and having kitchen or kitchenette facilities.

**Entertainment, Indoor**

An establishment offering recreation, entertainment or games of skill to the general public for a fee. Typical uses include but are not limited to bowling alleys, bingo parlors, pool halls, theaters, banquet facilities, and video game arcades, and paintball.

**Entertainment, Outdoor**

An establishment offering recreation, entertainment or games of skill to the general public for a fee. Typical uses include but are not limited to archery ranges (public), batting cages, golf driving ranges, miniature golf courses, drive-in theaters, and paintball.

**Essential Services**

The erection, construction, alteration or maintenance by public or private utility or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, transformation and regulation stations, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, street and area lighting facilities, hydrants and other similar equipment and accessories thereof; reasonably necessary for the furnishing of adequate services by such public or private utilities or municipal or other governmental agencies, or for the public health and safety or general welfare, but not including bridges.

**Establishment**

An economic unit, generally at a single physical location, where business is conducted or service or industrial operations performed.



**Family**

Two or more persons living together and related by blood, marriage or adoption, who share a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a hotel, motel, fraternity or sorority house, or group home.

**Financial Service**

An establishment primarily engaged in the provision of financial and banking services. Typical uses include but are not limited to banks, savings and loan institutions, stock and bond brokers, loan and lending activities, and similar services.

**Firearm**

Any weapon that is designed or adapted to expel a projectile by the action of an explosive force.

**Food Sales**

An establishment primarily engaged in the retail sale of food or household products for home consumption. Typical uses include grocery stores (including the sale of beer and wine in unopened containers for off-premises consumption where revenue from the sale of groceries comprises at least 51% of the gross income of the establishment, and at least 51% of the total display or shelf space is devoted to groceries other than beer and wine), delicatessens, meat markets, retail bakeries, and candy shops.

**Flood Insurance Rate Map (FIRM)**

An official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zone applicable to the community.

**Flood Insurance Study (FIS)**

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Floodplain**

Any land area in Taney County susceptible to being inundated by flood waters from any source, as shown on the adopted Flood Insurance Rate Map (FIRM) for the unincorporated area of Taney County.

**Floodway or Regulatory Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Funeral Services**

An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals. Typical uses include funeral home or mortuaries.

**Garage, Private**

A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families or households resident upon the premises; and provided that, except on farms, such garage shall not be used for the storage of more than one (1) commercial vehicle of greater than one and one-half (1½) ton rated capacity per family or household resident upon the premises.

**Garage, Public**

A structure or portion thereof other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers; except that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.

**Garden Apartment**

A building containing three or more dwelling units and rising to no more than three stories, in which each dwelling unit has outside access at ground level.

**Grade, Curb**

The elevation of the top of the face of the curb.

**Grandfathered Use**

See Nonconforming Use.

**Greenhouse**

A glass or plastic enclosure used for the protection and cultivation of plants.

**Greenhouse, Retail**

A greenhouse used to grow bedding and potting plants, ornamental flowers, and related material for sale on or off site to end users.

**Greenhouse, Wholesale**

A greenhouse used to grow produce for the sale to third party retail establishments including, but not limited to restaurants, farmer's markets, grocery stores and other off-site markets.

**Group Home, Class I (Limited < 8 residents)**

A home-based facility providing 24-hour care in a protected living arrangement for not more than eight (8) residents and two (2) supervisory personnel. This classification includes but is not limited to, for example foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons sixty-two (62) years of age or older and maternity homes. It also includes emergency shelter during crisis intervention for victims of crime, abuse, or neglect.

**Group Home, Class I (General 8-15 residents)**

A home-based facility providing 24-hour care in a protected living arrangement for more than eight (8) but not more than fifteen (15) residents and not more than three (3) supervisory personnel. This classification includes but is not limited to, for example, foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons sixty-two (62) years of age or older, and maternity homes. This classification also includes emergency shelter during crisis intervention for victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence.

**Group Home, Class II (> 15 residents)**

A home-based facility providing 24-hour care in a protected living arrangement for more than fifteen (15) or more residents and not more than three (3) supervisory personnel. This classification includes but is not limited to, for example, homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization.

**Guidance Service**

A publicly operated use providing judicially required detention or incarceration of people.

**Home Occupation**

Any occupation carried on by the inhabitants of a dwelling that is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, that does not change the character thereof, and that is conducted entirely within the main or accessory building, as described by Article 025.000.

**Hospital**

Uses providing in-patient medical or surgical care, which also may include out-patient services and the following types of accessory activities: out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias maintenance and parking facilities.

**Hotel-Motel**

A building, or a group of buildings, used for transient lodging open to the general public and which may provide additional services such as restaurants, meeting rooms, entertainment, and recreational facilities. A hotel may offer suites, which include kitchen facilities, sitting rooms, and bedrooms. Such establishments may be designated as an automobile court, motel, motor lodge, motor court, tourist cabin, tourist court, or other similar designations.

**Household or Housekeeping Unit**

One (1) or more related or unrelated persons living together as a single housekeeping unit in a dwelling unit.

**Industry**

Storage, repair, manufacture, preparation or treatment of any Article, substance or any commodity for commercial use.

**Inspector**

Inspector of buildings, zoning and land use.

**Inn**

See Hotel.

**Institutional Uses**

Those uses organized, established, used or intended to be used for the promotion of public, religious, educational, charitable, cultural, social or philanthropic activities normally operated on a non-profit basis.

**Junkyard or Salvage Yard**

A place where waste, discarded or salvaged materials, inoperative or wrecked motor vehicles and their parts, inoperative machinery or trailers and their parts are dismantled, stored, bought, sold, exchanged, bailed, packed, disassembled or handled, including all auto salvage yards, wrecking yards, house wrecking yards, used lumber yards, and place or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvage material incidental to manufacturing operations.

**Kennel, Commercial**

Any lot, building, structure, enclosure or premises where five (5) or more dogs over the age of six (6) months of age are kept for commercial purposes, including boarding, breeding, wholesale and retail sales of goods or animals, or the rendering of services for

profit, or any facility that is classified as a regulated business by the Department of Agriculture.

**Landscaping and Lawn Care Service**

Lawn maintenance services which are conducted entirely on the property of the consumer, with the exception of a business office or the storage of two units of landscaping equipment (a unit is one trailer with mowers) stored on site.

**Liquor Sales**

An establishment engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

**Loading Space**

An off-street space or berth on the same lot with the building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lodging House**

See Hotel.

**Lot**

A parcel of land, within a subdivision, whose boundaries have been established by some legal instrument such as a recorded subdivision map and which is recognized as a separate entity for purposes of transfer of title.

**Lot Area**

The computed area within the lot lines.

**Lot, Corner**

A lot located at the intersection of, and abutting on two (2) or more streets.

**Lot Depth**

The mean horizontal distance between the front and rear lot lines.

**Lot, Double Frontage or Through**

A lot that has two (2) non-intersecting sides abutting on two (2) or more streets.

**Lot, Interior**

A lot other than a corner lot.

**Lot Lines**

The property lines bounding the lot as defined in these Zoning Regulations.

**Lot Line, Front**

The front of a lot shall be considered to be that side of the lot that fronts on a street. On corner lots, the side of least dimension fronting said street shall be the front. If said corner lot has equal frontage on two or more streets, the lot shall be considered to front on that street on which the greatest number of lots front.

**Lot Line, Rear**

The lot line opposite and most distant from the front lot line.

**Lot Line, Side**

Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**Lot Line, Street or Alley**

A lot line separating the lot from a street or alley.

**Lot, Wedge Shaped**

A lot situated so that the front is either wider or narrower than the rear of the lot.

**Lot Width**

The mean distance between side lot lines, which distance shall be measured parallel to the front lot line and through any portion of a building erected or to be erected.

**Lot of Record**

A separate and distinct parcel on a legally-recorded subdivision plat or described by a legally recorded deed filed in the office of the Recorder of Deeds of Taney County, Missouri.

**Major or Secondary Highway**

See Thoroughfare - Primary or Secondary.

**Manufactured Home**

A factory-built structure that is manufactured or constructed according to the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 United States Code §5401 *et seq.*; 24 CFR Part 3280 and Part 3282, that became effective June 15, 1976 and subsequent amendments, that is built on a permanent chassis and is to be used as a place for human habitation, but that is not constructed or equipped with a

permanent hitch or device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles.

### **Manufactured Home Park**

See Mobile Home Park.

### **Manufactured Home Subdivision**

See Mobile Home Subdivision.

### **Manufacturing and Production**

An establishment engaged in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the site. Typical uses include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; printing, publishing and lithography; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.

### **Marina**

The wet or dry storage and docking of seaworthy watercraft, including ramps and hoists for boats, for commercial purposes. Marinas also include docks, wharves, piers, floats, or any other similar structure erected, installed, placed, or maintained along a shoreline for the purpose of providing a stationary landing for the anchoring, mooring, housing, or storing of more than three (3) watercraft.

### **Master Plan**

The document, which sets out official goals, objectives and policies related to the future development of Taney County, Missouri and constitutes a long-range plan for the desirable use of land in the County as officially adopted, and as amended from time to time by the Planning Commission per the requirements of Missouri Revised Statutes.

### **Maximum Coverage**

The maximum amount of land that may be covered by buildings on any lot.

### **Mean Lot Elevation**

The average elevation of a single lot.

### **Mobile Home**

A structure designed for human habitation and so constructed as to permit its transport on wheels, temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is intended to be a habitation and designed to permit the occupancy thereof as a dwelling place for one or more persons. The term "mobile home" shall include manufactured homes constructed pursuant to the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 United States Code §5401 *et seq.*; 24 CFR Part 3280 and Part 3282, that became effective June 15, 1976 and subsequent amendments. A travel trailer is not considered a mobile home.

### **Mobile Home Park**

A tract of land used to accommodate three (3) or more mobile homes which remain under a single ownership. A mobile home park contains spaces with required improvements and utilities that are rented or leased for the long-term placement of mobile homes or manufactured homes and that may include services and facilities for the residents. Mobile Home Park sites must be platted in accordance with the provisions of the Taney County Subdivision Regulations.

### **Mobile Home Subdivision**

A subdivision of single-family dwelling units that meets all the requirements set forth in the Taney County Subdivision Regulations. The principal feature that sets this subdivision apart from conventional subdivisions is that the subdivision is designed primarily, although not necessarily exclusively, for mobile homes, manufactured homes or modular dwellings. Each lot is privately owned and the residential use of the land is regulated by the Taney County Subdivision Regulations and whatever deed restrictions or private covenants may be required by the subdivision developer. These dwellings are to be set up as permanent structures.

### **Nightly Rental**

A dwelling unit or portion thereof, including an attached or detached guest quarters, by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of 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-Business Area**

Any area within a Residential Zoning District, including areas therein where legal non-residential uses are present.



**Nonconforming Use**

A parcel of land lawfully occupied by a use that does not conform to the Zoning Regulations applicable to the Zoning District in which it is located. This term is also referred to as a “Grandfathered Use”.

**Office**

The use of any building or premises primarily for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.

**On-Site Sewage Treatment System**

Any approved system that treats and disposes of sewage effluent on the property from which such sewage is generated.

**Open Space – Private**

Land that is dedicated or reserved by any owner(s) for private use by residents of the subdivision, such as recreation areas, green areas and community centers. Also known as common space or common area, or green space or green area.

**Open Space – Public**

Land that is dedicated or reserved by any owner(s) for acquisition for general use by the public, including parks, recreation areas, school sites, community or public building sites. Also known as common space or common area, or green space or green area.

**Organic Recycling**

Disposal or distribution of biodegradable materials by methods of improved technology.

**Overnight Shelter**

A facility operated by a nonprofit agency that provides overnight shelter to homeless or transient youths or adults. An overnight shelter is not allowed to provide residential care during daytime hours.

**Parking Area, Private**

An open area for the same uses as private garage.

**Parking Area, Public**

A lot for use by the public for the temporary parking of motor vehicles.

**Parking, Commercial**

Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.

**Parking Lot**

An open area other than a street or other public way, used for the parking of motor vehicles and available to the public whether for fee, free, or as an accommodation for clients or customers.

**Parking Space**

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

**Parks and Recreation**

Parks, playgrounds, swimming pools, recreation facilities, and open spaces available to the general public and under the management or control of a public agency. The term also includes golf courses, whether public or private.

**Pawn Shop**

A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

**Permitted Use**

The use of a structure or a tract of land allowed and permitted by these Zoning Regulations.

**Personal Improvement Service**

An establishment primarily engaged in the provision of informational, instructional, personal improvements and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft or hobby instruction.

**Planning Commission**

The Taney County Planning Commission.

**Planned Unit Development (PUD)**

A Zoning District with a minimum area of five (5) contiguous acres, to be planned, developed, operated, and maintained as a single entity and containing one or more structures and parcels to accommodate industrial, retail, service, commercial, office, or residential uses, or a combination of such uses, and appurtenant common areas and

accessory uses incidental to the predominate uses. The intent of the PUD is to create a more flexible, creative and efficient approach to the use of land.

**Postal Facility**

Postal services, including post offices, bulk mail processing, or sorting centers operated by the United States Postal Service.

**Plot Plan**

A graphic representation delineating the outlines of the land included in the Plan and all proposed use locations, drawn to scale in a horizontal plane with accurate dimensions indicating the relation of each use to the adjoining and to the boundary of the property.

**Premise**

Any tract of land. A premise may consist of one (1) or more lots, tracts, or units, under single or multiple ownership that operates as a functional unit. A **shared premise**, when developed, shall also possess one or more of the following criteria:

1. Shared parking;
2. Common management;
3. Common identification;
4. Common access; or
5. Shared circulation

**Principal Use**

The primary or predominant use of any lot.

**Private Person**

Any natural person, partnership, corporation, or entity.

**Profession**

Architecture, engineering, law, medicine, dentistry or other activity in which specialized service to clients are performed by persons possessing a degree from a recognized institution of higher learning, demonstrating successful completion of prolonged course of specialized intellectual instruction and study, and also possessing evidence of professional capability, such as membership in a professional society requiring standard of qualifications for admission.

**R District**

Any approved Residential District.

**Railroad Facility**

Railroad yards, equipment servicing facilities, and terminal facilities.

### **Recreation and Entertainment, Indoor**

Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building. Typical uses include but are not limited to event centers, bowling alleys, billiard parlors, ice and roller skating rinks, arcades, video games and theaters.

### **Recreation and Entertainment, Outdoor**

Participatory and spectator-oriented recreation and entertainment uses conducted in open, partially enclosed, or screened facilities. Typical uses include but are not limited to special outdoor events, sports arenas, racing facilities, amusement parks, golf driving ranges and miniature golf courses.

### **Recreational Vehicle (RV)**

A unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet. Units may have their own power, or be designed to be drawn or mounted on a motor vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted buses, house boats or other similar units as determined by the Planning and Zoning Director. A Recreational Vehicle may or may not include individual toilet and bath facilities.

### **Recreational Vehicle (RV) Park**

A parcel upon which two (2) or more recreational vehicle sites are rented or offered where facilities are provided for recreational or camping vehicles, travel trailers or other portable habitation, utilized by the public as a place for camping, vacationing or temporary usage. The park may include certain service facilities for the use of the residents of the park.

### **Recycling Center**

An establishment engaged in the processing, collection and transfer of recyclable materials, including but not limited to glass, paper, plastic, cans, or other source separated, non-putrescible materials.

### **Recycling Collection (Drop-off) Facility**

A facility, including but not limited to Bulk or Single-Feed Reverse Vending Machines, used for the collection and transfer, but not the actual processing, of any of the following recyclable materials: glass, paper, plastic, cans, or other source-separated, nonputrescible materials. For purposes of this use, “recyclable materials” shall not include motor oil, chemicals, household appliances, tires, automobiles, automobile parts, or putrescible materials.

### **Regulations, Subdivision**

The Taney County Subdivision Regulations.

## **Regulations, Zoning**

The Taney County Zoning Regulations.

### **Religious Assembly**

A use located in a permanent or temporary building and providing regular organized religious worship and religious education incidental thereto, but excluding private primary or secondary educational facilities, community recreational facilities, day care facilities, and parking facilities. A property tax exemption obtained pursuant to state law shall constitute prima facie evidence of religious assembly use.

### **Religious Assembly, Large**

A place of religious assembly that contains parking for more than three hundred (300) cars or sanctuary seating for more than four hundred fifty (450) persons, and may also have accessory uses such as gymnasiums, school classes during the week, day care, etc.

### **Religious Assembly, Standard**

A place of religious assembly that contains parking for less than three hundred (300) cars or sanctuary seating for less than four hundred fifty (450) persons, classrooms and a fellowship hall.

### **Repair Service, Consumer**

An establishment that maintains, services, reconditions, modifies, and refurbishes consumer goods to its original function on an as needed basis.

### **Residential Treatment Facility**

A facility providing 24-hour supervision, counseling, and treatment for more than fifteen (15) residents not needing regular medical attention. This classification includes, but is not limited to alcohol and chemical dependence rehabilitation facilities, including facilities to which persons convicted of alcohol or drug-related offenses are ordered to remain under custodial supervision as a condition of probation or parole, and residential care facilities and halfway houses for the emotionally ill.

### **Resort**

See Hotel.

### **Restaurant**

An establishment where food and drink is prepared and served for consumption on or off the property. If alcoholic beverages are served, more than fifty (50) percent of gross income must be derived from the sale of food and non-alcoholic beverages for consumption on the property in order for the establishment to be classified a restaurant.

### **Retail Sales and Service**

Establishments engaged in the provision of goods or services to the general public on a non-wholesale basis.

### **Road**

The full width between the property lines bounding every way of whatever nature for the purpose of vehicular traffic, whether designed as a street, highway, freeway, expressway, thoroughfare, parkway, road, avenue, boulevard, lane, place, circle, or however otherwise designed.

### **Road Classification**

Streets and roads are classified by function according to relative importance and design standards are related to functional classification. These classifications are as follows:

1. Primary arterials or expressways are facilities devoted primarily to traffic movement, performing little or no land service function and should have some access control.
  - a. Freeways have full access control and separation of all conflicting traffic movements, such as the interstate highway system or other freeways connecting large population centers carrying heavy volumes of traffic for long distances.
  - b. Parkway are usually located within a park or park-like green area, and are restricted to non-commercial vehicles.
  - c. Other expressways are generally divided highways with some grade-separated interchanges, some cross streets not carried across the median, and the other intersections controlled by signals or stop signs, such as primary state highway.
2. Secondary arterials are facilities that bring traffic to and from primary arterials and accommodate major movements and traffic not served by primary arterials. Designed mainly for through traffic, secondary arterials may also perform some land service functions, particularly in low density agricultural areas. Typical secondary arterials are secondary state highways and primary County roads.
3. Collectors are streets that serve internal traffic movements within an area, such as a subdivision, and connect the area with the arterial system such as secondary County highways (farm roads). They do not handle long through trips, but connect small communities and developed areas and also provide a land service function. Direct frontage of single-family lots on collectors is normally discouraged.
4. Local or land access streets have the sole function of providing access to immediately adjacent land, whether industrial, commercial or residential.

5. Minor local or land access streets are streets whose length is limited by design as a loop or cul-de-sac that will not be extended into adjacent development, normally serving not more than fifteen (15) dwelling units on a cul-de-sac or thirty (30) dwelling units on a loop.

**Road, Intersecting**

Any street that adjoins another street at an angle, whether or not it crosses the other.

**Roadside Stand**

A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

**Rooming House**

Hotel.

**Safety Service**

Facilities for the conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

**School, Primary**

A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of Missouri.

**School, Secondary**

A public, private or parochial school offering instruction at the middle (junior) and senior high school levels in the branches of learning and study required to be taught in the public schools of Missouri.

**Self-Storage Units**

Buildings, structures or parcels containing space of varying sizes leased, rented or sold on an individual basis and used exclusively for the storage of excess property including storage of boats and RVs.

**Setback, Front**

A setback extending the full width of a lot between the street lot line and the front building line. All setbacks measured from the outermost part of structure (face of the gutter).

**Setback, Rear**

A setback extending the full width of the lot in the area between the rear lot line and the rear building line. All setbacks measured from the outermost part of structure (face of the gutter).

**Setback, Side**

A setback extending the full length of the lot in the area between a side lot line and a side building line. All setbacks shall be measured from the outermost part of structure (face of the gutter).

**Setback, Side Corner Lot**

A setback extending the full width of a lot between the street lot line and a side building line.

**Sewer, Central**

Any sewer or wastewater collection or treatment system or any part of such a system that is owned, maintained and operated by a non-governmental entity and discharges three thousand (3,000) gallons or more per day.

**Sewer, Public**

A sewage collection and treatment system, or any part of a system that is owned, maintained, and operated by a governmental entity and discharges three thousand (3,000) gallons or more per day.

**Shared Premise**

See Premise.

**Shooting Range, Indoor**

A facility designed to offer a totally controlled shooting environment that includes impenetrable walls, floors and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use. Not to include a private shooting range on personal property for personal/private use.

**Shooting Range, Outdoor**

A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor shooting ranges are usually backed by a high retaining wall, earth mound, sandbag barrier or specially designed funnel-shaped traps to prevent the ricochet of bullets or shots going outside the bounds of the shooting range. Not to include a private shooting range on personal property for personal/private use.



**Sign**

Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag or representation used as, or that is in the nature of, an advertisement, announcement or direction, or is designed to attract the eye by intermittent or repeated motion or illumination.

**Sign, Illuminated**

A sign designed to give forth artificial light, or designed to reflect light from one or more sources, natural or artificial.

**Sign, Projecting**

A sign erected on the face or outside wall of a building that projects out from the wall at any angle.

**Sign, Temporary**

A sign of temporary nature used to advertise a political candidate, or used to advertise the premises for sale, rent, or lease.

**Sinkhole**

Any depression in the surface of the ground with or without collapse of adjacent rock that provides a means through which surface water can come into contact with subsurface water.

**Sinkhole Watershed**

The ground surface area that provides drainage to the sinkhole.

**Site Plan**

The same as Plot Plan.

**Special Event**

A special event is a conditional use which is intended to be conducted and is likely to attract substantial crowds and traffic and are unlike the customary or usual activities generally associated with the property at which the special event is to be located and nearby properties, including, but not limited to circuses, fairs, carnivals, festivals, re-enactments. Special events require a Conditional Use Permit which may designate the dates, times, hours of operation, and other conditions upon which the Special Event may be conducted.

**Special Exception**

A procedure whereby the Board of Adjustment may grant a deviation from the requirements of these Zoning Regulations in specific cases, but only as provided and in such manner by these Zoning Regulations. (See Article 049.100).

**Special Use Permit**

See Conditional Use Permit.

**Stable, Private**

An accessory and related premises designed or used for the keeping of horses, ponies, or mules owned by the occupants of the premises, and not kept for hire, rental, or for the sale of more than six (6) stabled animals per year.

**Stable, Public**

An establishment for boarding, breeding or raising of more than six (6) horses, ponies or mules not owned by the occupants of the premises, or the rental of any number of horses, ponies or mules for riding by other than the occupants of the premises or their nonpaying guests.

**Story**

That portion within a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

**Story, First**

The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the building, except that any basement or cellar for residence purposes shall be deemed the first story.

**Story, Half**

A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, and that has an average height of not more than eight (8) feet and covering a floor area of not more than seventy-five (75) percent of the area of the floor on the story next below.

**Street**

See Road.

**Structural Alteration**

Any change in the structural members of a building such as walls, columns, beams or girders.

**Structure**

Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground (not including sidewalks, driveways and similar improved areas).

**Subdivision Regulations**

The Taney County Subdivision Regulations.

**Tavern**

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

**Tea Room**

An establishment used primarily for the serving of non-alcoholic beverages by the drink for consumption on the premise with the sale of food for consumption on the premises is accessory to the primary use.

**Transitional Housing**

A facility providing supervision or detention, or both, for more than fifteen (15) residents making the transition from institutional to community living. This classification includes, but is not limited to pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders. This classification also includes overnight shelters for the homeless.

**Thoroughfare Plan**

An official thoroughfare plan that may be adopted or amended from time to time by the Taney County Commission, establishing the general location and official right-of-way width of the major and secondary highways and thoroughfares in Taney County.

**Tourist Court**

See Motel.

**Townhouse**

Multi-family dwelling units intended for sale as individual single-family dwelling units, each unit having its own yard (front and rear) and each having its own lot number designated on a recorded subdivision plat.

**Traffic Signaling Device**

A sign, light(s), device, or mechanical contrivance used for the control of motor vehicular and pedestrian movement.

**Trailer**

Any portable or mobile vehicle or structure on wheels, skids or rollers not structurally anchored to a foundation, either self-propelled, or propelled by an attached vehicle or other propelling apparatus that is used or may be used for the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for commercial hauling, storage, or conveyance.

**Travel Trailer**

See Recreational Vehicle (RV).

**Travel Trailer Park**

See Recreational Vehicle (RV) Park.

**Usable Open Space**

The space on a lot (or exterior balcony of roof surface up to a total of fifty (50) percent of the requirement) that is unoccupied by a principal or accessory building above the finished lot grade, at least seventy-five (75) percent unenclosed and available to the occupants of the building or buildings on the lot.

**Use**

The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained. (See also Change in Use.)

**Utility Service, Major**

Generating plants, water treatment plants, water towers, wastewater treatment plants and similar facilities.

**Utility Service, Minor**

Services that are necessary to support principal development and involve only minor structures, such as lines and poles and specifically including electrical switching facilities and primary substations.

**Variance**

A procedure whereby relief may be granted from the strict requirements of the Zoning Regulations where it can be clearly shown that by complying with these Zoning

Regulations, the owner of the property would suffer practical difficulties or unnecessary hardships. The conditions for granting a variance are set forth in Article 049.060.

### **Vehicle Repair, General**

An establishment that provides service to passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles where generally, the customer does not wait at the site while the service or repair is being performed. Typical uses include but are not limited to full service gas stations with repair or vehicle service bays, quick-lube services, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage. See “Vehicle Service, Limited.” Truck and heavy vehicle service and repair is classified as “Industrial Service”.

### **Vehicle Sales/Rental**

The sale or rental of automobiles, noncommercial trucks, motorcycles, recreational vehicles, or boats, including incidental storage, maintenance, and servicing. Typical uses include but are not limited to new and used car dealerships, motorcycle dealerships, and boat, trailer, or recreational vehicle dealerships.

### **Vehicle Storage**

An establishment offering long-term storage of operating or non-operating vehicles. Typical uses include but are not limited to the storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.

### **Vehicle Service, Limited**

An establishment that provides direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed. Typical uses include gas stations (without vehicle repair/service bays) and car washes. No repairs are conducted on the site of a limited vehicle service use. See “Vehicle Repair, General.”

### **Veterinary Service or Animal Hospitals**

An establishment offering veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

### **Wastewater System, Public**

See Sewer, Public.

### **Waste-Related Use**

Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.

**Water Supply, Central**

A community or non-community water supply system that is regulated by the Missouri Department of Natural Resources.

**Water Supply, Public**

A water supply system that is owned, maintained, and operated by a municipal or governmental entity.

**Watercourse**

Land that has conformation so as to give to surface water flowing from one tract of land to another tract of land, a fixed and determinate course so as to uniformly discharge it upon the servient tract at a fixed and definite point, which shall include but shall not be limited to ravines, swales, sinkholes or depressions of greater or less depth extending from one tract and so situated as to gather up the surface water flowing upon the dominate tract and to conduct along a definite course to a definite point of discharge upon the servient tract. It shall not be deemed to be important that the force of water flowing from one tract of land to another has not been sufficient to wear out a channel or canal having definite well-marked sides or banks. If the surface water, in fact, uniformly or habitually flows over a given course, having reasonable limits as to the width of the line of its flow, it shall be considered to have a definite course.

**Wedding/Event Facility**

A facility where private parties may hold weddings, receptions, reunions, and other similar gatherings. This does not include retail sales, concert and amphitheaters, rodeos, circuses or other similar public events.

**Wholesale Trade**

An establishment or place of business that is primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business uses, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Winery**

A facility specifically designed for the agricultural processing of wine from fruit or fruit juices through fermentation, or the re-fermenting of still wine into sparkling wine licensed by the State of Missouri under Division 70, Division of Alcohol and Tobacco Control.

**Zoning Map**

The Taney County Zoning Map, as is from time to time amended to reflect zoning changes. The County maintains the Taney County Zoning Map in a database in digital form, created using Geographic Information System (GIS) mapping software.

**Zoning Certificate**

A document issued by the Planning Administrator, authorizing buildings, structures, or uses consistent with the terms of these Zoning Regulations and for the purpose of carrying out and enforcing its provisions.

## **ARTICLE 003.000 GENERAL PROVISIONS**

### **SECTION 003.001 CONFORMANCE REQUIRED**

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

Except as provided herein, no use shall be permitted in any Zoning District unless it is either specifically listed as a permitted use or it is approved as a conditional use; provided, however, if a use is not specifically enumerated in the Regulations, the Planning Commission may treat such use in the same manner as an enumerated use which it deems most closely resembles the unenumerated use.

### **SECTION 003.010 CONTINUING EXISTING USES**

Except as specified in these Zoning Regulations, any use, building or structure existing at the time of the enactment of these Zoning Regulations may be continued, even though such use, building or structure may not conform to the provisions of the Zoning Regulations for the Zoning District in which it is located.

### **SECTION 003.020 AGRICULTURE**

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

### **SECTION 003.030 FORMS OF OWNERSHIP**

Cooperatives, condominiums and all other forms of property ownership shall not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

### **SECTION 003.040 OUTDOOR ADVERTISING**

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



**SECTION 003.050                      RETAIL ESTABLISHMENTS AND PLACES OF ENTERTAINMENT**

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

**SECTION 003.060                      NONCONFORMING USES OR BUILDINGS**

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

**A.        Substitution or Extension:**

When authorized by the Board of Adjustment, the substitution for a non-conforming use of another non-conforming use or the extension of a non-conforming use may be made.

**B.        Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.**

**C.        Where, at the effective date of the adoption of these Regulations or amendment hereto, a lot of record exists and is held in separate ownership but fails to meet the minimum requirements for area or width of the Zoning District in which it is located, such lot may have one (1) single-family dwelling and customary accessory buildings erected upon it provided that:**

**1.        Said lot is in separate ownership and not of continuous frontage with other lots in the same ownership.**

**2.        Said lot is able to satisfy the setback requirement of the Zoning District in which it is located. A variance may only be obtained through authorization and approval by the Board of Adjustment.**

**D.        If two (2) or more lots of record exist, with continuous frontage in single ownership, any of which fail to meet the minimum requirements of the Zoning District in which said lots are located, said lots shall be considered to be an undivided tract and no part shall be used which does not meet the minimum requirements of the respective Zoning District.**

- E.** When authorized by the Board of Adjustment, the extension or completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, providing that such lot was under the same ownership as the lot in question on the date the use of such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building.
- F.** When authorized by the Board of Adjustment, a nonconforming use may be extended throughout those parts of a building designed or arranged for such use before the date it became nonconforming, if no structural alterations, except those required by law, are made therein.
- G. Discontinuance**

No building, structure or premises where a nonconforming use has ceased for one (1) year or more shall again be put to a nonconforming use.
- H. Replacing Damaged Buildings**

Any nonconforming building or structure damaged more than sixty (60) percent of its then fair market value, exclusive of the foundations, at the time of damage by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God; shall not be restored or reconstructed and used as before such occurrence; but if less than sixty (60) percent damaged above the foundation, said building or structure may be restored, reconstructed and used as before, provided that restoration or reconstruction and use is performed within twelve (12) months of such occurrence.
- I. Repairs and Alterations**

Repairs and maintenance work as required to maintain non-conforming buildings or structures in sound condition may be made, provided no structural alterations shall be made except such as are required by law or as authorized by the Board of Adjustment.

### **SECTION 003.070            CONVERSION OF DWELLINGS**

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

### **SECTION 003.080            ACCESSORY BUILDINGS AND USES**

#### **A. Definition**

An accessory structure or use:

- 1.** Is subordinate to and serves a principal building or a principal use;

2. Is subordinate in area, extent or purpose to the principal building or principal use served;
3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal building or principal use served;
4. Is located on the same lot as the principal building or principal use served; and
5. Cannot be a manufactured residential structure.

**B. Allowed Accessory Structures and Uses**

Accessory Structures shall include, but are not limited to the following permitted structures:

1. Buildings or structures incidental to a principal building or structures, such as storage buildings, workshops, studios, carports or garages incidental to a permitted use;
2. Barn;
3. Playhouse;
4. Greenhouse;
5. Pool and bathhouses;
6. Living quarters; and
7. Garage/living area combination.

**C. Use Limitations**

All Accessory Structures and uses shall comply with the use limitations applicable in the Zoning District in which they are located.

**D. Setback and Spacing Regulations**

All accessory structures shall comply with the following regulations:

1. Accessory buildings shall be set back a minimum of five (5) feet from the rear and seven (7) feet from the side lot lines.
2. No accessory building shall be constructed closer than ten (10) feet of the principle structure on the lot.
3. On a corner lot, no accessory building shall project beyond the front lot lines on the adjacent lots.

**E. Driveway Access Permit for Accessory Structures**

1. All driveways accessing accessory structures from a public right-of-way shall obtain a driveway access permit from the Taney County Road and Bridge Department or the Missouri Department of Transportation prior to installation of the driveway.

**F. Accessory Dwelling Units**

1. Accessory Dwelling Units (see definition in Article 002.010) that are not rented (e.g. ‘mother-in-law’ apartments, guest suite, guest house, domestic workers’ quarters) shall constitute a permitted use in A-1 District and constitute a conditional use in all other residential Zoning Districts, which are subject to approval through the issuance of a Conditional Use Permit.
2. No more than one (1) Accessory Dwelling Unit shall be allowed on any lot or parcel.
3. No Accessory Dwelling Unit shall have a finished living area of more than fifteen hundred (1,500) square feet.

**SECTION 003.090 REQUIRED AREAS OR SPACE CANNOT BE REDUCED**

- A. No lot, yard, court, parking area or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by these Zoning Regulations; and, if already less than the minimum required by these Zoning Regulations, said area or dimensions shall not be further reduced.
- B. No part of a required setback, court, parking area or other space provided about, or for, any building or structure shall be included in the requirements for another building or structure.

**SECTION 003.100 OFF-STREET PARKING AND LOADING**

In any Zoning District, spaces for off-street parking and loading or unloading shall be provided as provided by the Zoning Regulations.

**SECTION 003.110 UNSAFE BUILDINGS**

Nothing in these Zoning Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the proper authority.

**SECTION 003.120 CONSTRUCTION PERMITS**

No building or structure shall be erected, modified, altered, or relocated without approval by the Planning Administrator and issuance of a construction permit subject to compliance with all zoning requirements, including, but not limited to setbacks, height requirements, parking, access, and provision of utility services. The following construction activities shall be subject to the construction permit requirements:

- All non-agricultural structures;
- All residential structures;
- All commercial / office / industrial structures;
- All non-agricultural accessory structures greater than one-hundred (100) square feet in size regardless of the permanent or temporary nature of the construction; and
- Any structure so designated by the Planning Administrator with the exception that a construction permit shall not be required for any agricultural structure.
  - A. A construction permit shall not be required for the repair or maintenance of a structure, unless the repair or maintenance increases the footprint of the structure by greater than one hundred (100) square feet.
  - B. Construction Permit Required: Unless a construction permit shall first have been obtained from the Planning Administrator, or by designated staff subordinate to the authority of the Administrator:
    - 1. The construction, moving, or reconstruction of any structure shall not be commenced; and,
    - 2. Any construction permit issued in conflict with the provisions of these regulations shall be null and void.
  - C. Application for Construction permit: Every application for a construction permit shall include the following minimum requirements:
    - 1. A completed Permit Application.
    - 2. A site plan, in such form as may, from time to time, be prescribed by the Planning Administrator, showing at a minimum the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, the structure lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Staff for the proper enforcement of these regulations.
    - 3. All appropriate approvals from applicable local, state and federal agencies (i.e. fire districts, water districts, sewer districts, municipalities, Missouri Department of Natural Resources, Missouri Department of Transportation, etc.)
    - 4. Technical Plans: Technical Plans such as: Storm water Management and Sediment and Erosion Control shall be submitted

in accordance with the provisions of County regulations and requirements. Additional plans may be required based upon the nature of the permit requested.

- D.** Issuance of Construction permit: Applications for Construction Permits shall be processed within ten (10) working days of submitting a Permit Application. A Permit Application shall not be considered complete and shall not be processed until all submittals have been made.
- E.** Period of Validity: Construction permits shall be valid for a maximum of one (1) year. If the construction is not completed prior to the expiration of the permit, an extension may be granted. A Request for Extension shall be received in writing by the Planning Department prior to the expiration of the permit.
- F.** Nothing in these Zoning Regulations shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required construction permits (formerly Division I and II Permits) have been granted prior to the enactment of these Zoning Regulations, the construction of which, conforming with such plans, shall have been started prior to the effective date of these Zoning Regulations and completion thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until after the completion, except for reasons beyond the control of the builder.

### **SECTION 003.130 MULTIPLE USES AND STRUCTURES**

- A.** Only one primary use shall be allowed on a single tract of property, unless a development is approved as a Planned Unit Development.
- B.** All other uses, whether within the same structure or located in other structures on the same tract, must be of an accessory nature as determined by the Planning Commission.

## **ARTICLE 004.000 USE STANDARDS**

### **SECTION 004.001 GENERAL REQUIREMENTS**

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

### **SECTION 004.010 EXISTING USES**

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

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

Conditions:

- A.** No noise from any operation conducted on the premise, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the M-1 District.
- B.** No toxic matter, noxious matter, smoke, gas or odorous or particulate matter shall be emitted that is detectable beyond the lot lines of the lot on which the use is located.
- C.** No vibrations shall be detectable beyond the lot lines of the lot on which the use is located.
- D.** Exterior lighting fixtures shall be shaded whenever necessary to avoid casting light upon property located in any Residential District.
- E.** The manufacture of flammable materials that produce explosives, vapors or gases is prohibited except as otherwise specifically permitted by law.
- F.** Any operation that produces intense glare or heat shall be performed within a completely enclosed building, and exposed sources of light shall be screened so as not to be detectable beyond the lot lines.

**SECTION 004.020 ENFORCEMENT**

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



## **ARTICLE 005.000 APPLICATION FILING REQUIREMENTS AND ZONING CERTIFICATE OR CHANGE**

### **SECTION 005.001 FILING PLANS**

- A.** Every application for a Zoning Certificate or change shall be:
- 1.** Accompanied by plans in such numbers as are specified by the Planning Administrator,
  - 2.** Drawn to scale in black line or blueprint, showing:
    - a.** the actual shape and dimensions of the lot to be changed in its use, in whole or in part. All dimensions shown on the plans relating to the location and size of the lot to be built upon shall be based on actual survey, unless waived by the Zoning Administrator.
    - b.** the location, size and height of any building or structure to be erected or altered;
    - c.** the existing and intended use of each building or structure or part thereof;
    - d.** the number of families or housekeeping units the building is designed to accommodate; and,
    - e.** when no buildings are involved,
      - (1)** The location of the present use and proposed use to be made on the lot, and
      - (2)** Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for compliance with, and enforcement of, these Zoning Regulations.
  - 3.** One (1) copy of such plans may be returned to the owner when such plans have been approved by the Planning Administrator, together with such Zoning Certificate as may be granted.
  - 4.** The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- B.** In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sewage by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Taney County Wastewater Permitting Authority of the

proposed method of water supply and/or disposal of sanitary wastes.

## **SECTION 005.010            ZONING CERTIFICATE**

- A.** It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Planning Administrator.
  - 1.** Such Zoning Certificate shall show that such building, structures or premises or parts thereof, and the proposed use thereof, are in conformity with the provisions of these Zoning Regulations.
  - 2.** It shall be the duty of the Planning Administrator to issue a Zoning Certificate, provided he or she is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary waste, conform to all requirements of the Zoning Regulations.
- B.** No permit for excavation or construction shall be issued by the Planning Administrator unless the plans, specifications and the intended use conform to the provisions of these Zoning Regulations.
- C.** The Planning Administrator shall act upon each application on which he or she is authorized to act by the provisions of these Zoning Regulations within thirty (30) days after the application is filed, in full compliance with the applicable requirements as specified under this Article.
  - 1.** The Planning Administrator shall either issue a Zoning Certificate within said thirty (30) day period or shall notify the applicant in writing of the refusal of such Certificate and the reasons therefor.
  - 2.** Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.
- D.** Upon written request from the owner or tenant, the Planning Administrator shall issue a Zoning Certificate for any building or premises existing at the time of enactment of these Zoning Regulations, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms to the provisions of these Zoning Regulations.
- E.** A Zoning Certificate shall not be required for platted subdivisions in the R-1 District.

**SECTION 005.020            FEES**

- A.**     No fees shall be charged for an original Zoning Certificate applied for coincident with the application for a construction permit, where such permit is required and issued.
  
- B.**     For all Zoning Certificates a fee shall be charged, as determined by the County Commission.

## **ARTICLE 006.000 DISTRICTS AND DISTRICT BOUNDARIES**

### **SECTION 006.001 DISTRICTS**

For the purposes of the Regulations, the unincorporated area of Taney County, Missouri is hereby divided into the following categories of Zoning Districts:

#### **AGRICULTURE DISTRICTS**

A-1 Agricultural District

#### **RESIDENTIAL DISTRICTS**

RR-1 Single-Family Rural Residential  
R-1 Single-Family Residential District  
R-2 One- and Two-Family Residential District  
R-3 Multi-Family Residential District  
NR-1 Single-Family Residential Nightly Rental District  
NR-3 Multi-Family Residential Nightly Rental District  
MH-1 Manufactured Home (Mobile Home) Park or Subdivision District  
RV-1 Recreational Vehicle Park District

#### **OFFICE DISTRICT**

O Office District

#### **COMMERCIAL DISTRICTS**

C-1 Neighborhood Commercial District  
C-2 General Commercial District

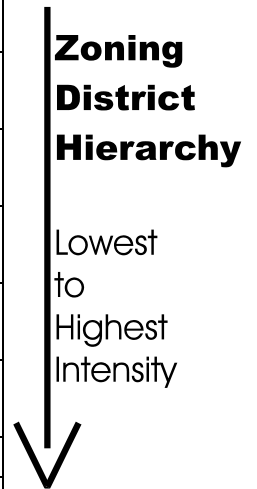
#### **MANUFACTURING DISTRICTS**

M-1 Light Manufacturing or Industrial District  
M-2 General Manufacturing or Industrial District

#### **PLANNED UNIT DEVELOPMENT**

PUD Planned Unit Development

District Name		Type	Development Zone (Comprehensive Plan Tier)
A-1	Agricultural District	Agricultural	Rural Low Density
RR-1	Single- Family Rural Residential	Residential	Rural Low Density
R-1	Single Family Residential	Residential	Urban Density
R-2	One and Two Family Residential District	Residential	Urban Density
R-3	Multi-Family Residential District	Residential	Urban Density
NR-1	Single-Family Residential Nightly Rental District	Residential	Urban Density
NR-3	Multi-Family Residential Nightly Rental District	Residential	Urban Density
MH-1	Manufactured Home Park or Subdivision District	Residential	Urban Density
RV-1	Recreational Vehicle Park District	Residential	Urban Density
O	Office District	Commercial	All
C-1	Neighborhood Commercial District	Commercial	All
C-2	General Commercial District	Commercial	All
M-1	Light Manufacturing District	Manufacturing or Industrial	All
M-2	General Manufacturing District	Manufacturing or Industrial	All
PUD	Planned Unit Development	Mixed-Use	All



### **Section 006.010 Quick Reference to Setback Requirements by Zoning District**

This Section of Article 006.010 is intended to serve as a quick reference guide for the setback requirements for each of the Zoning Districts. Please note that this information is also contained within the descriptions of each individual Zoning District as well as additional information pertaining to density and dimensional standards. In the event of any inconsistency between this Section 006.010 and the requirements set forth in the respective section governing a particular Zoning District, the specific requirements set forth in the section governing a specific Zoning District shall control.

## ARTICLE 007.000 USE REGULATIONS

### SECTION 007.001 USE TABLE

The following table summarizes the principal use regulations of the Zoning Regulation’s base Zoning Districts. In the event of conflict between this table and the standards listed within Article 008.000 through Article 021.000, the Use Table shall control.

**P**

#### **Uses Permitted By-Right**

A “P” indicates that a use category is allowed by right in the respective Zoning District, subject to compliance with all other applicable regulations of the Taney County Zoning Regulations.

**C**

#### **Conditional Uses**

A “C” indicates that a use category is allowed only if reviewed and approved as a conditional use, in accordance with the Conditional Use Permitting procedures of Article 023.000 and subject to all other applicable standards of the Taney County Zoning Regulations.

#### **Uses Not Allowed**

A blank cell indicates that a use type is not allowed within the respective Zoning District, unless it is otherwise expressly allowed pursuant to other provisions within the Taney County Zoning Regulations.

#### **New or Unlisted Uses**

If an application is submitted for a use type that is not listed as an allowed use in one or more Zoning Districts, the Planning Administrator shall have the right of interpretation.

		<b>ZONING DISTRICT USE STANDARD</b>													
		A-1	RR-1	R-1	R-2	R-3	NR-1	NR-3	MH-1	RV-1	O	C-1	C-2	M-1	M-2
<b>Residential</b>															
Single-Family Residence	P	P	P	P	P	P	P	P	P	C	C	C	C		
Duplex				P	P			P							
Multi-Family Residential					P			P				C	C		
Group Home, Class I (Limited) < 8 residents	C	C	C	C	C	C	C	C	C			C	C		
Group Home, Class I (General) 8-15 residents	C	C	C	C	C	C	C	C				C	C		
Group Home, Class II >15 residents												C	C		
Manufactured / Mobile Home	P	P	P	P	P	P	P	P	P	C					
Mobile Home Park									P						
Congregate Living												C	P		
Retirement Housing, General						P									
Retirement Housing, Limited						P									
Transitional Housing													C	C	C





Taney County Zoning Regulations  
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<b>Commercial</b>	A-1	RR-1	R-1	R-2	R-3	NR-1	NR-3	MH-1	RV-1	O	C-1	C-2	M-1	M-2
Adult Entertainment Business												C	C	C
Agricultural Sales/Service	C										C	P	P	P
Amusement Park	C											C	C	C
Animal Services	C										P	P		
Archery Range, Public Outdoor	C													
Archery Range, Public Indoor	C										P	P	P	P
Auction House	C									C	P	P	P	
Bar or Lounge												P		
Bed and Breakfast (B&B)	C			C	C	P	P	C			C	C		
Business or Trade School											P	P	P	P
Campground/Recreational Vehicle Park	C								P		C	P		
Construction Sales/Services												P	P	P
Convenience Store								C	C	P	P	P	P	P
Financial Services, with Drive-through											P	P	P	
Financial Services, without Drive-through										P	P	P	P	
Firearm Sales, Retail	C	C	C								P	P	P	P
Food Sales	C									C	P	P		
Funeral Services	C									P	P	P	C	
Greenhouse, Retail/Wholesale	C										P	P	P	P
Hotel-Motel											C	P		
Kennel, Commercial	C										C	P	P	P
Landscaping & Lawn Care Service Facility	C	C										P	P	
Liquor Sales	C								C		C	P		
Marina	C										P	P	P	
Medical Marijuana Cultivation	C												P	P
Medical Marijuana Dispensary Facilities											P	P	P	P
Medical Marijuana Infused Manufactured Type One													P	P
Medical Marijuana Infused Manufactured Type Two												P	P	P

Taney County Zoning Regulations  
Article 007.000 – Use Regulations

<b>Commercial Cont.</b>	A-1	RR-1	R-1	R-2	R-3	NR-1	NR-3	MH-1	RV-1	O	C-1	C-2	M-1	M-2
Medical Marijuana Testing Facility												P	P	P
Medical Marijuana Transportation Facility												P	P	P
Motorized Vehicle Tracks, Public	C											C	C	C
Nightly Rental	C	C				P	P		C		C	P		
Office										P	P	P	P	P
Organic Recycling Facilities (“Commercial Composting”)	C												C	C
Off-Premise Advertising	C								C	C	P	P	P	P
Parking, Commercial	C									C	P	P	P	P
Pawn Shop	C									C	P	P		
Personal Improvement Service										P	P	P		
Recreational Equipment Storage, Commercial												P	P	P
Recreation+Entertainment, Indoor						P	P				P	P		
Recreation+Entertainment, Outdoor	C					C	C				C	P	P	P
Repair Service, Consumer										P	P	P	P	P
Restaurant, Fast Food									C	C	C	P	P	
Restaurant, General	C									C	C	P	P	
Retail Sales+Service,	C								C	C	P	P	P	
Scrap and Salvage Service	C												C	C
Self-Service Storage	C										C	P	P	P
Service Station												P	P	P
Shooting Range, Indoor	C										C	P	P	
Shooting Range, Outdoor	C											C		
Stable, Training and Riding, Public	C													
Telecommunications Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	P
Utility & Stock Trailer Sales	C											P	P	P
Vehicle Repair, General	C										C	P	P	P
Vehicle Sales/Rental												P	P	P
Vehicle Service, Limited										C	C	P	P	P
Vehicle Storage												P	P	P
Veterinary Services	C										C	P	P	P
Wedding/Event Facility	C	C				C	C					P		

Taney County Zoning Regulations  
Article 007.000 – Use Regulations

<b>Industrial</b>	A-1	RR-1	R-1	R-2	R-3	NR-1	NR-3	MH-1	RV-1	O	C-1	C-2	M-1	M-2
Aviation+Surface Transportation													C	P
Industrial Service/Yard													C	P
Manufacturing and Production													P	P
Warehouse and Freight Movement													P	P
Wholesale Sales												C	P	P

<b>Agricultural and Other Uses</b>	A-1	RR-1	R-1	R-2	R-3	NR-1	NR-3	MH-1	RV-1	O	C-1	C-2	M-1	M-2
Accessory Apartment	P	C	C	C	C	C	C	C	C					
Accessory Dwelling Units	P	C	C	C	C	C	P	C	C					
Accessory Security/Guard/House	C	C	P	P	P	P	P	P	P					
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Air Strip, Private	C												C	C
Animal Production	P	C											P	P
Animal Refuge, Public or Private	C												C	C
Communications Antenna, Amateur	P	C	C	C		C	C							
Crop Production	P	P	P	P	P			P	P	P	P	P	P	P
Concentrated Animal Feeding Operation	C													
Home Occupations	P	P	P	P	P	P	P	P						
Horticulture	P	P											P	P
Motorized Vehicle Tracks, Private	C													
Recycling Center													C	P
Stable, Private Boarding	P	C												
Soil Extraction														C
Vineyard	P													
Wineries and Breweries	C											C	C	P
Waste-Related Use													C	P
Zoological, Public or Private	C											C	C	P

## ARTICLE 008.000 A-1 AGRICULTURAL DISTRICT

### SECTION 008.001 STATEMENT OF INTENT

The A-1 Agricultural District is primarily intended to help retain large tracts of land for agricultural and open space purposes and to minimize conflicts between agricultural uses and adjacent development. These areas are served predominately by on-site sewage disposal systems and individual wells.

### SECTION 008.010 USE REGULATIONS

The following table shows which uses are allowed in the A-1 District. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C = Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	P	
Group Home, Class I (Limited) < 8 residents	C	
Group Home, Class I (General) 8-15 residents	C	
Manufactured / Mobile Home	P	Subject to Article 038.000
<b>Civic/Institutional</b>		
Animal Shelter	C	
Cemetery	P	Compliance with RSMo. 214
Crematorium	C	
Club or Lodge	C	
College or University	C	
Community Recreation, Private	P	
Cultural Services	C	
Day Care, Family (1-5 children/adults)	P	
Day Care, Group (6 or more children/adults)	C	
Hospital	C	
Library	P	
Parks & Recreation	P	
Postal Facility	C	
Recycling Collection Center, Drop-Off	C	
Religious Assembly, Standard	P	See definition in Section 002.010
Religious Assembly, Large	P	See definition in Section 002.010
Residential Treatment Facility	C	
Safety Services	P	
School, Primary	P	
School, Secondary	P	
Utility Service, Major	C	See definition in Section 002.010

Taney County Zoning Regulations  
Article 008.000 – A-1 Agricultural District

Utility Service, Minor	P	See definition in Section 002.010
<b>Commercial</b>		
Agricultural Sales/Service	C	
Amusement Park	C	
Animal Services	C	
Archery Range, Public (Outdoor)	C	
Archery Range, Public (Indoor)	C	
Auction House	C	
Bed and Breakfast	C	
Campground Recreational Park	C	
Firearms Sales, Retail	C	
Food Sales	C	
Funeral Services	C	
Greenhouse Retail, Wholesale	C	
Kennel, Commercial	C	
Landscaping and Lawn Care Facility	C	
Liquor Sales	C	
Marina	C	
Medical Marijuana Cultivation	C	
Motorized Vehicle Tracks, Public	C	
Nightly Rental	C	Subject to Article 024.000
Organic Recycling Facilities (“Commercial Composting”)	C	
Off-Premise Advertising	C	
Parking Commercial	C	
Pawn Shop	C	
Recreation+Entertainment, Outdoor	C	
Restaurant, General	C	
Retail Sales+Service	C	
Scrap and Salvage Service	C	
Self-Service Storage	C	
Shooting Range, Indoor	C	Subject to Article 030.000
Shooting Range, Outdoor	C	Subject to Article 030.000
Stable, Training and Riding, Public	C	
Telecommunications Facility	C	
Utility & Stock Trailer Sales	C	
Vehicle Repair, General	C	
Veterinary Services	C	
Wedding/Event Facility	C	
<b>Agricultural and Other Uses</b>		
Accessory Apartment	P	Subject to Section 004.080
Accessory Dwelling Units	P	Subject to Section 003.080
Accessory Security/Guard House	C	
Accessory Structure	P	Subject to Section 003.080

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 Article 008.000 – A-1 Agricultural District

Air Strip, Private	C	
Animal Production	P	
Animal Refuge, Public or Private	C	
Communications Antenna, Amateur	P	
Crop Production	P	
Concentrated Animal Feeding Operation	C	
Horticulture	P	
Home Occupations	P	Subject to Article 025.000
Motorized Vehicle Tracks, Private	C	Subject to Article 029.000
Stable, Private Boarding	P	
Vineyard	P	
Wineries and Breweries	C	
Zoological, Public or Private	C	

**SECTION 008.020 DENSITY AND DIMENSIONAL STANDARDS**

The following standards shall apply to all development in the A-1 District:

	<b>Minimum Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations</b>	<b>Density</b>	<b>Minimum Frontage</b>	<b>Front Setback County or Subdivision Road</b>	<b>Front Setback Numbered State or Federal Highway</b>	<b>Front Setback Lettered State or Federal Highway</b>	<b>Side Setback</b>	<b>Side Setback Corner Lot County or Subdivision Road</b>	<b>Side Setback Corner Lot State or Federal Highway</b>	<b>Rear Setback</b>
Agricultural uses, as specified in Article 008.000	2 Acres	N/A	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Individual single-family dwelling with individual well and approved on-site sewage system	2 Acres	1 per 2 acres	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure	2 Acres	N/A	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	5 feet

## ARTICLE 009.000 RR-1 RURAL RESIDENCE DISTRICT

### SECTION 009.001 STATEMENT OF INTENT

The RR-1 Rural Residence District is for detached single-family dwelling units on lots over two (2) acres in size.

### SECTION 009.010 USE REGULATIONS

The following table shows which uses are allowed in the RR-1 district. For a summary of uses allowed in all Zoning Districts, see Article 007.000

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	P	
Group Home, Class I (Limited) < 8 residents	C	
Group Home, Class I (General) 8-15 residents	C	
Manufactured/ Mobile Home	P	
<b>Civic/Institutional</b>		
Cemetery	C	Compliance with RSMo.214
Community Recreation, Private	P	
Day Care, Family (1-5 children/adults)	P	
Day Care, Group (6 or more children/ adults)	C	
Library	C	
Parks & Recreation	P	
Religious Assembly, Standard	P	See definition in Section 002.010
Residential Treatment Facility	C	
Safety Services	P	
School, Primary	P	
School, Secondary	P	
Utility Service, Major	C	See definition in Section 002.010
Utility Service, Minor	P	See definition in Section 002.010
<b>Commercial Uses</b>		
Firearm Retail Sales	C	
Landscaping Lawn Care Service Facility	C	
Nightly Rental	C	Subject to Article 024.000
Telecommunications Facility	C	Subject to Article 034.020
Wedding/Event Facility	C	
<b>Agricultural and Other Uses</b>		
Accessory Apartment	C	Subject to Section 003.080
Accessory Dwelling Units	C	Subject to Section 003.080
Accessory Security Guardhouse	C	
Accessory Structure	P	Subject to Section 003.080
Animal Production	P	



Communications Antenna, Amateur	C	
Crop Production	P	
Home Occupations	P	Subject to Article 025.000
Horticulture	P	
Stable, Private Boarding	P	

**SECTION 009.020 DENSITY AND DIMENSIONAL STANDARDS**

The following standards apply to all residential and nonresidential development in the RR-1 District:

	Minimum Lot Area if Subdivided per Table 1 Taney County Subdivision Regulations	Density	Minimum Frontage	Max. Height	Front Setback County or Subdivision Road	Front Setback Numbered State or Federal Highway	Front Setback Lettered State or Federal Highway	Side Setback	Side Setback Corner Lot County or Subdivision Road	Side Setback Corner Lot State or Federal Highway	Rear Setback
Individual single-family dwelling served by approved on-site sewage system	2 acres	1 per 2 acres	70 feet	2½ stories (35 feet)	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by approved on-site sewage system	2 acres	N/A	70 feet	50 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	7 feet	5 feet

## **ARTICLE 010.000 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

### **SECTION 010.001 STATEMENT OF INTENT**

The R-1 Single-Family Residential District is intended to provide for detached single-family residential development on lots two acres or less in size at a density not to exceed one (1) dwelling unit per approved lot.

### **SECTION 010.010 USE REGULATIONS**

The following table shows which uses are allowed in the R-1 district. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	P	
Group Home, Class I (Limited) < 8 Residents	C	
Group Home, Class I (General) 8-15 residents	C	
Manufactured/ Mobile Home	P	
<b>Civic/Institutional</b>		
Cemetery	C	Compliance with RSMo.214
Community Recreation, Private	P	
Day Care, Family (1-5 children/adults)	P	
Library	C	
Parks & Recreation	P	
Religious Assembly, Standard	P	See definition in Section 002.010
Safety Services	P	
School, Primary	P	
School, Secondary	C	
Utility Service, Major	C	
Utility Service, Minor	P	
<b>Commercial</b>		
Firearm Retail, Sales	C	
Telecommunications Facility	C	Subject to Article 034.020
<b>Agricultural and Other Uses</b>		
Accessory Apartment	C	Subject to Section 003.080
Accessory Dwelling Units	C	Subject to Section 003.080
Accessory Security/ Guardhouse	P	
Accessory Structure	P	Subject to Section 040.080
Communications Antenna, Amateur	C	
Crop Production	P	
Home Occupations	P	Subject to Article 025.000

**SECTION 010.020 DENSITY AND DIMENSIONAL STANDARDS**

The following standards apply to all residential and nonresidential development in the R-1 District:

	Minimum Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations	Density	Minimum Frontage	Max. Height	Front Setback County or Subdivision Road	Front Setback Numbered State or Federal Highway	Front Setback Lettered State or Federal Highway	Side Setback	Side Setback Corner Lot County or Subdivision Road	Side Setback Corner Lot State or Federal Highway	Rear Setback
Individual single-family dwelling served by a central or public sewer system	8,000 square feet	1 per 8,000 square feet	70 feet	2½ stories (35 feet)	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by a central or public sewer system	8,000 square feet	N/A	70 feet	50 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	7 feet	5 feet
Individual single-family dwelling served by approved on-site sewage system	2 acres	1 per 2 acres	70 feet	2 1/2 stories (35 feet)	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by approved on-site sewage system	2 acres	N/A	70 feet	50 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	7 feet	5 feet

## **ARTICLE 011.000 R-2 ONE AND TWO-FAMILY RESIDENTIAL DISTRICT**

### **SECTION 011.001 STATEMENT OF INTENT**

The R-2 One and Two- Family Residential District is intended to provide for medium density residential development limited to one and two-family homes.

### **SECTION 011.010 USE REGULATIONS**

The following table shows which uses are allowed in the R-2 district. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	P	
Duplex	P	
Group Home, Class I (Limited) < 8 residents	C	
Group Home, Class I (General) 8-15 residents	C	
Manufactured / Mobile Home	P	
<b>Civic/Institutional</b>		
Cemetery	C	Compliance with RSMo.214
Community Recreation, Private	P	
Day Care, Family (1-5 children/adults)	P	
Library	P	
Parks & Recreation	P	
Religious Assembly, Standard	P	See definition in Section 002.010
Safety Services	P	
School, Primary	P	
School, Secondary	P	
Utility Service, Major	C	See definition in Section 002.010
Utility Service, Minor	P	See definition in Section 002.010
<b>Commercial</b>		
Bed and Breakfast	C	
Telecommunications Facility	C	Subject to Article 034.020
<b>Agricultural and Other Uses</b>		
Accessory Apartment	C	Subject to Section 003.080
Accessory Dwelling Units	C	Subject to Section 003.080
Accessory Security/ Guardhouse	P	
Accessory Structure	P	Subject to Section 003.080
Communications Antenna, Amateur	C	
Crop Production	P	
Home Occupations	P	Subject to Article 025.000

## SECTION 011.020 DENSITY AND DIMENSIONAL STANDARDS

The following standards apply to all residential and nonresidential development in the R-2 District:

	Minimum Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations	Density	Minimum Frontage	Max Height	Front Setback County or Subdivision Road	Front Setback Numbered State or Federal Highway	Front Setback Lettered State or Federal Highway	Side Setback	Side Setback Corner Lot County or Subdivision Road	Side Setback Corner Lot State or Federal Highway	Rear Setback
Individual single-family or duplex dwelling served by approved on-site sewage system	2 acres	1 per 2 acres	70 feet	3 stories (45 feet)	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Individual single-family dwelling served by a central or public sewer system	8,000 square feet	1 per 8,000 square feet	70 feet	3 stories (45 feet)	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Individual duplex served by a central or public sewer system	8,000 square feet  (4,000 square feet per dwelling unit)	1 per 8,000 square feet	70 feet	3 stories (45 feet)	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by approved on-site sewage system	2 acres	N/A	70 feet	50 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	5 feet
Non-Inhabitable Accessory Structure on a lot served by a central or public sewer system	8,000 square feet	N/A	70 feet	50 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	5 feet

## **ARTICLE 012.000 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

### **SECTION 012.001 STATEMENT OF INTENT**

This R-3 Multi-Family Residential District is intended to provide for high density residential development of residential buildings housing two (2) or more families.

### **SECTION 012.010 USE REGULATIONS**

The following table shows which uses are allowed in the R-3 district. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	P	
Duplex	P	
Multi-Family Residential	P	
Group Home, Class I (Limited) < 8 residents	C	
Group Home, Class I (General) 8-15 residents	C	
Manufactured / Mobile Home	P	
Retirement Housing, General	P	
Retirement Housing, Limited	P	
<b>Civic/Institutional</b>		
Cemetery	C	Compliance with RSMo.214
Community Recreation, Private	P	
Day Care, Family (1-5 children/adults)	P	
Day Care, Group (6 or more children/adults)	C	
Library	P	
Parks & Recreation	P	
Religious Assembly, Standard	P	See definition in Section 002.010
Residential Treatment Facility	C	
Safety Services	P	
School, Primary	P	
School, Secondary	P	
Utility Service, Major	C	See definition in Section 002.010
Utility Service, Minor	P	See definition in Section 002.010
<b>Commercial</b>		
Bed and Breakfast	C	
Telecommunications Facility	C	Subject to Article 034.020
<b>Agricultural and Other Uses</b>		
Accessory Apartment	C	Subject to Section 003.080
Accessory Dwelling Units	C	Subject to Section 003.080

Accessory Security/ Guardhouse	P	
Accessory Structure	P	Subject to Section 003.080
Crop Production	P	
Home Occupations	P	Subject to Article 025.000

### SECTION 012.020 DENSITY AND DIMENSIONAL STANDARDS

The following standards apply to all residential and nonresidential development in the R-3 District:

	Minimum Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations	Density	Minimum Frontage	Front Setback County or Subdivision Road	Front Setback Numbered State or Federal Highway	Front Setback Lettered State or Federal Highway	Side Setback	Side Setback Corner Lot County or Subdivision Road	Side Setback Corner Lot State or Federal Highway	Rear Setback
Individual single-family or multi-family dwelling served by approved on-site sewage system	2 acres	1 per 2 acres	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by approved on-site sewage system	2 acres	N/A	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	7 feet	5 feet
Individual single-family dwelling served by a central or public sewer system	8,000 square feet	1 per 8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Individual duplex served by a central or public	8,000 square feet (4,000 square feet per	1 per 8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet

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sewer system	dwelling unit)									
Three-Family dwelling served by a central or public sewer system	9,000 square feet	1 per 9,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Four-family dwelling served by a central or public sewer system	10,000 square feet	1 per 10,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Over four-family dwelling served by a central or public sewer system	2,000 square feet per dwelling unit	1 per total of 2,000 square feet per dwelling unit	10 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-inhabitable accessory structure on a lot served by a central or public sewer system	8,000 square feet	N/A	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	5 feet

**SECTION 012.030 DESIGN REQUIREMENTS**

- A.** There shall be no maximum height for buildings in an R-3 Multi-family District;
- 1.** Provided that the front, side and rear setback areas of any building exceeding forty-five (45) feet be increased one (1) foot for each foot that exceeds forty-five (45) feet up to a height of seventy-five (75) feet; and
  - 2.** Thereafter, no increase in front, side or rear yards shall be required for any height in excess of seventy-five (75) feet.



## **ARTICLE 013.000 NR-1 SINGLE-FAMILY NIGHTLY RENTAL DISTRICT**

### **SECTION 013.001 STATEMENT OF INTENT**

The NR-1 Single-Family Nightly Rental District is intended to provide for the nightly rental of detached single-family dwelling units at a density not to exceed one (1) dwelling unit per approved lot.

### **SECTION 013.010 USE REGULATIONS**

The following table shows which uses are allowed in the NR-1 district. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 0023.000)

<b>Residential</b>		
Single-Family Residence	P	
Group Home, Class I (Limited) < 8 residents	C	
Group Home, Class I (General) 8-15 residents	C	
Manufactured/ Mobile Home	P	
<b>Civic/Institutional</b>		
Cemetery	C	Compliance with RSMo.214
Community Recreation, Private	P	
Day Care, Family (1-5 children/adults)	P	
Day Care, Group (6 or more children/ adults)	P	
Library	P	
Parks & Recreation	P	
Religious Assembly, Standard	P	See definition in Section 002.010
Safety Services	P	
Utility Service, Major	C	See definition in Section 002.010
Utility Service, Minor	P	See definition in Section 002.010
<b>Commercial Uses</b>		
Nightly Rental	P	Subject to Article 024.000
Bed & Breakfast	P	
Recreation+Entertainment, Indoor	P	
Recreation+Entertainment, Outdoor	C	
Telecommunications Facility	C	Subject to Article 034.020
<b>Agricultural and Other Uses</b>		
Accessory Apartment	C	Subject to Section 003.080
Accessory Dwelling Units	C	Subject to Section 003.080
Accessory Security Guardhouse	P	
Accessory Structure	P	Subject to Section 003.080
Communications Antenna, Amateur	C	
Crop Production	P	

Home Occupations	P	Subject to Article 025.000
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**SECTION 013.020 DENSITY AND DIMENSIONAL STANDARDS**

The following standards apply to all residential and nonresidential development in the NR-1 District:

	Minimum Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations	Density	Minimum Frontage	Max. Height	Front Setback County or Subdivision Road	Front Setback Numbered State or Federal Highway	Front Setback Lettered State or Federal Highway	Side Setback	Side Setback Corner Lot County or Subdivision Road	Side Setback Corner Lot State or Federal Highway	Rear Setback
Individual single-family dwelling served by approved on-site sewage system	2 acres	1 per 2 acres	70 feet	2½ stories (35 feet)	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Individual single-family dwelling served by a central or public sewer system	8,000 square feet	1 per 8,000 square feet	70 feet	2½ stories (35 feet)	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by approved on-site sewage system	2 acres	N/A	70 feet	50 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	7 feet	5 feet
Non-Inhabitable Accessory Structure on a lot served by a central or public sewer system	8,000 square feet	N/A	70 feet	50 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	7 feet	5 feet

## **ARTICLE 014.000 NR-3 MULTI-FAMILY NIGHTLY RENTAL DISTRICT**

### **SECTION 014.001 STATEMENT OF INTENT**

This NR-3 Multi- Family Nightly Rental District is intended to provide for residential development of high-rise residential buildings housing two (2) or more families.

### **SECTION 014.010 USE REGULATIONS**

The following table shows which uses are allowed in the NR-3 district. For a summary of uses allowed in all Zoning Districts, see Article 007.000

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	P	
Duplex	P	
Multi-Family Residential	P	
Group Home, Class I (Limited) < 8 residents	C	
Group Home, Class I (General) 8-15 residents	C	
Manufactured / Mobile Home	P	
Retirement Housing, General	P	
Retirement Housing, Limited	P	
Transitional Housing	C	
<b>Civic/Institutional</b>		
Cemetery	C	Compliance with RSMo.214
Community Recreation, Private	P	
Day Care, Family (1-5 children/adults)	P	
Day Care, Group (6 or more children/ adults	C	
Library	P	
Parks & Recreation	P	
Religious Assembly, Standard	P	
Religious Assembly, Large	P	
Safety Services	P	
School, Primary	P	
School, Secondary	P	
Utility Service, Major	C	See definition in Section 002.010
Utility Service, Minor	P	See definition in Section 002.010
<b>Commercial</b>		
Bed and Breakfast	P	
Nightly Rental	P	Subject to Article 024.000
Recreation+Entertainment, Indoor	P	
Recreation+Entertainment, Outdoor	C	

Telecommunications Facility	C	Subject to Article 034.020
Wedding/Event Facility	C	
<b>Agricultural and Other Uses</b>		
Accessory Apartment	C	Subject to Section 003.080
Accessory Dwelling Units	P	Subject to Section 003.080
Accessory Security Guardhouse	P	
Accessory Structure	P	Subject to Section 003.080
Communication Antenna, Amateur	C	
Crop Production	P	
Home Occupations	P	Subject to Article 025.000

### Section 014.020 Special Provisions

The following standards apply to all residential and nonresidential development in the NR-3 District:

	Minimum Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations	Density	Minimum Frontage	Front Setback County or Subdivision Road	Front Setback Numbered State or Federal Highway	Front Setback Lettered State or Federal Highway	Side Setback	Side Setback Corner Lot County or Subdivision Road	Side Setback Corner Lot State or Federal Highway	Rear Setback
Individual single-family or multi-family dwelling served by approved on-site sewage system	2 acres	1 per 2 acres	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by approved on-site sewage system	2 acres	N/A	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	7 feet	5 feet

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	<b>Minimum Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations</b>	<b>Density</b>	<b>Minimum Frontage</b>	<b>Front Setback County or Subdivision Road</b>	<b>Front Setback Numbered State or Federal Highway</b>	<b>Front Setback Lettered State or Federal Highway</b>	<b>Side Setback</b>	<b>Side Setback Corner Lot County or Subdivision Road</b>	<b>Side Setback Corner Lot State or Federal Highway</b>	<b>Rear Setback</b>
Individual single-family dwelling served by a central or public sewer system	8,000 square feet	1 per 8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Individual duplex served by a central or public sewer system	8,000 square feet (4,000 square feet per dwelling unit)	1 per 8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Three-Family Dwelling served by a central or public sewer system	9,000 square feet	1 per 9,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Four-Family Dwelling served by a central or public sewer system	10,000 square feet	1 per 10,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Over Four-Family Dwelling served by a central or public sewer system	2,000 square feet per dwelling unit	1 per total of 2,000 square feet per dwelling unit	100 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure	8,000 square feet	N/A	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	5 feet

on a lot served by a central or public sewer system										
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**SECTION 014.030 DESIGN REQUIREMENTS**

- A. There shall be no maximum height for buildings in an NR-3 Multi-family District;
  - 1. Provided that the front, side and rear setback areas of any building exceeding forty-five (45) feet be increased one (1) foot for each foot that exceeds forty-five (45) feet up to a height of seventy-five (75) feet; and
  - 2. Thereafter, no increase in front, side or rear yards shall be required for any height in excess of seventy-five (75) feet.

## **ARTICLE 015.000 MH-1 MANUFACTURED HOME (MOBILE HOME) PARK OR SUBDIVISION DISTRICT**

### **SECTION 015.001 STATEMENT OF INTENT**

- A.** The MH-1 Manufactured Home (Mobile Home) Park or Subdivision District is intended to provide for areas of quality affordable housing in Taney County.
- B.** The MH-1 Manufactured Home (Mobile Home) Park or Subdivision District is intended to eliminate manufactured housing from commercial districts and to require said housing to be located in areas where public or central sewer and water services are available or a permitted on-site wastewater treatment system that is compliant with the requirements of state law and the rules and regulations of the Missouri Department of Health and Senior Services or Missouri Department of Natural Resources.

### **SECTION 015.010 USE REGULATIONS**

The following table shows which uses are allowed in the MH-1 district. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	P	
Group Home, Class I (Limited) < 8 residents	C	
Manufactured/ Mobile Home	P	
Mobile Home Park	P	
Transitional Housing	C	
<b>Civic/Institutional</b>		
Cemetery	P	
Community Recreation, Private	P	
Day Care, Family (1-5 children/adults)	P	
Library	P	
Parks & Recreation	P	
Religious Assembly, Standard	P	
Safety Services	P	
Utility Service, Major	C	
Utility Service, Minor	P	
<b>Commercial</b>		
Convenience Store	C	

Telecommunications Facility	C	Subject to Article 034.020
<b>Agricultural and Other Uses</b>		
Accessory Apartment	C	Subject to Section 003.080
Accessory Dwelling Units	C	Subject to Section 003.080
Accessory Security Guardhouse	P	
Accessory Structure	P	Subject to Section 003.080
Crop Production	P	
Home Occupations	P	Subject to Article 025.000

**SECTION 015.020 SPECIAL PROVISIONS**

**A. Common Open Space.**

1. All mobile home parks and subdivisions shall provide for common open space at the rate of three hundred (300) square feet per site or lot, or a total of twenty thousand (20,000) square feet, whichever is greater.
2. At least fifty (50) percent of the common open space shall be suitable for active recreation such as playgrounds, swimming pools, or ball fields.
3. The common open space shall be landscaped, improved and maintained before the issuance of construction permits.
4. Perimeter buffer yards and streets shall not be used to satisfy the common open space requirements.

**B. Perimeter Treatment.**

1. All mobile home parks and subdivisions shall provide a completely landscaped and maintained setback area of at least twenty-five (25) feet from a public right of way, and a setback area of at least ten (10) feet from any other abutting property line.
  - a. The setback areas may be included as parts of adjacent lots but shall not be included as part of the required minimum area.
  - b. No structure shall be allowed in the setback area.
2. Landscaping in the perimeter area shall consist of the following:
  - a. Deciduous and/or evergreen trees spaced not more than thirty-two (32) feet apart all of which grow to a height of five (5) feet or more after one full growing season.
  - b. At least one (1) row of shrubs spaced not more than eight (8) feet apart.



3. Where the adjoining land use is a street with a functional classification of arterial or higher, a six (6) foot solid wall or fence shall be provided to the aforementioned landscaping.
4. The perimeter area may include other trees, shrubbery, benches or a fence.

**C. Parking.**

1. Each site or lot shall contain at least two (2) paved parking spaces.

**D. Streets and drainage.**

1. All streets and storm water drainage structures, whether public or private, shall be constructed to Taney County Road Standards. The street surface shall measure twenty (20) feet in width, with a two (2) foot shoulder on each side.
2. Each site or lot shall be directly accessible from an internal street with no direct access to any other street.
3. All streets, drainage facilities and utilities must be constructed and approved before issuance of any permit to locate a manufactured home in any manufactured home park.

**E. Utilities.**

1. All units in all mobile home parks or subdivisions shall be connected to a municipal sewer system or other approved waste water system.
2. All units in all mobile home parks or subdivisions shall be connected to a public water system or State approved well.

**SECTION 015.030 DESIGN REQUIREMENTS**

- A. Minimum Park or Subdivision Size – three (3) acres.
- B. Minimum Individual Site or Lot Size – four thousand (4,000) Square Feet.

**Area Measurements**

	<b>Lot Area</b>	<b>Minimum Frontage</b>	<b>Front Setback County or Subdivision Road</b>	<b>Front Setback Numbered State or Federal Highway</b>	<b>Front Setback Lettered State or Federal Highway</b>	<b>Side Setback</b>	<b>Side Setback Width – Both Sides</b>	<b>Rear Setback Depth</b>
Individual Home Site or Lot Size	4,000 sq. ft.	40 feet	25 feet	50 feet	35 feet	7 feet	Side yards may be reduced to zero lot lines, if the other side setback is not less than 14 feet, but two lots may not share the same zero lot line.	10 feet

## **ARTICLE 016.000 RV-1 RECREATIONAL VEHICLE PARK (RV PARK) DISTRICT**

### **SECTION 016.001 STATEMENT OF INTENT**

- A.** The RV-1 Recreational Vehicle Park (RV Park) District is intended to provide specifically for Recreational Vehicle Parks and Campgrounds.
- B.** Recreational Vehicle Parks and Campgrounds are to be located in areas where public or central sewer and water services are available or a permitted on-site wastewater treatment system that is compliant with the requirements of state law and the rules and regulations of the Missouri Department of Health and Senior Services.

### **SECTION 016.010 RV PARKS CONFORMANCE WITH HEALTH DEPARTMENT REGULATIONS**

Recreational vehicle parks and campgrounds must conform to sanitary regulations prescribed by the applicable wastewater treatment permitting entity, together with all amendments thereto subsequently adopted, and when all other applicable ordinances, statutes, or regulations are met.

### **SECTION 016.020 ACCESS**

- A.** No vehicular entrance to or exit from any recreational vehicle park wherever such may be located, shall be within two hundred (200) feet of any school, public playground, church, hospital, library, or institution for dependents or for children, except where such school, public playground, church, hospital, library, or institution for dependents or for children is in another block or another street that the premise in question does not abut.
- B.** All the areas for automobile access and parking shall comply with the applicable provisions of this Article.
- C.** All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

### **SECTION 016.030 BUFFER AREA**

- 1.** All RV Parks and Campground shall provide a completely landscaped and maintained buffer area.
  - a.** The buffer area shall be located at least twenty-five (25) feet from a public right of way and at least ten (10) feet

from any other abutting property line.

- b. The buffer areas may be included as parts of adjacent lots but shall not be included as part of the required minimum area.
  - c. No structure shall be allowed in the setback area.
2. Landscaping in the buffer area shall consist of the following:
- a. Deciduous and/or evergreen trees spaced not more than thirty-two (32) feet apart all of which grow to a height of five (5) feet or more after one full growing season.
  - b. At least one row of shrubs spaced not more than eight (8) feet apart.
3. Where the adjoining land use is a street with a functional classification of arterial or higher, a six (6) foot solid wall or fence shall be provided to the aforementioned landscaping.
4. The perimeter area may include other trees, shrubbery, benches and fences.

#### **SECTION 016.040 LOT COVERAGE**

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

#### **SECTION 016.050 ENLARGEMENT OR EXPANSION**

- A. Any enlargement or extension to any existing recreational vehicle park shall be treated as if such enlargement or extension was a new establishment, and thus be subject to all current, applicable regulations.
- B. No enlargement or extensions to any recreational vehicle park shall be permitted unless the existing one is made to conform substantially to all requirements for new construction for such an establishment.

#### **SECTION 016.060 RECREATIONAL VEHICLE PARK - SUBMISSION OF PLANS/PLATTING**

- A. An application for the establishment of a recreational vehicle park or campground shall be filed with the Planning & Zoning Administrator and must be accompanied by a stamped or sealed scale drawing certified by a registered civil engineer. All pertinent information, data and plans shall be

submitted to the Planning & Zoning Administrator according to the provisions of the Subdivision Regulations.

**B.** Recreational Vehicle Park – Requirements. Recreational Vehicle Park shall be designed and maintained according to the provisions of the following additional requirements:

1. Park Area- The minimum recreational vehicle park area shall be three (3) acres.
2. Distance- The minimum distance between adjacent recreational vehicles shall be 14 feet.
3. Perimeter- The perimeter area may include other trees, shrubbery, benches, fences.

### **SECTION 016.070 UTILITIES**

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

### **SECTION 016.080 RECREATION AREAS**

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

### **SECTION 016.090 SUPPLEMENTARY REQUIREMENTS**

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

### **SECTION 016.100 DESIGN REQUIREMENTS**

- A.** Minimum RV Park or Campground – three (3) acres.

### Area Measurements

	Lot or Tract Area	Minimum Frontage	Front Setback County or Subdivision Road	Front Setback Numbered State or Federal Highway	Front Setback Lettered State or Federal Highway	Side Setback	Rear Setback Depth
RV Park or Campground	3 acres	70 feet	25 feet	50 feet	35 feet	7 feet	10 feet

### SECTION 016.110 USE REGULATIONS

The following table shows which uses are allowed in the RV-1 district. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	C	
Manufactured / Mobile Home	C	
<b>Civic/Institutional</b>		
Cemetery	P	
Community Recreation, Private	P	
Library	P	
Parks & Recreation	P	
Religious Assembly, Standard	P	
Safety Services	P	
Utility Service, Major	C	
Utility Service, Minor	P	
<b>Commercial</b>		
Campground/ Recreational Vehicle Park	P	
Convenience Store	C	
Liquor Sales	C	
Off-Premise Advertising	C	
Nightly Rental	C	Subject to Article 024.000
Restaurant, Fast Food	C	
Retail Sales and Service Convenience	C	
Telecommunications Facility	C	Subject to Article 034.020
<b>Agricultural and Other Uses</b>		
Accessory Apartment	C	Subject to Section 003.080
Accessory Dwelling Units	C	Subject to Section 003.080
Accessory Security Guardhouse	P	
Accessory Structure	P	Subject to Section 003.080
Crop Production	P	

## **ARTICLE 017.000 O OFFICE DISTRICT**

### **SECTION 017.001 STATEMENT OF INTENT**

- A.** The O Office District is intended to provide for professional, management and other office uses.
- B.** Uses except for parking shall be conducted within an enclosed building.
- C.** No use shall be permitted that involves manufacturing, wholesaling or retailing.

### **SECTION 017.010 PRINCIPAL PERMITTED USES**

- A.** Offices of any kind, including those listed below:
  - 1.** Attorney-at-law
  - 2.** Architect
  - 3.** Certified Public Accountant
  - 4.** Consultant
  - 5.** Registered Engineer
  - 6.** Land Planner
  - 7.** Minister, Rabbi or Priest
  - 8.** Registered Land Surveyor
- B.** Cultural facilities including art galleries, museums, and libraries.
- C.** Any other use that is determined by the County Commission to be of the same general character as the above permitted uses.
- D.** Any use permitted and as regulated in the R-3 Multi-Family Residence District.

### **Section 017.020 Accessory Uses**

- A.** Parking incidental to permitted uses.

### **SECTION 017.030 CONDITIONAL USES REQUIRING PLANNING COMMISSION AUTHORIZATION**

- A.** Medical or dental laboratories.

**B. Barber or beauty shops.**

**SECTION 017.040 PROHIBITED USES**

- A.** Any use not specifically listed as a principal permitted use or accessory use.

**SECTION 017.050 BULK AND INTENSITY OF USE RESTRICTIONS**

	<b>Min. Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations</b>	<b>Min. Frontage</b>	<b>Front Setback County or Subdivision Road</b>	<b>Front Setback Numbered State or Federal Highway</b>	<b>Front Setback lettered State or Federal Highway</b>	<b>Side Setback</b>	<b>Side Setback Corner Lot County or Subdivision Road</b>	<b>Side Setback Corner Lot State or Federal Highway</b>	<b>Rear Setback</b>
Principal structure served by public sewer and water	8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Principal structure without public sewer and water	2 acres	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by individual well and approved on-site sewage system	2 acres	70 feet	25 feet	50 feet	35 feet	7 feet	12 1/2 feet	25 feet	5 feet
Non-Inhabitable Accessory Structure on a lot served by a central or public sewer system	8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	5 feet

**A. Maximum Structure Height**

- 1.** Principal building: Thirty (30) feet.
- 2.** Accessory structure: Twenty-five (25) feet.



**B. Maximum Lot Coverage (All Structures)**

1. Up to fifty percent (50%) of the total lot area may be covered with structures (both primary structures and accessory structures).

**SECTION 017.060 OPEN SPACE REQUIREMENTS**

**A. Minimum Open Space**

1. Not less than thirty (30) percent of the total lot area shall be devoted to open space including required setbacks and buffer yards.
2. Open space shall not include areas covered by structures, parking areas, driveways and internal streets.

**B. Maximum Impervious Surface**

1. The combined area occupied by all permitted and accessory structures, paved parking areas and any other surfaces which reduce and prevent absorption shall not exceed seventy (70) percent of the total area.

**SECTION 017.070 USE REGULATIONS**

The following table shows which uses are allowed in the O district. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	C	
<b>Civic/Institutional</b>		
Cemetery	C	
Convalescent Services	C	
Cultural Services	P	
Guidance Services	P	
Library	P	
Postal Facility	P	
Religious Assembly, Standard	P	
Safety Services	P	
Utility Service, Major	C	
Utility Service, Minor	P	
<b>Commercial</b>		
Auction House	C	
Convenience Store	P	

Taney County Zoning Regulations  
Article 017.000 – O Office District

Financial Services Without Drive-Thru	P	
Food Sales	P	
Office	P	
Off-Premise Advertising	C	
Pawn Shop	C	
Personal Improvement Service	P	
Repair Service, Consumer	P	
Restaurant, Fast Food	C	
Restaurant, General	C	
Retail Sales and Service	C	
Telecommunications Facility	P	Subject to Article 034.020
<b>Agricultural and Other Uses</b>		
Accessory Structure	P	Subject to Section 003.080
Crop Production	P	

## **ARTICLE 018.000 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

### **SECTION 018.001 STATEMENT OF INTENT**

- A.** The C-1 Neighborhood Commercial District is intended to accommodate limited retail, service and office facilities for the convenience of the residents in the immediate vicinity of the district. The district is intended for uses that are designed and operated to be compatible in scale and appearance with nearby residential development.
- B.** It is intended that C-1 Districts be located along collectors or higher classification streets.
- C.** Uses should be limited to those which do not generate substantially increased traffic in the neighborhood.

### **SECTION 018.010 USE REGULATIONS**

The following table shows which uses are allowed in the C-1 District. For a summary of uses allowed in all Zoning Districts, see Article 007.000.

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single- Family Residence	C	
Multi-Family Residence	C	
Group Home, Class I (Limited) < 8 residents	C	
Group Home, Class I (General) 8-15 residents	C	
Group Home, Class II >15 residents	C	
Congregate Living	C	
<b>Civic/Institutional</b>		
Animal Shelter	C	
Cemetery	P	Compliance with RSMo.214
Crematorium	C	
Club or Lodge	P	
College or University	P	
Convalescent Services	P	
Cultural Services	P	
Day Care, Family (1-5 children/adults)	P	
Day Care, Group (6 or more children/adults)	P	
Day Care, Commercial (21 + children /adults)	P	
Guidance Service	P	
Hospital	P	
Library	P	
Parks & Recreation	P	

Taney County Zoning Regulations  
Article 018.000 – C-1 Neighborhood Commercial District

Postal Facility	P	
Religious Assembly, Standard	P	
Residential Treatment Facility	C	
Safety Services	P	
School, Primary	P	
School, Secondary	P	
Utility Service, Major	C	
Utility Service, Minor	P	
<b>Commercial</b>		
Agricultural Sales and Services	C	
Animal Services	P	
Archery Public Range, Indoor	P	
Auction House	P	
Bed and Breakfast (B & B)	C	
Business or Trade School	P	
Campground Recreational Vehicle Park	C	
Convenience Store	P	
Financial Services, with or without drive-through	P	
Firearms Sales, Retail	C	
Food Sales	P	
Funeral Services	P	
Greenhouse, Retail/ Wholesale	P	
Hotel-Motel	C	
Kennel, Commercial	C	
Liquor Sales	C	
Marina	P	
Medical Marijuana Facilities	P	
Nightly Rental	C	Subject to Article 024.000
Office	P	
Off-Premise Advertising	P	
Parking, Commercial	P	
Pawn Shop	P	
Personal Improvement Service	P	
Recreation+Entertainment, Indoor	P	
Recreation+Entertainment, Outdoor	C	
Repair Service, Consumer	P	
Restaurant, Fast Food	C	
Restaurant, General	C	
Retail Sales and Service	P	
Self-Service Storage	P	
Shooting Range, Indoor	C	Subject to Article 030.000
Telecommunications Facility	P	Subject to Article 034.020
Vehicle Service, General	C	
Vehicle Service, Limited	C	
Veterinary Services	C	

<b>Agricultural and Other Uses</b>		
Accessory Structure	P	Subject to Section 003.080
Crop Production	P	

Retail establishments not specifically enumerated within the Zoning District Use Standards Table, which are located within a completely enclosed building, may be approved as a Conditional Use Permit so long as the use is in conformance with the Statement of Intent (Section 023.001).

**SECTION 018.020 CONDITIONAL USE PERMIT REQUIREMENTS AND LIMITATIONS**

- A. A Conditional Use Permit is required for any uses and structures customarily accessory and incidental to a principal permitted use, except for uses not otherwise permitted in an M-1 District. Requirements and limitations regarding Conditional Use Permits shall be based on the following conditions:
  1. Size of the structure, amount of traffic generated and number of employees associated with the use.
  2. Impact of the use on the character of the surrounding neighborhood.
  3. Impact of the use on the surrounding natural environment.
  4. Operating hours of proposed use.
  5. Any other conditions deemed necessary by the Board of Adjustment.

**SECTION 018.030 OTHER REGULATIONS**

The following additional regulations shall apply in the C-1 district.

- A. Outdoor storage/display of equipment, materials and merchandise is prohibited.
- B. Lighting sources shall be designed and located so that the direct source of the light is shielded from view at all property lines abutting residential or agricultural Zoning Districts.
- C. Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions.
- D. Drive-through windows shall require review and approval in accordance with the Conditional Use Permit procedures of Article 023.000

- E.** Storage of items shall not constitute warehousing or distribution in the normal sense but shall be limited to that quantity of stock necessary to the normal administrative, service and sales functions.
- F.** Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least two hundred (200) feet from any property zoned residential or agricultural and one thousand (1,000) feet from buildings occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use is established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for relicensing certification.
  - 1.** Measurements shall be made between the exterior walls of the principal building in which alcoholic or cereal malt beverages are offered for on-premise consumption and the nearest property line of the existing property occupied as a church or school of general instruction or zoned residential or agricultural.

**SECTION 018.040 USE LIMITATIONS**

- A.** All activities and permitted uses except off-street parking and loading facilities, cemeteries and those permitted with Conditional Use Permits shall be conducted entirely within a completely enclosed building.
- B.** No permitted use shall have a floor area open to the public, including display, service and sales, greater than four thousand (4,000) square feet.
- C.** No accessory use shall have a floor area (excluding garage) exceeding four thousand (4,000) square feet.
- D.** No construction of any type of dwelling unit shall be allowed as a principal permitted use.
  - 1.** However, any dwelling unit legally existing in the C-1 District at the time of adoption of these Zoning Regulations, or any amendment there to, shall not be classified as a nonconforming use.

**SECTION 018.050 BULK AND INTENSITY OF USE RESTRICTIONS**

	<b>Min. Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations</b>	<b>Min. Frontage</b>	<b>Front Setback County or Subdivision Road</b>	<b>Front Setback Numbered State or Federal Highway</b>	<b>Front Setback Lettered State or Federal Highway</b>	<b>Side Setback</b>	<b>Side Setback Corner Lot County or Subdivision Road</b>	<b>Side Setback Corner Lot State or Federal Highway</b>	<b>Rear Setback</b>
Principal structure served by public sewer and water	8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Principal structure without public sewer and water	2 acres	70 feet	25 feet	50 feet	35 feet	7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by individual well and approved on-site sewage system	2 acres	70 feet	25 feet	50 feet	35 feet	7 feet	12 1/2 feet	25 feet	5 feet
Non-Inhabitable Accessory Structure on a lot served by a central or public sewer system	8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 1/2 feet	25 feet	5 feet

**A. Maximum Structure Height:**

1. Principal building: Thirty (30) feet.
2. Accessory structure: Twenty-five (25) feet.

**B. Maximum Lot Coverage (All structures):**

1. Up to fifty percent (50%) of the total lot area may be covered with structures (both primary structures and accessory structures).

## **SECTION 018.060            OPEN SPACE REQUIREMENTS**

### **A.     Minimum Open Space:**

1.     Not less than thirty (30) percent of the total lot area shall be devoted to open space including required setbacks and buffer yards.
2.     Open space shall not include areas covered by structures, parking areas, driveways and internal streets.

### **B.     Maximum Impervious Surface:**

1.     The combined area occupied by all permitted and accessory structures, paved parking areas and any other surfaces which reduce and prevent absorption shall not exceed seventy (70) percent of the total area.

## **SECTION 018.070            DESIGN REQUIREMENTS**

### **A.     A site plan, showing the overall concept of the proposed use must be submitted and approved by the Planning & Zoning Department. At a minimum, the site plan must include the following:**

1.     A legal description or a survey completed by a Registered Land Surveyor.
2.     The type of structure to be built.
3.     The classification of the business.
4.     All dimensions of proposed building, accessory uses, drives, and parking areas.
5.     The surrounding land use and zoning classification.

### **B.     A landscaping plan, meeting all requirements in effect in the Zoning Regulations at the time of application for permits.**

### **C.     All structures in the C-1 Zoning District shall be constructed in a complementary nature of the most restrictive residential Zoning District abutting the property.**

1.     All materials, surface textures and colors should be compatible with the residential Zoning District it is intended to complement.
2.     If no residential development abuts the property, materials and colors shall be similar to the closest residential development to the proposed site.



- 3.** The following criteria will be considered in determining compatibility:
  - a.** Roof lines;
  - b.** Scale;
  - c.** Orientation; and
  - d.** Proportion of surrounding development.
- 4.** Design review shall be performed as part of site plan review.
- D.** Refuse disposal areas shall be landscaped and screened in accordance to landscape plans.
- E.** Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view.
- F.** Lighting shall be designed to reflect away from adjacent residential areas.

## ARTICLE 019.000 C-2 GENERAL COMMERCIAL DISTRICT

### SECTION 019.001 STATEMENT OF INTENT

- A. The C-2 General Commercial District is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and service facilities serving a larger community trade area.

### SECTION 019.010 USE REGULATIONS

The following table shows which uses are allowed in the C-2 District. For a summary of uses allowed in all Zoning Districts, see Article 007.000

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Residential</b>		
Single-Family Residence	C	
Multi-Family Residential	C	
Group Home, Class I (Limited) < 8 residents	C	
Group Home, Class I (General) 8-15 residents	C	
Group Home, Class II >15 residents	C	
Congregate Living	P	
Transitional Housing	C	
<b>Civic/Institutional</b>		
Animal Shelter	P	
Cemetery	P	Compliance with RSMo.214
Crematorium	P	
Club or Lodge	P	
College or University	P	
Convalescent Services	P	
Cultural Services	P	
Day Care, Family (1-5 children/adults)	P	
Day Care, Group (6 or more children/adults)	P	
Day Care, Commercial (21 + children /adults)	P	
Guidance Service	P	
Hospital	P	
Library	P	
Parks & Recreation	P	
Postal Facility	P	
Recycling Collection, Drop-Off	C	
Religious Assembly, Standard	P	
Religious Assembly, Large	P	
Residential Treatment Facility	P	
Safety Services	P	
School, Primary	P	

School, Secondary	P	
Utility Service, Major	C	
Utility Service, Minor	P	
<b>Commercial</b>		
Adult Entertainment Business	C	
Agricultural Sales /Services	P	
Amusement Park	C	
Animal Services	P	
Archery Range Public, Indoor	P	
Auction House	P	
Bar or Lounge	P	
Bed and Breakfast (B & B)	C	
Business or Trade School	P	
Campground Recreational Vehicle Park	P	
Construction Sales/Services	P	
Convenience Store	P	
Financial Services, with or without drive-through	P	
Firearms Sales, Retail	P	
Food Sales	P	
Funeral Services	P	
Greenhouse, Retail/ Wholesale	P	
Hotel-Motel	P	
Kennel, Commercial	P	
Landscaping and Lawn Care Service	P	
Liquor Sales	P	
Marina	P	
Medical Marijuana Dispensary Facility	P	
Medical Marijuana Infused Manufactured Type 2	P	
Medical Marijuana Testing Facility	P	
Medical Marijuana Transportation Facility	P	
Motorized Vehicle Tracks, Public	C	
Nightly Rental	P	
Office	P	
Off-Premise Advertising	P	
Parking, Commercial	P	
Pawn Shop	P	
Personal Improvement Service	P	
Recreational Equipment Storage, Commercial	P	
Recreation+Entertainment, Indoor	P	
Recreation+Entertainment, Outdoor	P	
Repair Service, Consumer	P	
Restaurant, Fast Food	P	
Restaurant, General	P	
Retail Sales+Service	P	
Self-Service Storage	P	

Service Station	P	
Shooting Range, Indoor	P	Subject to Article 030.000
Shooting Range, Outdoor	C	Subject to Article 030.000
Telecommunications Facility	P	Subject to Article 034.020
Utility and Stock Trailer Sales	P	
Vehicle Repair, General	P	
Vehicle Sales/Rental	P	
Vehicle Service, Limited	P	
Vehicle Storage	P	
Veterinary Services	P	
<b>Industrial</b>		
Wholesale Sales	C	
<b>Agricultural and Other Uses</b>		
Accessory Structure	P	Subject to Section 003.080
Crop Production	P	
Wineries and Breweries	C	
Zoological Public or Private	C	

Retail establishments not specifically enumerated within the Zoning District Use Standards Table, which are located within a completely enclosed building, may be approved as a Conditional Use Permit so long as the use is in conformance with the Statement of Intent (Section 023.001).

**SECTION 019.020 ACCESSORY USES**

- A. Any accessory use or structure, not otherwise prohibited, customarily accessory and incidental to principal permitted use.

**SECTION 019.030 OTHER REGULATIONS**

The following additional regulations shall apply in the C-2 district.

- A. Premises selling alcoholic or cereal malt beverages for on-premise consumption shall be located at least two hundred (200) feet from any property zoned residential or agricultural and a thousand (1,000) feet from buildings occupied as a church or school of general instruction. However, if any residential, church or school of general instruction use is established after such premises have been licensed for selling alcoholic or cereal malt beverages for on-premise consumption, then such premises shall be deemed to comply with this subsection for relicensing certification.
  - 1. Measurements shall be made between the exterior walls of the principal building in which alcoholic or cereal malt beverages are offered for on-premise consumption and the nearest property line

of the existing property occupied as a church or school of general instruction or zoned residential or agricultural.

#### **SECTION 019.040   CONDITIONAL USE PERMIT REQUIREMENTS AND LIMITATIONS**

- A.** Requirements and limitations regarding Conditional Use Permits shall be based on the following conditions:
  - 1.** Size of the structure, amount of traffic generated and number of employees associated with the use.
  - 2.** Impact of the use on the character of the surrounding neighborhood.
  - 3.** Impact of the use on the surrounding natural environment.
  - 4.** Operating hours of proposed use.
  - 5.** Any other conditions deemed necessary by the Planning Commission.

#### **SECTION 019.050           USE LIMITATIONS**

- A.** No uses shall be allowed which are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, glare, vibration, refuse matter or water-carried waste.
- B.** No construction of any type of dwelling unit shall be allowed as a principal permitted use.
  - 1.** However any dwelling unit legally existing in the C-2 District on the effective date of these Zoning Regulations shall not be classified as a nonconforming use.

**SECTION 019.060 BULK AND INTENSITY OF USE RESTRICTIONS**

	<b>Min. Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations</b>	<b>Min. Frontage</b>	<b>Front Setback County or Subdivision Road</b>	<b>Front Setback Numbered State or Federal Highway</b>	<b>Front Setback Lettered State or Federal Highway</b>	<b>Side Setback</b>	<b>Side Setback Corner Lot County or Subdivision Road</b>	<b>Side Setback Corner Lot State or Federal Highway</b>	<b>Rear Setback</b>
Principal structure served by public sewer and water	8,000 square feet	70 feet	25 feet	50 feet	35 feet	None unless adjacent to a more restrictive district , then 7 feet	12 ½ feet	25 feet	10 feet
Principal structure without public sewer and water	2 acres	100 feet	25 feet	50 feet	35 feet	None unless adjacent to a more restrictive district , then 7 feet	12 ½ feet	25 feet	10 feet
Non-Inhabitable Accessory Structure on a lot served by individual well and approved on-site sewage system	2 acres	70 feet	25 feet	50 feet	35 feet	7 feet	12 1/2 feet	7 feet	5 feet
Non-Inhabitable Accessory Structure on a lot served by a central or public sewer system	8,000 square feet	70 feet	25 feet	50 feet	35 feet	7 feet	12 1/2 feet	7 feet	5 feet

**A. Maximum Structure Height:**

1. Principal building: Forty-five (45) feet:
2. Accessory structure: Twenty-five (25) feet.

**B. Maximum Lot Coverage (All structures):**

1. Up to fifty percent (50%) of the total lot area may be covered with structures (both primary structures and accessory structures) .
2. Lots without public water and sewer service must have one hundred (100) feet of road frontage.

**SECTION 019.070 OPEN SPACE REQUIREMENTS**

**A. Minimum Open Space:**

1. Not less than thirty (30) percent of the total lot area shall be devoted to open space, including required setbacks.
2. Open space shall not include areas covered by:
  - a. Structures;
  - b. Parking areas;
  - c. Driveways; and
  - d. Internal streets.

**B. Maximum Impervious Surface:**

1. The combined area occupied by all permitted and accessory structures, paved parking areas and any other surfaces that reduce and prevent absorption shall not exceed seventy percent (70%) of the total area.

**SECTION 019.080 DESIGN REQUIREMENTS**

- A. A site plan, showing the overall concept of the proposed use must be submitted and approved by the Planning & Zoning Department. At a minimum, the site plan should include the following:
  1. A legal description or a survey completed by a Registered Land Surveyor;
  2. All dimensions of proposed building, accessory uses, drives, and parking areas; and
  3. The surrounding land use and zoning classification.
- B. A landscaping plan, meeting all requirements in effect in the Zoning Regulations at the time of application for permits.
- C. Refuse disposal areas shall be landscaped and screened in accordance to landscape plans.

- D.** Mechanical and electrical equipment, including air conditioning units, shall be designed, installed and operated to minimize noise impact on surrounding property. All such equipment shall be screened from public view.
- E.** Lighting shall be designed to reflect away from adjacent residential areas.



## **ARTICLE 020.000 M-1 LIGHT MANUFACTURING OR INDUSTRIAL DISTRICT**

### **SECTION 020.001 STATEMENT OF INTENT**

The M-1 Light Manufacturing or Industrial District is designed to accommodate those manufacturing establishments that are either:

- A.** Free of objectionable influences in their operation and appearance, or
- B.** That can readily obviate or control any objectionable features that may otherwise result from the manufacturing processes by installation of appropriate abatement devices.

### **SECTION 020.010 PRINCIPAL PERMITTED USES**

- A.** Any use permitted and as regulated in the C-2 District, except as is modified in this Section.
- B.** Except for uses and processes prohibited in these Zoning Regulations, principal permitted uses shall include the manufacturing, compounding, processing, packaging and assembling of products such as:
  - 1.** Bakery goods, candy, cosmetics, pharmaceuticals, toiletries and food products; except fish or meat products, sauerkraut, vinegar, yeast and the rendering and refining of fats or oils.
  - 2.** Products from the following previously prepared material: Bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, sheet metal yards (except where presses over twenty (20) tons rated capacity are employed).
  - 3.** Pottery and figurines, using previously pulverized clay, and kilns fired only with gas or electricity.
  - 4.** Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
  - 5.** Mechanical and electric appliances, instruments and devices, television sets, radios, phonographs.
  - 6.** Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.
  - 7.** Laboratories. Experimental, film, or testing laboratories, provided no operation shall be conducted or equipment used that would create hazards, noxious, or offensive conditions.

- C. The following uses, provided no part of a building occupied by such uses shall have any opening other than stationary windows or required fire exits, within five hundred (500) feet of any R residential District:
  - 1. Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise producing machine operated tools.
  - 2. Foundry, casting lightweight, non-ferrous metal or electric foundry, not causing noxious fumes or odors.
  - 3. Carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust and fumes.
  - 4. Ice manufacturing and cold storage plant; creamery and bottling plant.
  
- D. The following uses, when located not less than two hundred (200) feet from any Residential District:
  - 1. Inflammable liquids, underground storage only.
  - 2. Building materials sales yards, including concrete mixing, lumber yards, including mill work, open yards for storage and sale of feed and/or fuel.
  
- E. Any other use that is determined by the County Commission, to be of the same general character as the above permitted uses but not including any uses that are first permitted in an M-2 District, or that are prohibited in said Zoning District under Article 021.000

#### **SECTION 020.020 ACCESSORY USES**

- A. Any uses and structures customarily accessory and incidental to a principal permitted use, except for uses not otherwise permitted in an M-1 District.

#### **SECTION 020.030 CONDITIONAL USES REQUIRING PLANNING COMMISSION AUTHORIZATION**

- A. Adult entertainment establishments and uses as regulated in Article 027.000.
  
- B. When authorized by the Planning Commission, subject to Article 021.000, any use permitted in the M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District, subject to such conditions and requirements as may in the opinion of the Planning Commission, be necessary to protect adjacent property and prevent

conditions of which may become objectionable or offensive.

#### **SECTION 020.040            REQUIRED CONDITIONS**

- A.** All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building, provided that uses specified in Section 020.010 (D) (2) of this Article shall not be subject to this provision.
- B.** No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall be within one hundred (100) feet of any Residential District, and any space used for loading or unloading commercial vehicles in connection with such operation shall not be within one hundred (100) feet of any Residential District.

#### **SECTION 020.050            PROHIBITED USES**

- A.** Any use that is first permitted in the M-2 District, or that is prohibited in said Zoning District under Article 021.000.
- B.** No use shall be permitted or authorized to be established or maintained that, when conducted in compliance with the provisions of these Zoning Regulations and any additional conditions or requirements prescribed by the Planning Commission, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or waste.
- C.** Dwellings and residences of any kind, including hotels, motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-1 District on the effective date of these Zoning Regulations, or any amendment thereto, shall not be classified as a non-conforming use as defined in Article 003.000.

#### **SECTION 020.060            AREA REQUIREMENTS**

- A.** Dwellings or residential parts of non-residential buildings are not permitted in an M-1 District.
- B.** Existing dwellings or residential parts of existing nonresidential buildings without connection to a public sewer services may not be subdivided on lot(s) less than two (2) acres.
- C.** The following minimum area measurements shall be observed:

Taney County Zoning Regulations  
Article 020.000 – M-1 Light Manufacturing or Industrial District

	Min. Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations	Min. Frontage	Front Setback County or Subdivision Road	Front Setback State or Federal Highway	Side Setback	Side Setback Corner Lot County or Subdivision Road	Side Setback Corner Lot State or Federal Highway	Rear Setback	Rear Accessory Structure
Non-residential structure served by public sewer and water	None	70 feet	25 feet	50 feet	None, except where adjoining A or R districts, then not less than 25 feet each side	12 ½ feet	25 feet	10 feet	5 feet
Non-Residential structure without public sewer and water	None	100 feet	25 feet	50 feet	None, except where adjoining A or R districts, then not less than 100 feet each side	12 ½ feet	25 feet	10 feet	5 feet
Residential dwelling (existing)	2 acres	70 feet	25 feet	50 feet	7 feet	12 ½ feet	25 feet	10 feet	5 feet
Residential dwelling (new)			New residential construction not permitted						

**SECTION 020.070 USE REGULATIONS**

The following table shows which uses are allowed in the M-1 District. For a summary of uses allowed in all Zoning Districts, see Article 007.000

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Civic/Institutional</b>	
Animal Shelter	P
Cemetery	P Compliance with RSMo.214
Crematorium	P
Club or Lodge	P
College or University	P
Detention Facilities	C
Parks & Recreation	P
Postal Facility	P
Railroad Facility	C
Recycling Collection, Drop-Off	P

Taney County Zoning Regulations  
Article 020.000 – M-1 Light Manufacturing or Industrial District

Religious Assembly, Standard	P	
Religious Assembly, Large	P	
Safety Services	P	
Utility Service, Major	C	
Utility Service, Minor	P	
<b>Commercial</b>		
Adult Entertainment Business	C	
Agricultural Sales /Services	P	
Amusement Park	C	
Archery Range Public, Indoor	P	
Auction House	P	
Business or Trade School	P	
Construction Sales/Services	P	
Convenience Store	P	
Financial Services, with or without drive-through	P	
Firearms Sales, Retail	P	
Funeral Services	P	
Greenhouse, Retail/ Wholesale	P	
Kennel, Commercial	P	
Landscaping and Lawn Care Service	P	
Marina	P	
Medical Marijuana Cultivation	P	
Medical Marijuana Dispensary Facilities	P	
Medical Marijuana Infused Manufactured Type 1	P	
Medical Marijuana Infused Manufactured Type 2	P	
Medical Marijuana Testing Facility	P	
Medical Marijuana Transportation Facility	P	
Motorized Vehicle Tracks, Public	C	
Office	P	
Off-Premise Advertising	P	
Organic Recycling Facility (“Commercial Composting”)	C	
Parking, Commercial	P	
Recreational Equipment Storage, Commercial	P	
Recreation+Entertainment, Outdoor	P	
Repair Service, Consumer	P	
Restaurant, Fast Food	P	
Restaurant, General	P	
Retail Sales+Service	P	
Scrap and Salvage Service	C	
Self-Service Storage	P	
Service Station	P	
Shooting Range, Indoor	P	Subject to Article 030.000
Telecommunications Facility	P	Subject to Article 034.020
Utility and Stock Trailer Sales	P	

Taney County Zoning Regulations  
Article 020.000 – M-1 Light Manufacturing or Industrial District

Vehicle Repair, General	P	
Vehicle Sales/Rental	P	
Vehicle Service, Limited	P	
Vehicle Storage	P	
Veterinary Services	P	
<b>Industrial</b>		
Aviation and Surface Transportation	C	
Industrial Service/ Yard	C	
Manufacturing and Production	P	
Warehouse and Freight Movement	P	
Wholesale Sales	P	
<b>Agricultural and Other Uses</b>		
Accessory Structure	P	Subject to Section 003.080
Air Strip, Private	C	
Animal Production	P	
Animal Refuge Public or Private	C	
Crop Production	P	
Horticultural	P	
Recycling Center	C	
Wineries and Breweries	C	
Waste Related Use	C	
Zoological, Public or Private	C	

## **ARTICLE 021.000 M-2 GENERAL MANUFACTURING OR INDUSTRIAL DISTRICT**

### **SECTION 021.001 STATEMENT OF INTENT**

- A.** The M-2 General Manufacturing or Industrial District is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the M-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls.
- B.** Certain offensive uses permitted in this Zoning District must observe greater setback and setback requirements when adjacent to residential areas.

### **SECTION 021.010 PRINCIPAL PERMITTED USES**

- A.** Any use permitted in an M-1 District or permitted in certain parts subject to Planning Commission authorization or this is not prohibited in the M-2 District by this Article or by any other law or order.
- B.** Any of the following uses, when located not less than three hundred (300) feet from any R District, and not less than one hundred (100) feet from any other Zoning District, except a M-1 District.
  - 1.** Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
  - 2.** Automobile assembly.
  - 3.** Bleaching, cleaning and dyeing of large scale production.
  - 4.** Boiler shops, machine shops, structure steel fabricating shops, railway care or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty (20) tons rated capacity.
  - 5.** Brewing or distilling of liquors.
  - 6.** Brick, pottery, tile and terra cotta manufacturing.
  - 7.** Bulk station.
  - 8.** Candle or sperm oil manufacturing.
  - 9.** Coal yards.
  - 10.** Cooperage works.

11. Dextrin, starch or glucose manufacturing.
12. Disinfectant, insecticide or poison manufacturing.
13. Dye and dyestuff manufacturing.
14. Enameling, lacquering or japanning.
15. Emery cloth or sandpaper manufacturing.
16. Felt manufacturing.
17. Flour or grain mill.
18. Forge or foundry works.
19. Gas generation or storage for illumination or heating.
20. Grain drying or poultry feed manufacturing, from refuse, mash or grain.
21. Hair or hair products manufacturing.
22. Lime or lime products manufacturing.
23. Linoleum, oil cloth or oiled goods manufacturing.
24. Match manufacturing.
25. Meat packing; but not stockyards or slaughterhouses.
26. Oil, paint, shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine.
27. Paper and pulp manufacturing.
28. Perfume manufacturing.
29. Pickle, sauerkraut or sausage manufacturing.
30. Plaster manufacturing.
31. Poultry slaughterhouse, including packing and storage for wholesale.
32. Printing ink manufacturing.
33. Radium extraction.
34. Sandblasting or cutting.
35. Sawmill, the manufacture of excelsior, wood fiber or sawdust products.
36. Shoe blacking or polish or stove polish manufacturing.



37. Soap manufacturing.
  38. Steam power plant, except where necessary to a permitted principal use.
  39. Sugar refining.
  40. Tar distillation or manufacturing.
  41. Vinegar manufacturing.
  42. Wire or rod drawing-nut, screw or bolt manufacturing.
  43. Yeast manufacturing.
- C. Any other use that is determined by the County Commission to be of the same general character of the above permitted uses.
- D. Adult entertainment establishments and uses as regulated in Article 027.000.

**SECTION 021.020 CONDITIONAL USES REQUIRING PLANNING  
COMMISSION AUTHORIZATION**

- A. Sewage disposal plants.
- B. Storage, drying, cleaning of iron, junk, rags, glass, cloth, paper or clippings, including sorting, refining, bailing, wood pulling and scouring.
- C. Any other use that in the opinion of the Planning Commission is of a similar character to these specified.
- D. Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any Residential District, and not less than two hundred (200) feet from any other Zoning District except an M-1 District; and unless authorized by the Planning Commission as provided in Article 020.000 subject to such conditions and requirements as may in the opinion of the Planning Commission be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.
1. Ammonia, chlorine, or bleaching powder manufacturing.
  2. Animal black, lamp black, bone black or graphite manufacturing.
  3. Celluloid or pyroxylin manufacturing, or explosive or inflammable cellulose or pyroxylin products manufacturing or storage.
  4. Cement, lime gypsum or plaster of paris manufacturing.
  5. Creosote manufacture or treatment.

6. Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacturing of gas.
7. Explosives manufacture or storage for small arms ammunition.
8. Fertilizer, compost manufacture or storage.
9. Fish curing, smoking or packing, fish oil manufacturing or refining.
10. Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage, salvage yards.
11. Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal or offal.
12. Petroleum or inflammable liquids production, refining and storage above ground.
13. Rubber, caoutchouc or gutta percha manufacture and treatment from crude or scrap material.
14. Slaughtering of animals or stockyards.
15. Smelting of ferrous or non-ferrous ores.
16. Storage, curing or tanning of raw, green or salted hides and skins.
17. Sulphurous, sulfuric, nitric, picric, carboic or hydrochloric or other corrosive acid manufacture.
18. Any other use that in the opinion of the Planning Commission is of a similar character to those specified above.

**SECTION 021.030            ACCESSORY USES**

- A. Accessory uses and structures permitted and as regulated in the M-1 District except as is modified by this Section.
- B. Other uses and structures customarily accessory and incidental to a permitted principal use, except of a type that is permitted only subject to Board of Adjustment authorization.
- C. Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board of Adjustment as provided by Article 049.000, subject to such conditions and requirements as may, in the opinion of the Board of Adjustment , be necessary to protect adjacent property and prevent conditions that may become noxious or offensive.

**SECTION 021.040                      REQUIRED CONDITIONS**

- A.     The requirement that certain business, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted under Article 020.000 in the M-1 District.
  - 1.     Any such use may be conducted in the M-2 District within or without a building or enclosure, subject to any applicable distance limitations set forth in Article 021.000
- B.     All junk or salvage yards shall be enclosed by a solid board fence or wall not less than ten (10) feet high of new material and well maintained.

**SECTION 021.050                      PROHIBITED USES**

- A.     Dwellings and residences of any kind,
  - 1.     Including hotels, motels, mobile home parks, schools, hospitals, clinics, and other institutions for human care, except where incidental to a permitted principal use;
  - 2.     Provided, however, that any of the aforesaid uses legally existing in the M-2 District on the effective date of these Zoning Regulations, or any amendment thereto, shall not be classified as a non-conforming use as defined in Article 003.010
- B.     No use shall be permitted or authorized to be established or maintained that, when conducted in compliance with the provisions of these Zoning Regulations and any additional conditions or requirements prescribed by the Planning Commission, is or may become hazardous, noxious or offensive due to the emission of odor, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.
- C.     Any use that produces more than one thousand five hundred (1,500) gallons of wastewater per day without being connected to a public sewer system.

**SECTION 021.060                      AREA REQUIREMENTS**

- A.     Dwellings or residential parts of non-residential buildings are not permitted in an M-2 District.
- B.     Existing dwellings or residential parts of existing nonresidential buildings without public sewer service may not be subdivided on lot(s) less than three (3) acres.
- C.     The following minimum area measurements shall be observed:

Taney County Zoning Regulations  
Article 021.000 – M-2 General Manufacturing or Industrial District

	Min. Lot Size if Subdivided per Table 1 Taney County Subdivision Regulations	Min. Frontage	Front Setback County or Subdivision Road	Front Setback State or Federal Highway	Side Setback	Side Setback Corner Lot County or Subdivision Road	Side Setback Corner Lot State or Federal Highway	Rear Setback	Rear Accessory Structure
Non-residential structure served by public sewer and water	None	70 feet	25 feet	50 feet	None, except where adjoining A or R districts, then not less than 25 feet each side	12 ½ feet	25 feet	10 feet	5 feet
Non-Residential structure without public sewer and water	None	100 feet	25 feet	50 feet	None, except where adjoining A or R districts, then not less than 100 feet each side	12 ½ feet	25 feet	10 feet	5 feet
Residential dwelling (existing)	2 acres	70 feet	25 feet	50 feet	7 feet	12 ½ feet	25 feet	10 feet	5 feet
Residential dwelling (new)			New residential construction not permitted						

**SECTION 021.070 USE REGULATIONS**

The following table shows which uses are allowed in the M-2 District. For a summary of uses allowed in all Zoning Districts, see Article 007.000

P = Permitted by-right; C= Allowed only if reviewed and approved as a Conditional Use (See Article 023.000)

<b>Civic/Institutional</b>	
Animal Shelter	P
Cemetery	P Compliance with RSMo.214
Crematorium	P
Club or Lodge	P
College or University	P
Detention Facilities	C
Parks & Recreation	P
Postal Facility	P
Railroad Facility	P
Recycling Collection, Drop-Off	P
Religious Assembly, Standard	P

Taney County Zoning Regulations  
Article 021.000 – M-2 General Manufacturing or Industrial District

Religious Assembly, Large	P	
Safety Services	P	
Utility Service, Major	P	
Utility Service, Minor	P	
<b>Commercial</b>		
Adult Entertainment Business	C	
Agricultural Sales /Services	P	
Amusement Park	C	
Archery Range Public, Indoor	P	
Business or Trade School	P	
Construction Sales/Services	P	
Convenience Store	P	
Financial Services, with or without drive-through	P	
Firearms Sales, Retail	P	
Funeral Services	P	
Greenhouse, Retail/ Wholesale	P	
Kennel, Commercial	P	
Landscaping and Lawn Care Service	P	
Marina	P	
Medical Marijuana Cultivation	P	
Medical Marijuana Dispensary Facilities	P	
Medical Marijuana Infused Manufactured Type 1	P	
Medical Marijuana Infused Manufactured Type 2	P	
Medical Marijuana Testing Facility	P	
Medical Marijuana Transportation Facility	P	
Motorized Vehicle Tracks, Public	C	
Office	P	
Organic Recycling Facility (“Commercial Composting”)	C	
Off-Premise Advertising	P	
Parking, Commercial	P	
Recreational Equipment Storage, Commercial	P	
Recreation+Entertainment, Outdoor	P	
Repair Service, Consumer	P	
Restaurant, Fast Food	P	
Restaurant, General	P	
Scrap and Salvage Service	C	
Self-Service Storage	P	
Service Station	P	
Telecommunications Facility	P	Subject to Article 034.020
Utility and Stock Trailer Sales	P	
Vehicle Repair, General	P	
Vehicle Sales/Rental	P	
Vehicle Service, Limited	P	
Vehicle Storage	P	

Taney County Zoning Regulations  
 Article 021.000 – M-2 General Manufacturing or Industrial District

Veterinary Services	P	
<b>Industrial</b>		
Aviation and Surface Transportation	P	
Industrial Service/ Yard	P	
Manufacturing and Production	P	
Warehouse and Freight Movement	P	
Wholesale Sales	P	
<b>Agricultural and Other Uses</b>		
Accessory Structure	P	Subject to Section 003.080
Air Strip, Private	C	
Animal Production	P	
Animal Refuge Public or Private	C	
Crop Production	P	
Horticultural	P	
Recycling Center	P	
Soil Extractions	P	
Wineries and Breweries	P	
Waste Related Use	P	
Zoological, Public or Private	P	

## **ARTICLE 022.000 PUD PLANNED UNIT DEVELOPMENT**

### **SECTION 022.001 STATEMENT OF INTENT**

- A.** A Planned Unit Development (PUD) is a type of overlay Zoning District and a type of development plan that primarily address the issues of mixed-use or cluster development. PUD Zoning Districts are inextricably linked to PUD plans in that no rights of development apply to a PUD zoning designation other than those of the approved PUD plan.
- B.** The Planned Unit Development is calculated to promote flexibility and more inventive design than is generally possible under customary Zoning Regulations.
- C.** It is hereby intended to permit Planned Unit Developments upon application and upon approval of site and use plans.
  - 1.** Suitability of such tracts for a Planned Unit Development designation shall be determined by and shall be made according to the provisions of the Comprehensive Development Plan, and designed to;
    - a.** Lessen congestion in the streets;
    - b.** Secure safety from fire, panic, and other dangers;
    - c.** Promote health and the general welfare;
    - d.** Provide adequate light and air, to prevent the overcrowding of land;
    - e.** Avoid undue concentration of population;
    - f.** Preserve features of historical significance; and
    - g.** Facilitate the adequate provision of transportation, water, sewerage, schools, parks, other public requirements.
  - 2.** With a reasonable consideration being given to, among other things, the character of the Zoning District and its peculiar suitability for particular uses, and with a view to conserving the land throughout the County.
- D.** In a Planned Unit Development, the regulations that are imposed are intended to accomplish the same purposes as do Zoning Regulations and other applicable regulations in Zoning Districts that are developed on a lot-by-lot basis, rather than on a unified basis.

- E.** Nothing in this Section shall be construed to prevent an applicant from submitting, at his or her option, a subdivision plat or site plan for simultaneous review with the Planned Unit Development Plans.

## **SECTION 022.010            GENERAL PROCEDURES**

- A.** Pre-Application Conference.
  - 1.** A Pre-Application Conference is an informal procedure to assist the applicant in meeting various requirements of Taney County and to provide a preview of the proposed Planned Unit Development’s conceptual layout.
  - 2.** To obtain further information in connection with the preparation of the Planned Unit Development application, each applicant shall confer with representatives from the Planning & Zoning Department and any other pertinent agency.
- B.** The PUD Concept Plan shall be prepared in compliance with the directives stated herein.
  - 1.** The owners of a tract of land located in any Zoning District containing no less than five (5) acres may apply for a Planned Unit Development (PUD) and submit for the Planning Commission’s review, a Concept Plan for the use and development of such tract of land for a Planned Unit Development project.
  - 2.** In accepting such a plan for review, the Planning Commission must be satisfied that the proponents of the Planned Unit Development (PUD) project intend to complete it within a reasonable time as determined by the Planning Commission.
  - 3.** Such plan shall be prepared by a registered engineer or architect and shall contain, at a minimum, the following information:
    - a.** A legal description of the proposed PUD project with total number of acres in the project and the number of acres allocated for each respective land use for the proposed PUD.
    - b.** A written report describing the overall concept of the plan (including supporting graphics). At a minimum the plan shall include the following information:
      - (1)** The total land area, expressed in acres and as a percentage of the total area at full development to be devoted to various land uses and intensities.
      - (2)** The approximate total number of dwelling units proposed by type of structure and approximate



number of bedrooms for multi-family units.

- (3) Square footage devoted to non-residential uses.
- (4) The gross and net residential density within the project and within each component of the Zoning District. Flood area and open space ratios, and other data relating to intensity of development.
- (5) The proposed number of off-street parking and loading spaces for each use.
- (6) A generalized description of water service, sanitary sewerage, utilities, management of storm water runoff, maintenance of common areas, and other essential services.

C. A PUD site plan illustrating the requested use allocations and their respective location within the Zoning District. The plan shall include, at a minimum, the following:

1. A general land use plan with a description of the type, location, and nature of each land use allocation within the Zoning District.
2. A circulation plan which illustrates both external and internal traffic ways, including proposed and existing right-of-ways, pedestrian travel ways, and other transportation improvements.
3. A generalized landscape plan including buffers, perimeter treatments, and berming, and screening of adjacent properties.
4. A sign plan that coordinates the size, location, and illumination of signs proposed within the Zoning District.
5. A PUD improvement plan including potential problems and proposed solutions to:
  - a. Wastewater disposal.
  - b. Storm water disposal and/or interior drainage.
  - c. Water supply and supplier.
  - d. Electrical supply and supplier.
  - e. Soils and geological conditions.
  - f. Topography.

6. A final PUD development plan will be required only if the County Commission or the Planning Commission determines that a final and more detailed development plan is required to adequately safeguard the public interest.

## **SECTION 022.020 PERMITTED USES**

- A. A Planned Unit Development shall specify both for the project as a whole and/or for subareas within the project, as appropriate, those principal and accessory uses that are to be permitted, and may include or exclude uses from the Planned Unit Development or include uses with conditions as appropriate to achieve the intent of these provisions.
- B. In making its determination of the uses to be permitted within the Planned Unit Development, the County Commission may consider:
  1. The compatibility and relationship of permitted uses adjoining or in proximity to the Planned Unit Development;
  2. The appropriateness of permitted uses for the area in general;
  3. Their overall impact on the community; and
  4. The consistency of the permitted uses with the Master Plan and other adopted plans and policies.

## **SECTION 022.030 REGULATIONS**

- A. The Development Plan shall contain provisions to regulate the intensity of development within the Planned Unit Development. Such provisions may apply to the project as a whole or to subareas within the project as appropriate.
- B. The following regulations shall apply to Planned Unit Developments:
  1. For non-residential development, the intensity of development may be regulated:
    - a. By specifying maximum square footage or gross leasable area;
    - b. By specifying setbacks, height and bulk restrictions; or
    - c. By a combination of such restrictions for the project as a whole or for components or subareas within the project.
  2. In addition, non-residential Development Plans may specify performance standards to be imposed on the project and restrictions regarding the location and nature of industrial, commercial and other non-residential activities.

3. The County Commission may impose such Standards and restrictions necessary to achieve the intent of this Article.
4. In making its determination regarding the intensity of development and appropriate performance standards, the Planned Unit Development may consider:
  - a. The character and scale of similar developments;
  - b. The character and scale of surrounding development, and the area in general;
  - c. The real or anticipated impact on public facilities and services; and
  - d. Consistency with the Master Plan and other adopted plans and policies.

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

<u>Zoning District</u>	<u>Maximum Residential Density</u>
A-1 Agricultural	1 dwelling unit/2 acres
RR-1 Rural Residential	1 dwelling unit/2 acres
R-1 Single-Family Residential	1 dwelling units/acre – On-Site System 5 dwelling units/acre – Sewer
R-2 One & Two-Family Residential	1 dwelling unit/acre-On Site Waste Water 5 dwelling units/acre - Sewer
R-3 Multi-Family Residential	22 dwelling units/acre
NR-1 Single-Family Residential Nightly Rental District	1 dwelling units/ acre – On-Site System 5 dwelling units/acre – Sewer
NR-3 Multi-Family Residential Nightly Rental District	22 dwelling units/acre

1. The permitted number of dwelling units may be distributed in any manner over the residential portion of the project consistent with the intent and provisions of this Article.
2. The Development Plan shall specify distribution of residential density for the project as a whole or for subareas within the project as appropriate.

- D.** In making its determination regarding the distribution of residential densities, the County Commission may consider:
  - 1.** The compatibility of residential densities with other uses within the Zoning District as well as outside the Zoning District;
  - 2.** The impact of residential densities on public facilities and services; and
  - 3.** The consistency with the Master Plan and other adopted plans and policies.
  
- E.** The Planned Unit Development design shall specify:
  - 1.** Conditions, restrictions and standards relating to the timely provisions of necessary public facilities as appropriate.
  - 2.** The County Commission may impose conditions, restrictions and standards as appropriate to achieve the intent of these regulations.
  - 3.** In making its determination regarding such conditions, restrictions and standards, the County Commission may consider:
    - a.** The adequacy of existing facilities;
    - b.** The timely provision of adequate facilities;
    - c.** The impact of the proposed development on existing and/or planned facilities;
    - d.** The overall cost to the community; and
    - e.** Approved water and sewer systems shall be required.
  
- F.** The Planned Unit Development design shall specify the location and general design of ingress and egress to the project along with access restrictions as appropriate.
  - 1.** The County Commission may impose such access standards and restrictions as necessary to protect the integrity and function of the County's thoroughfare system and to otherwise achieve the intent of these regulations.
  - 2.** In making its determination regarding such access standards and restrictions, the County Commission may consider:
    - a.** The classification and function of the thoroughfare system, existing and projected traffic volumes;
    - b.** The condition and design of the affected thoroughfares;
    - c.** The effect of the proposed development on traffic flow and circulation patterns; and

- d.** The consistency with the Master Plan and other adopted plans and policies.
  - G.** Unless specifically modified by the Planned Unit Development design, the off-street parking and loading requirements contained within the Zoning Regulations shall apply.
    - 1.** Reductions in off-street parking and loading standards shall be approved only if it can be demonstrated that parking will be less due to:
      - a.** Design and/or occupancy characteristics of the project, and/or
      - b.** The availability of public transportation.
- H.** Unless specifically modified by the Planned Unit Development design, the sign regulations contained within the Zoning Regulations shall apply.
  - 1.** Modifications to the sign regulations shall be approved only if the general intent of the sign regulations regarding size, location, illumination, structural integrity and relation to surrounding uses is satisfied.
- I.** The Planned Unit Development shall specify any special treatment of perimeter areas designed to mitigate the impact of the project upon adjoining properties and/or to achieve any appropriate transition between land uses and densities.
  - 1.** The County Commission may impose such standards and requirements for perimeter treatment it deems necessary:
    - a.** To protect adjoining properties from adverse effects, and
    - b.** To achieve an appropriate transition of land uses and densities.

#### **SECTION 022.040 DETERMINATION**

- A.** Upon determination by the Planning Administrator that the proposed Planned Unit Development plan, as reviewed during the pre-application conference, appears to conform to the requirements of this Article and all other applicable requirements of these Zoning Regulations, the applicant shall prepare and submit a development plan which shall incorporate any changes or modifications required or suggested by the Planning Commission, and, if necessary, an application for a change of zoning.
  - 1.** The Planning Commission shall hold a public hearing on the proposed Planned Unit Development. If the Planned Unit Development design is found to comply with the requirements set forth in this Article and other applicable

provisions of these Zoning Regulations, the Planning Commission shall submit said plan with the required application by the proponents of the necessary change in classification of the site of the proposed Planned Unit Development together with its report and recommendation to the County Commission.

2. The County Commission may modify the plan consistent with the intent and meaning of these Zoning Regulations and may rezone the property to the classification permitting the proposed Planned Unit Development in substantial conformity with the final plan as approved by them.
3. After the Planned Unit Development design has been approved by the County Commission, and in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, loading areas, entrances, heights or setback requirements may be requested by the proponents and provided such requests conform to the standards established by the final Planned Unit Development design and these Zoning Regulations, such adjustments or rearrangements may be authorized by the County Commission upon recommendation by the Planning Commission.
4. Minor adjustments to the final Planned Unit Development design shall be an administrative function of the Planning Administrator. Preliminary and final plats will be required after Development Plan approval.
5. After the final Planned Unit Development design has been approved by the County Commission, and in the course of carrying out this plan, if the proponents deviate from the approved final Planned Unit Development design without proper authority, the project's development shall be stopped and the matter referred to the Taney County Commission for subsequent review.

## **ARTICLE 023.000   CONDITIONAL USES**

### **SECTION 023.001           STATEMENT OF INTENT**

A Conditional Use consists of a use of land, a building or structure that is permitted in a Zoning District only after approval is granted by the Planning Commission in accordance with the provisions of these Regulations.

A Conditional Use Permit authorizes the recipient to make use of property in accordance with the requirements of these Regulations as well as any additional requirements or conditions imposed upon the granting of said permit. A Conditional Use Permit is restricted to the individual recipient and is not transferable to another person or parcel of land.

### **SECTION 023.010   RECOMMENDATIONS, STANDARDS AND CRITERIA ON                                   CONDITIONAL USE PERMIT APPLICATIONS**

- A.    The Planning Commission shall have authority to allow any Conditional Use permitted within a particular Zoning District.
  
- B.    When presenting to the Planning Commission at a public hearing an application for a Conditional Use Permit shall be accompanied by a report setting forth the Planning and Zoning Administrator’s proposed findings and the other requirements of the Regulations, as well as uses on properties surrounding that of the applicant, and recommendations, if any, for additional conditions to be imposed by the Planning Commission.
  
- C.    If the Planning and Zoning Administrator proposes a finding that the application fails to comply with the requirements of the Regulations, the requirement(s) in question shall be identified and supporting reasons stated for the proposed finding or conclusions.
  
- D.    The Planning Commission may deny said application or may direct the Planning and Zoning Administrator to issue a Conditional Use Permit which shall set forth the conditions and restrictions imposed upon such permit by the Planning and Zoning Commission. The property where a Conditional Use Permit is granted shall not be used to establish compatibility for or with any future Conditional Use application.
  
- E.    The Planning Commission may grant or deny a Conditional Use Permit upon finding that the proposed use meets, or fails to meet, all requirements set forth in the section allowing such conditional use, and impose such conditions on the

issuance of a Conditional Use Permit as will, in the Planning Commission's judgment insure that:

1. The establishment, maintenance, or operation of the Conditional Use in its proposed location will not have a substantial adverse impact, be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
2. The Conditional Use will not injure the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially and materially cause substantial injury to property values within the area;
3. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the Zoning District;
4. The proposed use is compatible with adjacent uses in terms of scale, site design, and operating characteristics, including, but not limited to hours of operation, traffic generation, lighting, noise, odor, dusts, and other external impacts;
5. Adequate public safety, transportation and utility facilities and services, buffering, access roads, drainage, open spaces and other necessary public services will be available to serve the subject property while maintaining adequate levels of service for existing development.
6. Adequate access routes will be provided and designed to provide ingress and egress as to minimize traffic congestion on the public roads and to maximize traffic safety and prevent traffic hazards on the public roads;
7. The Conditional Use shall, in all other respects, conform to the Regulations and all of the requirements contained therein, including, but not limited to, any specific conditions relating to the proposed Conditional Use and the applicable regulations of the Zoning District in which the property is located.
8. The proposed use complies with the intent of the Master Plan.



**SECTION 023.020 LIMITATIONS OR CONDITIONS**

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

## **ARTICLE 024.000 NIGHTLY RENTALS**

### **SECTION 024.001 STATEMENT OF INTENT**

The purpose of this Article is to ensure that properties utilized for nightly rental are compatible with surrounding uses. Nightly Rentals have the potential to be incompatible with surrounding residential uses. Therefore, special regulation of Nightly Rental properties is necessary to ensure that the use will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

### **SECTION 024.010 DEFINITIONS**

#### **Nightly Rental**

A dwelling unit or portion thereof, including an attached or detached guest quarters, by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of 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.

#### **Bedroom**

With respect to Nightly Rental, a bedroom is a room utilized primarily for sleeping that shall have a floor area of not less than seventy (70) square feet, shall not be less than seven (7) feet in any horizontal direction and shall contain at a minimum a door, a window and a closet.

#### **Person**

For the purpose of establishing occupancy, is defined as an individual at least two (2) years of age.

#### **Remuneration**

Compensation, money, rent or other bargained for consideration given in return for occupancy, possession, or use of real property.

### **SECTION 024.020 REQUIREMENTS**

#### **A. Zoning Districts**

1. Nightly Rental is allowed as a permitted use in the following Zoning Districts: Single-Family Residential Nightly Rental Districts (NR-1), Multi-Family Residential Nightly Rental Districts (NR-3) and General Commercial (C-2) subject to compliance with the requirements of this Article.

2. Nightly Rental is allowed as a conditional use in the following Zoning Districts: Agricultural (A-1), Rural Residential (RR-1), (RV-1) Recreational Vehicle and (C-1) Neighborhood Commercial subject to approval and issuance of a Conditional Use Permit and compliance with the requirements of this Article.

**B. Required Signage**

A sign shall be posted within five (5) feet of the front door of each dwelling unit, both on the inside and on the outside of the dwelling unit, containing the following information:

1. The name and telephone number of the Local Representative.
2. The name and address of the Owner.
3. The contact information for the Planning Department and the Taney County Sheriff's office.
4. The maximum occupancy permitted.
5. The number of off-street parking spaces provided on the property, and the maximum number of vehicles allowed to be parked on the property.
6. The solid waste disposal collection day if provided by a solid waste company.

**C. 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. The maximum occupancy of a Dwelling Unit may not exceed twenty (20) persons.

**D. 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 additional 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 Conditional Use Permit identifying the location of the required off-street parking.

**E. 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.

**F. Lighting**

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

**G. 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.

**H. 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 Zoning Certificate.

**I. Fire Protection 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 adopted fire codes. Prior to the issuance of a Zoning Certificate, the Owner shall make all necessary alterations to the dwelling unit as required by the Fire District Official pursuant to the applicable adopted fire codes.

**J. 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, seven (7) days per week basis. The Local Representative may be the owner, a property management company representative, agent, designee or other person employed, authorized 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, seven (7) days per week basis.

**1. 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 Article 046.000 and may also lead to the revocation of the Conditional Use Permit.

**2. 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.

**3. 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 046.000 and may also lead to revocation of the Conditional Use Permit.

**K. Required Buffering**

A buffer shall be established between any structure utilized for Nightly Rental and any existing residential land use. The required buffer will be at the discretion of the Planning Commission.

**L. Additional Conditions and Considerations**

The Planning Commission may, at their discretion, impose additional conditions or stipulations that it deems necessary. The Planning Commission may consider the terms and provisions set forth in subdivision covenants and restrictions recorded that apply to the property or land on which the proposed Nightly Rental is located in making a determination as to whether to grant, deny, or place special conditions on the approval and issuance of a Conditional Use Permit.

**M. 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.

**N. All Nightly Rentals Shall Obtain a Conditional-Use Permit**

All Nightly Rentals, not located in Zoning District NR-1, NR-3 or C-2 shall require approval and issuance of a Conditional Use Permit.

**O. Revocation**

The Planning Department is hereby authorized to revoke any Nightly Rental Conditional 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.

**P. 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 a 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.

## **ARTICLE 025.000 HOME OCCUPATIONS**

### **SECTION 025.001 STATEMENT OF INTENT**

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

### **SECTION 025.010 RESIDENTIAL DISTRICTS**

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

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

- H.** Only one (1) nameplate will be allowed, subject to the following requirements:
  - 1.** A nameplate may display the name of the occupant and/or the name of the occupation;
  - 2.** A nameplate shall not exceed one (1) square foot in area;
  - 3.** Shall be non-illuminated; and
  - 4.** Shall not be erected in any required front or side setback area.
- I.** The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable Zoning District.
- J.** The following are typical examples of uses that often can be conducted within the limits of the restrictions established in this Section and thereby qualify as home occupations. Uses that qualify as "home occupations" are not limited to those named in this paragraph (nor does the listing of a use in this paragraph automatically qualify it as a home occupation):
  - 1.** Artists and sculptors.
  - 2.** Authors and composers.
  - 3.** Beauty shop - one (1) chair.
  - 4.** Dressmakers, seamstresses and tailors.
  - 5.** Family day care home, limited to not more than five (5) children.
  - 6.** Home crafts, such as model making, rug weaving, lapidary work and cabinet making.
  - 7.** Office facility of a minister, rabbi or priest.
  - 8.** Office facility of a sales person, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premise.
  - 9.** Office facility of an architect, artist, broker, dentist, physician, engineer, instructor in arts and crafts, insurance agent, land surveyor, lawyer, musician or real estate agent.
  - 10.** Music or dancing teachers, provided that the instruction shall be limited to four (4) pupils at any given time except for occasional groups.
  - 11.** The letting for hire of not more than two (2) rooms for rooming or boarding use for not more than two (2) persons, neither of whom is a transient.



- K.** The following uses shall not be permitted as home occupations due to the potential to beyond the limits and restrictions permitted for home occupations and thereby impairing the use and value of a residentially zoned area for residence purposes:
1. Animal hospitals
  2. Antique shops
  3. Auto repair
  4. Clinics or hospitals
  5. Dancing schools
  6. Gift shops
  7. Mortuaries
  8. Nursery schools
  9. Painting of vehicles, trailers or boats
  10. Private clubs
  11. Renting of trailers, boats or watercraft
  12. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras or other similar small items
  13. Restaurants
  14. Stables or kennels

## **SECTION 025.020      AGRICULTURAL DISTRICTS**

Home occupations are permitted as accessory uses in agricultural districts. The home occupations permitted in Article 025.000 will be considered principal uses. The home occupations permitted in the provisions for home occupations in residential districts will be considered accessory uses. Uses prohibited as home occupations in residential districts, as well as any other use deemed appropriate for a home occupation by the Planning Commission, may be permitted as home occupations in agricultural districts upon approval and issuance of a Conditional Use Permit.

- A.** A Conditional Use Permit may be granted for home occupations so long as the following conditions are observed:
1. No more than one (1) employee other than a member of the immediate family occupying the dwelling shall be employed.

- 2.** The home occupation must be conducted within the dwelling unit, the garage or an accessory building, subject to the following conditions:

  - a.** The detached garage or accessory building must not be larger than fifty (50) percent of the floor area of the dwelling,
  - b.** Must be located on the same tract of land as the dwelling, and
  - c.** Must be located farther than fifty (50) feet from the dwelling.
- 3.** The home occupation must not occupy more than fifty (50) percent of the floor area of one (1) story of the dwelling.
- 4.** The use shall not generate significantly greater volumes of traffic than would normally occur in the rural area. All parking shall be conducted off-street.
- 5.** Two (2) commercial vehicles associated with an agricultural home occupation may be parked on the property. Storage shall be in an appropriate manner. Additional screening may be required for vehicles over one (1) ton or vehicles with logos printed on the sides. Additional screening may include an enclosed garage, board fence (up to eight (8) feet tall) or vegetative screening.
- 6.** The outdoor display of goods or outside storage of materials used in the home occupation shall not be permitted.
- 7.** Only one (1) nameplate will be allowed, subject to the following requirements:

  - a.** The nameplate may display the name of the occupant and/or the name of the occupation;
  - b.** The nameplate shall not exceed four (4) square feet in area;
  - c.** Shall be non-illuminated; and
  - d.** Must be displayed on the same tract of land as the dwelling.
- 8.** The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference that would affect neighboring residences.
- 9.** The property must conform to all other agricultural district requirements, or if surveyed or platted prior to adoption of these Zoning Regulations, the dwelling or accessory building must be at least one hundred (100) feet from the nearest neighboring residence.

- 10.** Any other condition imposed by the Planning Commission.

## **ARTICLE 026.000 TEMPORARY STRUCTURES AND USES**

- A.** Any use designated as temporary for special events such as fairs, festivals, re-enactments, or outdoor concerts, roadside produce stands (not including those agricultural products grown on-site), but including other uses involving retail sales must have a Conditional Use Permit to be allowed in any Agricultural or Residential Zoning District .
1. Activities conducted as fund raising events for non-profit organizations such as churches, libraries and museums do not require a conditional use.
  2. The Planning Commission shall have authority to allow any conditional use proposed, subject to finding that such use is not inappropriate for the neighborhood and or for adjacent properties. The Planning Commission may make requirements, limitations or conditions with respect to the location, construction, maintenance and operation deemed reasonably necessary for the protection of the neighborhood or adjacent properties.
  3. No permit shall be granted for a period exceeding thirty (30) days except to promote seasonal sales or to allow a reasonable period in which to erect and take down temporary structures.
  4. A site plan must be submitted with all applications showing temporary structures, parking facilities and drives, emergency access easements and any applicable setbacks.
- B.** Special events for outdoor events must include provisions for public safety, assurance of sanitary conditions, and adequate site design to accommodate vehicles and traffic, pedestrians, and temporary structures. At minimum an applicant must include:
1. Provisions for adequate parking facilities;
  2. Estimates of the expected attendance for adequate restroom and wastewater disposal facilities;
  3. Access easements for ambulance and other emergency services to the entire special event area;
  4. A litter control plan identifying the location of all trash receptacles;
  5. Arrangements must be made for security or policing during and after the hours of the event; and
  6. Provisions must be made for any temporary street closure with the proper County office.

## **ARTICLE 027.000 ADULT ENTERTAINMENT FACILITIES**

### **SECTION 027.001 STATEMENT OF INTENT**

- A.** The purpose of these Zoning Regulations is to enact content-neutral regulations that address the adverse secondary effects of sexually-oriented businesses (adult entertainment establishments), in compliance with the requirements of the First Amendment.
- B.** The Master Plan and these Zoning Regulations require that adjacent land uses be compatible. It is the intent of this Article to require such compatibility when siting adult entertainment uses.
- C.** Adult entertainment land uses are considered incompatible with certain land uses, such as residences, religious facilities, day care facilities, libraries, youth centers, parks and schools, and should be separated and buffered from such uses. It is the intent of this Article to implement separation and buffering strategies protecting uses that are incompatible with adult entertainment uses.
- D.** Careful siting of adult entertainment uses is necessary to properly integrate such uses into compatible land use zones. It is the intent of this Article to carefully select certain zones for the adult entertainment uses that will minimize impacts to other land uses in the selected zones.
- E.** Careful site planning of adult entertainment uses is necessary to properly integrate adult entertainment businesses among non-adult entertainment uses to avoid conflicts that impact the desirability of the commercial area for existing uses. It is the intent of this Article to develop and require implementation of siting techniques to minimize land use impacts from adult entertainment uses upon surrounding land uses.

### **SECTION 027.010 ADULT ENTERTAINMENT DEFINITIONS**

#### **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/or which exclude minors by virtue of age.

**SECTION 027.020 ADULT ENTERTAINMENT BUSINESSES PERMITTED IN CERTAIN ZONING DISTRICTS SUBJECT TO CERTAIN RESTRICTIONS AND STANDARDS**

- A.** An adult entertainment business may be authorized by the Planning Commission as Conditional Uses in the following Zoning Districts subject to the standards and requirements of Section 4 of this Article and spacing requirements identified below:
- 1.** Zoning Districts permitted: C-2, M-1, or M-2 district.
  - 2.** Spacing and buffering requirements.
    - a.** No adult entertainment business shall be located closer than two thousand (2,000) feet from another adult entertainment business, whether such other facility is located within or outside the unincorporated area of Taney County.
    - b.** No adult entertainment facility shall be located, operated or maintained within one thousand (1,000) feet of any sensitive land uses, which includes property used for:
      - (1)** Public and private schools;
      - (2)** Licensed day-care operations;
      - (3)** Public parks;
      - (4)** Public buildings;
      - (5)** State-certified daycare;
      - (6)** Churches, cemeteries or other religious facilities or institutions;
      - (7)** Residential and lodging uses and property zoned primarily for residential uses, including A-R Agricultural Residence District, R-1 Single-Family Residential District, R-2 One and Two-Family Residential District, R-3 Multi-Family Residential District, MH-1 Manufactured Home Park or Subdivision District or RV-1 Recreational Vehicle Park District zones; and/or
      - (8)** Any establishment that is oriented primarily toward children.
    - c.** No adult entertainment business shall serve alcoholic beverages or be located closer than two thousand (2,000) feet from any establishment that sells alcoholic beverages

(either sold, consumed, or site-ups, by the drink or through package sales).

- d. General Standards: All the standards of Section 011.030 of this Article shall apply.
- e. Measuring Required Distances. The distances between adult entertainment facilities and sensitive land uses identified in Section 027.020, hereof or the spacing distances between adult entertainment facilities shall be measured by following a straight line, without regard to intervening structures or objects, from the nearest point of the property parcel upon which the proposed adult entertainment facility or use is to be located to the nearest point of the sensitive parcel of property or the Zoning District boundary line from which the proposed adult entertainment use is to be separated.

### **SECTION 027.030                    GENERAL STANDARDS FOR ADULT ENTERTAINMENT FACILITIES**

Adult entertainment facilities shall conform to the following general standards:

- A. All on-site parking areas and premise entries of adult entertainment uses shall be illuminated from dusk until one (1) hour past closing with a lighting system that provides an average maintained horizontal illumination of one foot-candle of light on the parking strips and/or walkways. An on-premise exterior lighting plan shall be presented to and approved by the Planning Department prior to the operation of any such use.
- B. All parking must be visible from the fronting street. Access to the exterior rear of the building shall be denied to any persons other than employees or public officials during the performance of their respective duties and tasks by means of fencing.
- C. The following signing provisions shall be followed:
  - 1. There shall be no electronic reader boards or changing message center signs.
  - 2. All adult entertainment facilities shall have facades, exteriors, and exits which must be indistinguishable from surrounding buildings. Illustrations depicting partially or totally nude males and/or females shall not be posted or painted on any exterior wall of the building used for such business or on any door or apparatus attached to such building.
- D. No one under 21 years of age shall be admitted to any adult entertainment establishment. This minimum age limitation also

applies to any employees, agents, servants or independent contractors working on the premise during hours when nude entertainment is being presented.

- E.** Nude entertainment shall only be available at an adult entertainment establishment from the hours of 4:00 p.m. to 12:00 midnight, Monday through Saturday of each week.
- F.** Any adult entertainment facility operating as of the effective date of these Regulations that are not in compliance with Section 027.020 of this Article shall be allowed to continue operating without compliance for a period not to exceed six (6) months. Six (6) months after these Regulations becomes effective, all adult entertainment facilities must fully comply with these Regulations, including Section 027.020 of this Article or be subject to the penalty provisions set forth herein.
- G.** No landowner or lessee shall knowingly permit an adult entertainment establishment to be operated or maintained upon a premise, property, or structure under his, her, or its control, in violation of Section 027.030 of this Article.
- H.** All standards of the underlying Zoning District must be met or complied with.
- I.** All adult entertainment facilities shall be required to comply with the requirements of the Master Plan to promote compatibility with surrounding land uses in both commercial and manufacturing zones.
- J.** Except for the period set forth in subparagraph F above, each day of operation in violation of any provision of these Zoning Regulations shall constitute a separate violation.
- K.** Any adult entertainment business that engages in repeated or continuing violations of these Zoning Regulations shall constitute a public nuisance. For purposes of these Zoning Regulations “repeated violations” means three (3) or more violations of any provision set out in these Zoning Regulations within a one (1) year period dating from the time of any violation, and a “continuing violation” means a violation of any provision set out in these Zoning Regulations lasting for three (3) or more consecutive days.
- L.** If any provision of these Zoning Regulations is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate any regulation in its entirety, and to this end the provisions of these Zoning Regulations are declared to be severable.



- M.** Any adult entertainment establishment operating before the effective date of this Regulation shall comply with every provision of this Regulation and all future amendments to this Regulation, except as set forth in item F above.

#### **SECTION 027.040 INTERVENING USES**

Sensitive land uses specified in Section 027.030 of this Article shall not be allowed to locate within the specified distances to an adult entertainment facility. Any party proposing to locate such a use or zone within the specified distances of an adult entertainment facility is considered an intervening use and may do so only after obtaining a variance from the Board of Adjustment.

## **ARTICLE 028.000 MEDICAL MARIJUANA**

### **SECTION 028.001 STATEMENT OF INTENT**

The purpose of the Medical Marijuana provisions is to allow for placement of Medical Marijuana facilities in Taney County that are compatible with the Zoning Districts in which they are located.

### **SECTION 028.010 DEFINITIONS**

#### **Administer**

A direct application of marijuana to a qualifying patient by way of any of the following methods:

- a) Ingestion of capsules, teas, oils, and other marijuana-infused products;
- b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
- c) Application of ointments or balms;
- d) Transdermal patches and suppositories;
- e) Consuming marijuana-infused food products;
- f) Any other method recommended by a qualifying patient physician.

#### **Department**

Missouri Department of Health and Senior Services, or its successor agency.

#### **Entity**

A natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

#### **Flowering Plant**

A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

### **Marijuana or Marihuana**

*Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species and any other strains commonly understood within the scientific community to constitute marijuana as well as resin extracted from the plant and marijuana-infused products. Marijuana or Marihuana do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (0.3%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

### **Marijuana-Infused Products**

Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking including but not limited to, edible products, ointments, tinctures and concentrates.

### **Medical Marijuana Facilities**

Refers collectively to any Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility, and/or Medical Marijuana Transportation Facility.

### **Medical Marijuana Cultivation Facility**

A facility licensed by the Department to acquire, cultivate, process, store, transport and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility or to a Medical Marijuana-Infused Products Manufacturing Facility.

### **Medical Marijuana Dispensary Facility**

A facility licensed by the Department to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this Section to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-infused Products Manufacturing Facility.

### **Medical Marijuana-Infused Products Manufacturing Facility**

A facility licensed by the Department to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

### **Medical Marijuana Testing Facility**

A facility certified by the Department to acquire, test, certify, and transport marijuana.

### **Medical Marijuana Transportation Facility**

A facility certified by the Department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

### **Medical Use**

The production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product for the benefit of a qualifying patient to mitigate the symptoms or effects of a qualifying medical condition of a patient.

## **SECTION 028.020 MEDICAL MARIJUANA FACILITY ZONING**

- A. Medical Marijuana Dispensary Facilities are allowed as a permitted use in the following Zoning Districts: C-1 Neighborhood Commercial District; C-2 General Commercial District; M-1 Light Manufacturing District; and M-2 General Manufacturing District.
- B. Medical Marijuana Testing Facilities are allowed as a permitted use in the following Zoning Districts: C-2 General Commercial District; M-1 Light Manufacturing District; and M-2 General Manufacturing District.
- C. Medical Marijuana-Infused Products Manufacturing Facilities Type One are allowed as a permitted use in the following Zoning Districts: M-1 Light Manufacturing District; and M-2 General Manufacturing District.
- D. Medical Marijuana-Infused Products Manufacturing Facilities Type Two are allowed as a permitted use in the following Zoning Districts: C-2 General Commercial District; M-1 Light Manufacturing District; and M-2 General Manufacturing District.
- E. Medical Marijuana Cultivation Facilities are allowed as a permitted use in the following Zoning Districts: M-1 Light Manufacturing District; and M-2 General Manufacturing District. No outdoor cultivation of Medical Marijuana shall be permitted unless the applicant first applies for and is issued a Conditional Use Permit.

- F. Medical Marijuana Transportation Facilities are allowed as a permitted use in the following Zoning Districts: C-2 General Commercial District; M-1 Light Manufacturing District; and M-2 General Manufacturing District.

## **SECTION 028.030                      GENERAL STANDARDS FOR MEDICAL MARIJUANA**

### **A.        Applications**

In addition to all other submittals required by these Regulations, an application for any of the Medical Marijuana Facilities described in this Section shall be required to develop, implement, and maintain the following plans and requirements, and submit said plans and requirements, as follows:

1. A detailed safety and security plan that addresses marijuana, customers, employees, and neighboring residents, offices and businesses.
2. An order control plan which addresses odor mitigation practices, including, but not limited to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist sufficient to mitigate odors for all sources in order to contain all odors within the facility.
3. A waste disposal plan specific to marijuana, marijuana plant waste, and marijuana-infused products.
4. Days and hours of operation.

### **B.        Compliance with Missouri Department of Health & Senior Services**

All applicants must possess and provide a valid DHSS license or certificate issued for the appropriate medical marijuana facility for which a Zoning Certificate is sought.

### **C.        Use Limitations; Facility Location**

1. No Medical Marijuana Facility shall be located in a residential structure in any Zoning District.
2. No Medical Marijuana Facility shall be located within one thousand (1,000) feet of a school, daycare center, or church.
  - a. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external

wall of the facility structure closest in proximity to the school, daycare, or church to the closed point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exist of the school, daycare, or church closest in proximity to the facility.

b. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exist of the school, daycare, or church closest in proximity to the facility.

3. No Medical Marijuana Facility shall be located within one hundred and fifty (150) feet of a residentially zoned property.
4. For purposes of this section, measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
5. No facility shall be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor home.
6. No Medical Marijuana Facility shall permit the consumption or use of Medical Marijuana on the premises.

**D. Security**

Facilities shall be in an enclosed freestanding secure building which includes electronic locking systems, electronic surveillance and other features required by the Department.

**E. Residence in Facility**

No person shall reside in or permit any person to resident in a Medical Marijuana Facility.

**F. Order Control; Ventilation**

Medical Marijuana Facilities shall develop, implement, and maintain an order control plan which addresses odor mitigation practices, including, but not limited

to, engineering controls, such as system design and operational processes, which shall be reviewed and certified by a professional engineer or a certified industrial hygienist sufficient to mitigate odors for all sources in order to contain all odors within the facility.

Medical Marijuana Facilities shall not be operated unless ventilation and air-handling systems and other controls are designed, installed and maintained to minimize the risks of explosions and fires, to include systems to prevent ignition; plans for safe storage, use, and disposal of solvents, and policies for continuous staff monitoring of all processes involving volatile solvents.

A ventilation/air filtration system shall be required that prevents odor from being detectable at the boundaries of the lot within which the building housing the Medical Marijuana Facility is located, except that if a Medical Marijuana Facility is located in a multiple-tenant building, the ventilation/air filtration system must prevent odor from being detectable outside the tenant space housing the Medical Marijuana Facility.

**G. Signage**

All Medical Marijuana Facilities shall display all State of Missouri Licenses and Business Licenses in a conspicuous place within twenty (20) feet from the main entrance of the Facility.

For Medical Marijuana Facilities, there shall be no advertising signs other than one (1) flush wall sign, door placard or window sign on the front of the Medical Marijuana Facility. No sign associated with a Medical Marijuana Facility shall use the word “marijuana,” “Cannabis,” or any other word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word “medical” or the message of such sign includes the words “for medical purposes” in letters no smaller than the largest letter on the sign. Off-site signage is prohibited.

**H. Medical Marijuana Dispensary**

1. A Medical Marijuana Dispensary must be legally registered with and hold a current valid license from the Department.
2. A Medical Marijuana Dispensary may not operate on the same site as a facility used for growing, processing or testing medical marijuana.
3. A Medical Marijuana Dispensary shall have a single secure public entrance and shall implement appropriate security measures to deter and prevent theft of medical marijuana and unauthorized entrance into areas containing medical marijuana.

4. Permitted hours of operation of a Medical Marijuana Dispensary shall not exceed 8:00 a.m. to 8:00 p.m. of the same calendar day.
  
5. A Medical Marijuana Dispensary shall:
  - a. Not have a drive-thru window;
  - b. Not have outdoor seating areas;
  - c. Not have outdoor vending machines;
  - d. Prohibit the administering of, or the consumption of medical marijuana on the premises; and
  - e. Not offer direct or home delivery.



## **ARTICLE 029.000 MOTORIZED VEHICLE TRACKS**

### **SECTION 029.001 APPLICABILITY**

Motorized vehicle tracks are not a protected use on Agricultural zoned land, per the Missouri Farmland Preservation Act.

### **SECTION 029.010 PRIVATE**

- A.** Privately owned motocross, motorcycle, ATV, or other motorized vehicle racing tracks are allowed as a Conditional Use Permit; and only in an Agricultural District (A-1), on parcels of land twenty (20) acres or more in size.
- B.** Hours of use will be limited to between the hours of 8:00 am and 8:00 pm for a period of not more than two (2) hours in a twenty-four (24) hour period, or as stated in the Conditional Use Permit.
- C.** No part of the track or course may be located within four hundred feet (400') of the property line.
- D.** The operations shall **not** include overnight camping, sales of food or beverages, or any other commercial activities.
- E.** All tracks are subject to MoDNR regulations (e.g. clean air, dust control).

### **SECTION 029.020 PUBLIC**

- A.** Publicly owned or operated motocross, motorcycle, ATV, or other motorized vehicle racing tracks are allowed as a Conditional Use Permit in the General Commercial District C-2, Light Manufacturing or Industrial District M-1 General Manufacturing or Industrial District (M-2), on parcels of land twenty (20) acres or more.
- B.** Publicly owned or operated motocross, motorcycle, ATV, or other motorized vehicle racing tracks may be allowed as a Planned Unit Development (PUD), on parcels of land twenty (20) acres or more in size.
- C.** When dues or fees are assessed, whether informal or legally formed, the operation is considered public and not permitted in any districts other than C-2, M-1 & M-2 or PUD.
- D.** No part of the track or course may be located within four hundred feet (400') of the property line.
- E.** Overnight camping is limited to three (3) successive nights.

- F.** Temporary restroom facilities are allowed for a three (3) day maximum and only as supplemental to permanent restroom facilities.
- G.** All tracks are subject to MoDNR regulations (e.g. clean air, dust control).

## **ARTICLE 030.000 SHOOTING RANGES**

### **SECTION 030.001 APPLICABILITY**

The following standards shall apply to the development of a shooting range.

- A.** The minimum site area shall be fifteen (15) acres.
- B.** All shooting range parcels shall be located a minimum of five hundred (500) feet from an R, NR or MH zoning district.
- C.** The minimum distance from any firing point measured in the direction of fire to the nearest property line shall not be less than five hundred (500) feet and at least three thousand (3,000) feet from any existing dwelling unit.
- D.** A site plan must be submitted with an application for a Conditional Use Permit that illustrates the general design of the facility, including but not limited to, shooting areas layout, parking areas, proposed and existing buildings.
- E.** Hours of operation shall be limited to sunrise to sunset.
- F.** The entire perimeter of all outdoor shooting ranges shall be fenced and signed to reduce the potential for trespassing into firing zones. Warning signs identifying the range shall be posted around the perimeter of the parcel or parcels on which the shooting range is located at intervals of not more than seventy-five feet (75).
- G.** All firing lines should be aimed at target lines to the northeast, north, or northwest unless there is sufficient standing timber or other natural topographic features.
- H.** No sales or consumption of alcoholic beverages shall be permitted on the property. Signs announcing this restriction shall be posted in at least three (3) locations on the property, including the parking area.
- I.** The facility owner shall provide to the County a hold-harmless agreement signed by all owners of the facility to remain valid throughout the term of the Conditional-Use Permit.
- J.** The following information shall be submitted with all applications for a shooting range Conditional-Use Permit:
  - 1. A list of all existing and proposed structures and appurtenances on the range including landscaping, screening, buildings, driveways, parking areas, walkways, utilities, etc.
  - 2. Information pertaining to firing lines, firing positions, target lines.

3. Other information deemed appropriate by the Planning and Zoning Department, the Planning and Zoning Commission, or the County Commission.
- K.** The facility shall be monitored during hours of operation by an attendant, and no unsupervised clients shall be permitted in any of the shooting areas.

## **ARTICLE 031.000 AIRPORT ZONE**

### **SECTION 031.001 APPROVAL REQUIREMENT**

Approval of any airport in Taney County shall be conditional and subject to any and all requirements and standards provided herein and to approval by the Board of Adjustment and other official agencies having jurisdiction.

### **SECTION 031.010 STATEMENT OF INTENT**

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

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

#### **A. Principal Permitted Uses**

- 1.** Agricultural uses, subject to the following modification.
  - a.** No dwellings shall be permitted to be constructed in an airport zone other than single-family dwellings, each of which is on a lot or parcel of land ten (10) acres or more.
  - b.** No hospitals, health institutions, clinics, sanitariums, nursing homes, convalescent homes, institutional homes or other similar facilities shall be permitted to be constructed in an airport zone.
  - c.** No public or private schools, libraries, sports arenas, day care centers, churches or other places of worship, auditoriums or buildings for public assembly or use, theaters or any other similar facility shall be permitted to be constructed in an airport zone.
  - d.** No building or structure shall be constructed nor shall any growth be maintained that exceeds fifty (50) feet in height in an airport zone; no building or structure shall be constructed nor any growth maintained that is more than one hundred (100) feet in height within any area located

outside of an airport zone but located otherwise in an area two thousand (2,000) feet parallel to and on each side of the centerline of any runway extended ten thousand (10,000) feet from the end of and away from the runway.

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

## **ARTICLE 032.000 COMMERCIAL MINES, QUARRIES AND GRAVEL PITS**

Per the provisions of Missouri Revised Statute 64.890, nothing in these Zoning Regulations 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.

## **ARTICLE 033.000 OIL DRILLING**

The extraction of oil and other hydrocarbons is expressly prohibited in all Zoning Districts other than A-1, and M-2. Drilling sites shall be fenced and all oil or gas produced shall be carried away by pipelines unless stored in underground tanks. Applications for drilling permits shall be accompanied by a performance bond in an amount to be determined by the County Commission.

### **SECTION 017.001 REQUIRED BONDS**

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



## **ARTICLE 034.000 TELECOMMUNICATIONS REGULATIONS**

### **SECTION 034.001 STATEMENT OF INTENT**

- A.** The purpose of this regulation is to find practical solutions to the siting of any tower or any telecommunication facility and its functionally equivalent services.
- 1.** The regulation allows for reasonable and fair action necessary to protect and advance the public interests.
  - 2.** Maintaining quality of life by balancing community and individual interests with community health and safety is the responsibility of local government when delivering services which benefit all citizens of Taney County.

### **SECTION 034.010 DEFINITIONS**

#### **Alternative Tower Structure**

Water Towers, clock towers, bell steeples, light poles, electric poles and similar mounting structures that camouflage or conceal the presence of antennas.

#### **Antenna**

Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. “Antenna” should not be used as a synonym for “cell site”.

#### **Cell Site**

A generic term for a personal wireless service facility.

#### **Co-location**

The use of a single mount on the ground by more than one (1) carrier or company and/or several mounts on an existing building by more than one (1) carrier or company.

#### **Equipment Shelter**

An enclosed structure, cabinet, shed or box at the base of the mount used to contain batteries and electrical equipment. An equipment shelter may also be known as a **base transceiver station**.

### **Functionally Equivalent Service**

According to the Telecommunications Act, these five (5) services are considered functionally equivalent services and must receive the same treatment by local government:

1. Cellular Telephone Services
2. Personal Communications Services (PCS)
3. Enhanced Specialized Mobile Radio
4. Specialized Mobile Radio
5. Paging Services

### **Guyed Tower**

A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

### **Lattice Tower**

A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

### **Licensed Carrier**

A company authorized by the FCC to construct and operate a commercial mobile radio or television services system.

### **Monopole**

A type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform for panel antennas arrayed at the top.

### **Mount**

The structure or surface upon which antennas are mounted. Types of mounts include roof-mount, side-mount, ground-mount (tower) and structure-mount.

### **PCS (Personal Communications Services)**

An advanced form of radiotelephone services, capable of transmitting and receiving voice, data, text and video messaging. PCS operates in the 1850-1990 MHz range.

### **Telecommunications Facility**

Any antennas, microwave dishes, guy wires, or cables that send or receive radio frequency signals, and including such accessory structures as towers, equipment shelters, and fences. The definition shall not include:

1. Towers located in an area zoned for commercial or manufacturing use able to meet the setback requirements set forth within this regulation,
  - a. Such tower may be accessory to the principal use.
2. Any antenna one (1) meter or less in diameter located in any zone.
3. Any antenna in excess of one (1) meter in diameter which is utilized for the reception of broadcast license.
4. Communication towers and antennas used for non-commercial purposes, such as ham radio operation or receive only antennas, do not require a permit as long as the above-mentioned setback requirements are adhered to.

## **SECTION 034.020            CONDITIONAL USE PERMITS**

A Conditional Use Permit is required for the location of all telecommunications facilities in the unincorporated areas of Taney County, Missouri, which includes:

- A. Ground-mount telecommunications facility located within any Agricultural or Residential District.
- B. Any existing telecommunication facility located within any Agricultural or Residential District;
  1. Where the mounting of additional antennas add more than twenty (20) feet to the height of the existing tower or
  2. Where the placement of additional supporting structures or equipment increase the square footage of the existing telecommunication facility compound by more than twenty-five (25) percent while still meeting all other Taney County Zoning requirements.
- C. A ground-mount telecommunication facility or functionally equivalent service shall be considered a principal use and may be located within any Office, Commercial or Manufacturing district so long as the tower is set back from the property line a distance equal to the overall height of the tower constructed, or a minimum setback for the Zoning District, whichever is greater.
- D. In granting a Conditional Use Permit the Planning Commission may require conditions mitigating the impact of the tower location on surrounding properties.
  1. These conditions may include in part:

- a.** Screening of the compound surrounding the equipment shelter and tower;
  - b.** Lighting;
  - c.** Tower height;
  - d.** Landscaping of the site including building materials and architectural requirements when located within or adjoining a Residential District;
  - e.** Co-location; and
  - f.** Abandonment of the site, which may require dismantling towers and structures at the owner’s expense, and the reclamation of vegetation.
  
- E.** Communications towers and antennas used as part of a home occupation must adhere to all conditions set forth within these Zoning Regulations.
  - 1.** Any tower associated with a home occupation and exceeding sixty (60) feet in height requires a Conditional Use Permit.
  
- F.** The application requesting the Conditional Use Permit must include the following information:
  - 1.** A scale site plan showing:
    - a.** Property lines;
    - b.** Existing land use and zoning;
    - c.** Surrounding land use and zoning;
    - d.** Access roads;
    - e.** Proposed structures;
    - f.** Setbacks of proposed structures from property lines;
    - g.** Type of proposed mount;
    - h.** Proposed landscaping;
    - i.** Screening or fencing;
    - j.** Parking areas;
    - k.** Proposed signage; and
    - l.** Proposed lighting of the facility.
  
  - 2.** A written report describing:

- a. Tower height and design;
        - b. Engineering specification detailing the tower construction;
        - c. Information on painting;
        - d. Lighting of the tower; and
        - e. Tower's capacity, including the number and type of antennas that it can accommodate as a co-location site.
  3. A statement in writing that other existing towers or structures do not provide a suitable location for the proposed tower.
    - a. Evidence submitted may cite the geographic location of other structures;
    - b. Insufficient height or structural strength to meet engineering requirements;
    - c. Unreasonable costs;
    - d. Contractual provisions required for co-location; or
    - e. Or other significant factors making co-location an unreasonable option.
  4. A statement in writing providing a position on the proposed tower for a Taney County emergency service antenna or for use by other emergency management agencies that are granted this right by Taney County.
    - a. This position will be provided at no cost to Taney County Emergency or any other emergency service entity.
  5. A statement in writing providing a climate controlled location within an equipment shelter with direct access to electrical power for the emergency service equipment.
    - a. This position will be provided at no cost to Taney County Emergency Services or any other emergency service entity.
- G. In granting a Conditional Use Permit the Planning Commission will consider, but is not limited to, the following factors:
  1. Height of the proposed tower;
  2. Proximity of the tower to residential structures and boundaries;
  3. Nature of uses on adjacent and nearby properties;
  4. Surrounding topography;
  5. Surrounding tree and vegetative cover;

6. Design of the tower, including characteristics that reduce visual obtrusiveness; and
  7. Availability of existing towers and other structures suitable for co-location.
- H.** A Conditional Use Permit is required for the installation of an antenna on
1. An existing structure other than a tower, such as
    - a. A building;
    - b. A water tower;
    - c. A light pole; or
    - d. Another non-residential structure.,
  2. Provided that the antenna (including the supporting masts, *et cetera*) complies with all other provisions of these Zoning Regulations.
- I.** In the instances mentioned above, when approved, the mount shall be considered to be an accessory use to the principal use

**SECTION 034.030                      ADDITIONAL REQUIREMENTS**

- A.** All towers must meet or exceed current federal standards and regulations of the FAA, the FCC, and any other agency of the federal or state government regulating the construction and specifications of towers and antennas.
1. If such standards change, the tower and antenna owners governed by this ordinance shall bring such tower or antenna in compliance with the revised standards within the time mandated by the controlling agency.

**SECTION 034.040                      TOWER DESIGNED FOR CO-LOCATION**

- A.** Each applicant shall cooperate with the County and with other applicants or users by designing towers such that other users may co-locate upon the same tower.
1. Specifically, unless otherwise authorized by the Planning Commission, towers shall have such capacity that additional equipment by the principal user of the tower may be added or secondary users might lease the balance of the tower.

- a. Towers less than sixty (60) feet in height are not required to meet the above mentioned co-location criteria.
- b. Applicants must notify the Planning Administrator in writing of the name and address of any and all co-users of a tower or antenna.
- c. Taney County reserves the right to rent space on existing towers for County transmitters, receivers or repeaters.

**SECTION 034.050            PROPOSAL ON COUNTY OWNED PROPERTY**

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

**SECTION 034.060            REQUIRED FENCING**

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

**SECTION 034.070            ACCESSORY EQUIPMENT OR VEHICLES**

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

**SECTION 034.080            SETBACKS**

- A. All towers, accessory buildings, guy wires and other support structures must adhere to the minimum setback requirements within the Zoning District in which they are located.

**SECTION 034.090            LANDSCAPING**

- A. The street frontage or front yard of any tower located within any residential district shall maintain the yard in a manner consistent with the residential character of the surrounding neighborhood.
- B. The perimeter of the telecommunications facility site shall be screened, at a minimum, with a course of coniferous trees, at least six (6) feet in height at the time of planting, ten (10) feet on center.

- C. The applicant shall, upon application for a Conditional Use Permit, submit a landscape/site plan detailing the plantings and/or other features such as privacy fencing, earthen berm, or natural vegetation buffering the proposed site to be approved.
- D. Existing mature tree growth and natural land forms on or surrounding the communication facility should be preserved to the maximum extent possible.
  - 1. In some cases natural growth around the property perimeter may be a sufficient buffer to waive the above mentioned landscape requirements.
- E. Towers located within any agricultural district must have the perimeter of the communication facility screened with a single course of coniferous trees that at the time of planting shall be at least six (6) feet in height, fifteen (15) feet on center.
- F. Those towers located within two hundred and fifty (250) feet of a residential district may be subject to the landscaping requirements within the nearby residential districts.

#### **SECTION 034.100 LIGHTING**

- A. Towers will be artificially illuminated if required by a FAA or other governing authority.
  - 1. The lighting shall be designed with the required guidelines, yet should cause minimal impact on surrounding or nearby properties.
  - 2. Security lighting around the base of the tower must have direct rays confined to the property and may be required to be incandescent in nature.

#### **SECTION 034.110 TOWER AND SUPPORT BUILDING APPEARANCE**

- A. The tower shall be maintained with a galvanized steel finish or subject to FAA standards, painted a neutral color to lessen visual impact or camouflaged to harmonize with the surrounding environment.

The support buildings within a telecommunication facility shall, to the extent possible, be designed to blend into the surrounding setting in which they are being sited. This may include, in addition to landscaping and screening, residential style architecture with pitched roof, siding, and color.



**SECTION 034.120 DISCONTINUED USE**

- A.** Any tower that is no longer in use for the original communications purpose granted by the Conditional Use Permit shall be dismantled and removed within one hundred and eighty (180) days of the cessation of operations.
  - 1.** The owner of the tower must notify the Taney County Planning Department with a copy of any notice given to the FCC relating to its intent to cease operations.
  - 2.** Upon removal, the tower owners shall reclaim the site.
    - a.** The proper grading permits shall be required from the Taney County Planning Department, if the disturbed area will be greater than one (1) acre in size.

## **ARTICLE 035.000    ADVERTISEMENT REGULATIONS**

### **SECTION 035.001            OFF-PREMISE COMMERCIAL ADVERTISING**

- A.**     Advertisement Regulations apply to the use of off-premise advertising and are subject to the following purposes:
- 1.**     To allow businesses to inform and direct the general public;
  - 2.**     To protect the physical appearance of the County; and
  - 3.**     To ensure public safety along County streets and roadways.
- B.**     Off-Premise advertising shall be classified as a commercial use and shall be permitted in the following Zoning Districts: C-1, C-2, M-1 and M-2, subject to the regulations of the Missouri Department of Transportation. Off-Premise advertising shall be classified as a commercial use and shall be a conditional use in the following Zoning Districts: A-1, RV-1, and O, and shall be subject to the regulations of the Missouri Department of Transportation

### **SECTION 035.010            DEFINITIONS**

#### **Billboard or Signboard**

Any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the structure of the business conducted thereon or the products primarily sold or manufactured thereon.

#### **Display Area**

The area of an advertising structure including the entire area within a regular geometric shape enclosing all of the elements of informational or representational matter displayed, including blank masking or any surface shape intended to convey ideas, information, or meaning. Frames of structural members not bearing informational or representational matter shall not be included in calculating the display area.

#### **Maximum Height**

The maximum vertical distance measured from adjacent natural grade or the adjoining road surface to the highest point of the advertising structure or display area.

#### **Maximum Sign Area**

The allowable square footage of display area per side, inclusive of embellishments but not including the base, supports or other structural elements.

### **Minimum Spacing**

The minimum radius between Advertising Structures, as measured from the nearest points of the supporting structures as measured from nearest pole to nearest pole.

### **Non-Conforming Advertising Structures**

An advertising structure which was lawfully erected, but which does not conform to the requirements of these Regulations or state statutes enacted at a later date or which later fails to comply with these Regulations due to changed conditions.

### **Off-Premise Advertising Structure**

An advertising structure which is not located on the specific site for which the advertising or information relates. Development directional signs are not considered off-premise advertising structures.

### **On-Premise Advertising Structure**

An advertising structure which is located on the specific site for which the advertising or information relates.

### **Scenic Area**

Any designated area of particular scenic beauty or historical significance as determined by the state, federal or County Officials having jurisdiction thereof.

### **Sign**

Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag or representation used as, or that is in the nature of, an advertisement, announcement or direction, or is designed to attract the eye by intermittent or repeated motion or illumination.

### **Sign, Illuminated**

A sign designed to provide artificial light, or designed to reflect light from one or more sources, natural or artificial.

### **Sign, Projecting**

A sign erected on the face or outside wall of a building that projects out from the wall at any angle.

### **Sign, Temporary**

A sign of temporary nature used to advertise a political candidate, or used to advertise the premises for sale, rent, or lease.

### **SECTION 035.020 LEGAL NONCONFORMING SIGNS**

- A.** Any sign in existence prior to the adoption of Taney County Advertisement Regulations, Order Number 12-22-95 on December 22, 1995 shall be considered a legal nonconforming use.
  - 1.** No existing nonconforming use may be enlarged, extended, reconstructed, substituted or structurally altered without approval by the Board of Adjustment.
  - 2.** All legal nonconforming signs are subject to Article 003.000, Section 003.060 of these Zoning Regulations.

### **SECTION 035.030 GENERAL PROVISIONS**

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

### **SECTION 035.040 SIZE OF SIGNS**

- A.** The maximum sign area for any one (1) face of any outdoor advertising structure not located on roads designated as interstate highways and freeways on the federal-aid primary system shall not exceed eight hundred

(800) square feet, excluding the base, supports, and other structural elements.

- B.** The maximum sign area on roads designated as interstate highways and freeways on the federal-aid primary system shall be twelve hundred (1,200) square feet inclusive of embellishments but not including the base, supports or other structural elements.
- C.** Temporary embellishments for off-premise signs shall not exceed twenty (20) percent of the maximum sign area allowed.
- D.** The sign area shall be measured by the smallest polygon or circle that will encompass the entire sign.
- E.** Off-premise signs or billboards that are back-to-back, double-faced, V-shaped, or multiple-faced are considered one structure, and no face can exceed the maximum height or size allowed by this Section.
  - 1.** V-shaped or multiple faced structures if not sharing a common support or pole may not be more than fifteen (15) feet apart.

#### **SECTION 035.050            MAXIMUM HEIGHT AND LENGTH**

- A.** Any advertising structure shall maintain a minimum clearance of ten (10) feet measured from the ground level at the base of the sign to the bottom of the sign face.
- B.** The maximum length allowed is seventy-two (72) feet and height of thirty (30) feet on all roadways. There are no above grade height restrictions

#### **SECTION 035.060            SPACING FOR OFF-PREMISE SIGNS**

- A.** No off-premise sign located along a federal-aid primary route classified as having limited access may be established within one thousand four hundred (1,400) feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.
- B.** No off-premise sign located along County roadways or State highways not listed on the federal-aid primary system may be established within five hundred (500) feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.
- C.** No off-premise sign located along a federal-aid primary route classified as not having limited access may be established within three hundred (300) feet of any other off-premise sign, measured along the same side of the street or highway to which the sign is oriented.
- D.** Spacing from directional, official or on-premise signs shall not be included in the measurement of these spacing requirements for off-premise signs. However, no sign shall be located in such manner as to

obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

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

**SECTION 035.070            MINIMUM SETBACKS FOR OFF-PREMISE SIGNS**

- A. The minimum front setback for any off-premise sign with any face greater than three hundred (300) square feet shall be ten (10) feet from the front property line.
  - 1. Signs less than three hundred (300) square feet shall be set back five (5) feet from the front property lines.
- B. On-premise commercial advertising requires no front setback, but cannot be located so as to obscure the sight distance along a public right-of-way, intersection or private drive.
- C. The minimum side setback for any off-premise sign is five (5) feet from any adjoining C District or M District and twenty-five (25) feet from any other more restrictive Zoning District.
- D. The minimum rear setback for any off-premise sign is five (5) feet from any adjoining C District or M District and twenty-five (25) feet from any other more restrictive Zoning District.
- E. Setbacks shall be measured from a point on the sign nearest to the property line.
- F. No sign may be located within any utility, drainage or other easement without written authority from the easement holder. Such written authority must accompany any permit request.

**SECTION 035.080            LIGHTING OF SIGNS**

- A. Signs that are illuminated by any flashing, intermittent, or moving lights are prohibited if such signs interfere with traffic safety. Reflective sign surfaces or devices on sign faces and multiple-faced signs, with illumination, are permitted, provided such signs do not interfere with traffic safety.
- B. Electronic variable message signs, both informational and commercial in nature, that function as multiple-faced signs are permitted provided such

signs do not interfere with traffic safety. All electronic message signs must stay lit for at least eight (8) second intervals.

- C. The Planning & Zoning Department may require any sign receive a Conditional Use Permit if it includes flashing, moving or bright lights, variable electronic messages, emits a substance such as smoke or bubbles, or has moving parts.
- D. Signs must be effectively shielded to prevent beams or rays from being directed toward any public right-of-way, dwelling unit or any Residential District.
- E. No sign shall be illuminated as to interfere with the effectiveness of or to obscure an official traffic sign, or signal.

### **SECTION 035.090            SIGN PERMITS**

- A. All off-premise signs are required to have a sign construction permit. The information required for the issuance of a construction permit shall include:
  - 1. A site plan;
  - 2. A legal description from a legal document;
  - 3. A Zoning Certificate; and
  - 4. Written authority from the easement holder if a sign is to be located within an easement.

### **SECTION 035.100            SIGNS EXEMPT FROM PERMIT**

- A. The following non-illuminated signs may be erected in compliance with this Article without the issuance of a sign construction permit. Signs which are exempt from the sign construction permit requirement are limited to a maximum of a 4' x 8' display. Such signs are allowed, without permit, in addition to all other signs permitted and shall conform to setbacks and other physical characteristics, including, but not limited to:
  - 1. Real estate signs located on site;
  - 2. Construction/Builder signs;
  - 3. Yard/garage sale announcements;
  - 4. Public signs;
  - 5. Memorial signs;

6. Flags;
7. Holiday decorations;
8. On-site information signs;
9. Window signs;
10. Political signs;
11. Special events signs;
12. On-premise public school signs;
13. Agriculture use;
14. Church identification, bulletin boards; and
15. Licensed and operable motor vehicles.

**SECTION 035.110 SMALL ANNOUNCEMENT OR PROFESSIONAL SIGNS  
WHERE PERMITTED**

- A. Small announcement or professional signs, where permitted, shall not exceed six (6) square feet in area;
- B. Except, however, that a church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board that is:
  1. Not over twelve (12) square feet in area,
  2. If not attached flat against a building, shall be at least twelve (12) feet from all road right-of-ways.
  3. Any such sign(s), if lighted, must be sited so that the light does not become a nuisance to residential structures.

**SECTION 035.120 POLITICAL SIGNS SHALL BE ALLOWED IN ANY ZONING  
DISTRICT**

- A. Political signs shall be allowed in any Zoning District, subject to the following requirements:
  - a. At no time shall a political sign be placed on a corner lot that would obscure the vision of a motorist;



- b. All signs shall be removed within twenty-five (25) days following the election for which they are used;
- c. The person or group of persons responsible for erection of the sign(s) shall also be responsible for the removal of the sign(s).

## **ARTICLE 036.000 GROUP HOMES**

### **SECTION 036.001 CLASSIFICATIONS**

#### **A. Group Home, Class I (Limited < 8 residents)**

A home-based facility providing 24-hour care in a protected living arrangement for not more than eight (8) residents and two (2) supervisory personnel. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons sixty-two (62) years of age or older and maternity homes. It also includes emergency shelter during crisis intervention for victims of crime, abuse, or neglect.

#### **B. Group Home, Class I (General 8-15 residents)**

A home-based facility providing 24-hour care in a protected living arrangement for more than eight (8) but not more than fifteen (15) residents and not more than three (3) supervisory personnel. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons sixty-two (62) years of age or older, and maternity homes. This classification also includes emergency shelter during crisis intervention for victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence.

#### **C. Group Home, Class II (> 15 residents)**

A home-based facility providing 24-hour care in a protected living arrangement for more than fifteen (15) or more residents and not more than three (3) supervisory personnel. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization.

### **SECTION 036.010 REQUIREMENTS AND LIMITATIONS**

- A.** Group homes shall adhere to the following requirements and limitations:
- 1.** The size of the facility and exterior appearance of the group home and property must be compatible with the surrounding neighborhood, as determined by the Planning Commission.
  - 2.** The residential group home shall be located no closer than one-quarter (1/4) mile from any other group home.

- 3.** The group home must be equipped with approved fire safety systems, as required by the applicable Fire District.
- 4.** The group home must be connected to public water and sewer or approved private systems.
- 5.** The group home must meet all County, State, and Federal requirements regarding each individual group home.

## **ARTICLE 037.000 CLUSTER DEVELOPMENTS**

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

- A.** The total density of dwellings per acre does not exceed the density provided for that Zoning District.
- B.** The development shall be provided with an approved sewage disposal system other than conventional septic tank. Approval shall be subject to the discretion of the Planning Commission.
- C.** The developer must be able to satisfy the Planning Commission and the County Legal Department that the remaining private open space shall be maintained by the residents or a responsible agent.
- D.** In no case may a dwelling occupy more than seventy-five (75) percent of the lot area.
- E.** The development shall be supplied by an approved water supply. Approval shall be subject to the discretion of the Planning & Zoning Commission.
- F.** In no case shall the dwellings be located nearer to the paved street than twenty (20) feet.
- G.** In addition to submittal of the preliminary and final plats, a plot plan shall also be required and shall be approved before the filing of a final plat. The plot plan shall show the proposed coverage on each lot.
- H.** The appropriate variances pertaining to side setbacks and front and rear setbacks shall become automatic with the approval of the preliminary plat; however, the development shall remain subject to the Zoning District regulations pertaining to dwelling height and floor area.
- I.** A cluster development shall also be subject to any further restrictions deemed necessary by the Planning Commission to protect the public health, safety and welfare.
- J.** Before the submittal of a preliminary plat, a sketch plan shall be reviewed by the Planning & Zoning Department.
- K.** Calculation of dwelling units per acre will exclude areas used for road rights-of-ways.
- L.** The development must meet all applicable Subdivision Regulations.

## **ARTICLE 038.000 MANUFACTURED HOMES AND MOBILE**

### **SECTION 038.001 UTILIZED FOR DWELLING PURPOSES**

Manufactured homes and mobile homes shall be utilized solely for dwelling purposes and meet all applicable standards set forth in Chapter 700 of the Missouri Revised Statutes and shall be constructed pursuant to the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 United States Code §5401 *et seq.*; 24 CFR Part 3280 and Part 3282, that became effective June 15, 1976.

### **SECTION 038.010 NO NON-RESIDENTIAL USE**

No manufactured home or mobile home shall be located, erected, secured and /or altered to serve as a non-residential use including but not limited to uses such as a storage unit, tool house, private garage or wash house, in any district. With the exception of a structure that has been designed and built to be used as an office structure, then it can be used for that purpose such as for meeting rooms, construction site office, classrooms, and similar uses.

### **SECTION 038.020 ALLOWED IN MH-1 DISTRICT**

Manufactured homes and mobile homes shall be allowed within a MH-1 District

### **SECTION 038.030 ALLOWED IN AGRICULTURAL AND RESIDENTIAL DISTRICTS**

Manufactured homes and mobile homes shall be allowed within all districts that allow other forms of single-family residences with exception to the following districts which a Planning Commission conditional-use permit for the home is required, R-2, R-3 NR-3.

### **SECTION 038.040 NOT TO SERVE AS A GUEST HOUSE, SERVANT'S QUARTERS, DEN OR PARSONAGE LOTS**

No Mobile home shall be located, erected, secured and/or altered to serve as a guest house, servant's quarters, den or parsonage in any district unless otherwise provided for in this regulation.

**SECTION 038.050 REPLACEMENT OF EXISTING NONCONFORMING MOBILE HOMES IN RESIDENTIAL ZONING DISTRICTS**

Existing manufactured homes or mobile homes which are lawfully occupied but do not conform to the Zoning Regulations applicable to the Residential Zoning District in which they are located (nonconforming use) upon the effective date of the Zoning Regulations may be replaced with a manufactured home or mobile home that has been manufactured or constructed in accordance with the standards of the National Manufacturing Housing Construction and Safety Standards Act of 1974 that became effective on June 15, 1976.

## **ARTICLE 039.000 PARKING AND LOADING AREAS, PUBLIC GARAGES, PARKING LOTS AND FILLING STATIONS**

### **SECTION 039.001 APPLICABILITY**

#### **A. New Development**

The off-street parking and loading standards of this section apply to any new building constructed and to any new use established.

#### **B. Expansions and Alterations**

The off-street parking and loading standards of this section apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces will be required only to serve the enlarged or expanded area, not the entire building or use, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (preexisting in addition to expansion) must equal at least seventy-five (75) percent of minimum ratio established in Section 039.010

#### **C. Timing of Installation**

Required parking spaces and drives shall be ready for use and approved by the Planning Administrator prior to issuance of a Zoning Certificate. The Planning Administrator shall be authorized to allow issuance of a Zoning Certificate before installation of required parking if the applicant provides a letter of credit, performance bond, escrow deposit or other acceptable financial security adequate to ensure that all required parking will be installed when weather conditions permit. The amount of the financial guarantee must be equal to at least one hundred (100) percent of the estimated total cost (labor and materials). The County shall be authorized to use such financial guarantee to complete the work if the required parking is not in place by the date stated on the approved performance guarantee.

#### **D. No Reduction Below Minimums**

Existing parking and loading spaces may not be reduced below the minimum requirements established in this Section. Any change in use that increases applicable off-street parking or loading requirements will be deemed a violation of these Zoning Regulations unless parking and loading spaces are provided in accordance with the provisions of this section

**SECTION 039.010 OFF-STREET PARKING LOT DESIGN**

**A. Required Automobile Parking Spaces**

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

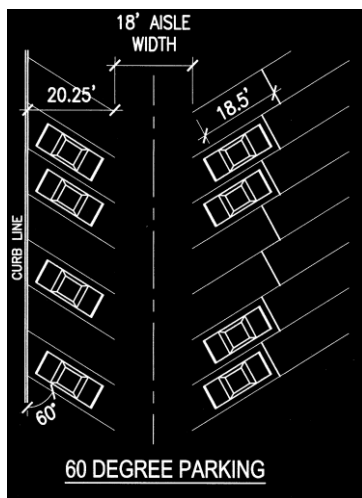
**B. Parking Space Dimensions**

Required off-street parking spaces shall have minimum dimensions of eight and a half (8.5) feet in width by eighteen and a half (18.5) feet in length.

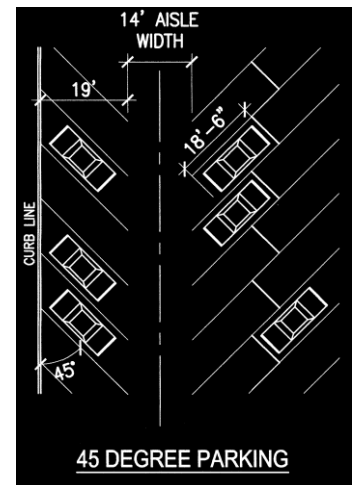
**C. Aisle Widths**

Drive aisle widths adjoining off-street parking spaces shall comply with the following standards:

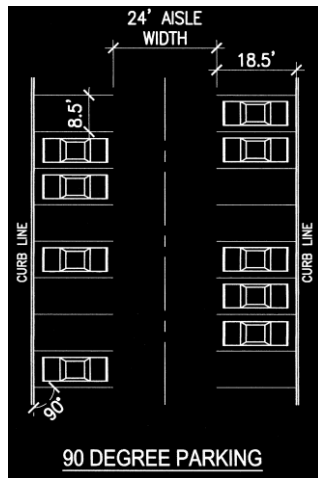
Minimum Aisle Width for Specified Parking Angle (feet)			
90	75	60	45 or less
24	22.5	18	14



*Note: Two-way drive aisles shall always require a minimum width of 24 feet.*

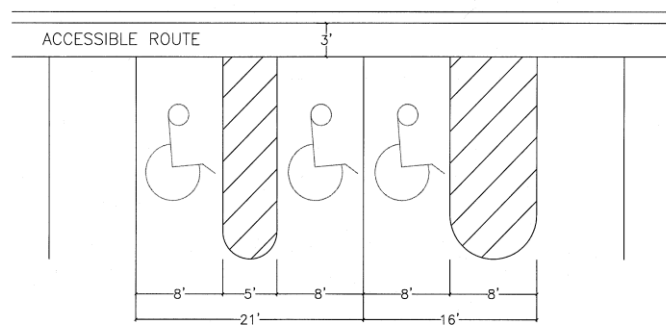






**D. Handicapped Parking**

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



**UNIVERSAL AND VAN ACCESSIBLE SPACE**

**E. Floor Area Defined**

1. For purpose of applying the requirements of these Zoning Regulations, "Floor Space," in the case of offices, merchandising or service type of uses, means the gross floor area used or intended

to be used by tenants, or for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise.

2. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.

**F. Number of Parking Spaces Required**

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

<b>Proposed Land Use</b>	<b>Minimum Requirements</b>
Single-family dwelling	2 spaces per dwelling unit, plus 1 space for each rental room.
Duplex	2 spaces per dwelling unit, with the exception of one-bedroom units which require 1 space
Multi-family dwellings	2 spaces per dwelling units, plus 1 space for any lockout bedroom.
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.
Nursing homes, rest homes, similar resident care facilities	3 spaces for every 5 beds. 1 additional space for every 2 resident employees.
Preschool and /or Day Care facilities	1 space per employee, plus 1 space per 200 square feet of gross floor area.
Schools	2 spaces per classroom in primary schools and 5 spaces per classroom in secondary schools. Adequate off-street bus loading/unloading areas.
Colleges or Universities	1 space per 150 square feet of gross floor area.
Hotel – Motel	1 space for each living or sleeping unit
Sports Arenas, Auditoriums, Theaters, Assembly Halls, other than Schools	1 space for each 6 seats
Libraries	1 space for every 5 reading or study room seats

<b>Proposed Land Use</b>	<b>Minimum Requirements</b>
Religious Assembly	1 space for every 4 seats, plus 1 space for every 2000 square feet gross floor area designed to be used for purposes other than church services.
Indoor and Outdoor Recreational and Entertainment facilities	1 space for every 3 persons that the facilities are designed to and entertainment facilities accommodate when fully utilized (if they can be measured in such a fashion—example, tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.
Restaurants, bars, and nightclubs	1 space per 100 square feet of gross floor area, plus 1 space for nightclubs every four outside seats and reservoir lane capacity equal to 5 spaces per drive-through window.
Motor vehicle related sales, 1 space per 200 square feet of gross floor area. rental, services to include installation of parts, repair, maintenance, as well as mobile home sales, all-terrain vehicle sales and service	1 space per 200 square feet of gross floor area.
Convenience stores with 1 space per 200 square feet of gross floor area of building devoted the sale of gas	1 space per 200 square feet of gross floor area of building devoted the sale of gas primarily to gas sales operation, plus sufficient parking area to accommodate vehicles at pumps without interfering with other parking spaces.
Self-Service Storage Units	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
Veterinary Services	1 space per 200 square feet of gross floor area.
Laundromats and Dry Cleaners	1 space per 200 square feet of gross floor area.
Open air markets	1 space per 1,000 square feet of lot area used for storage, display, or sales.
Funeral Services	1 space per 100 square feet of gross floor area.
Banks and similar financial institutions; real estate, insurance, business and professional offices	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, Wholesale Establishments or Warehouses	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.
Nightly Rental	1 off street parking space shall be provided for each 2 persons of occupancy in a nightly rental.

**G. Development and Maintenance of Parking Areas**

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained according to the provisions of the following requirements:

**1. Screening and Landscaping**

Off-street parking areas shall be effectively screened on each side that adjoins or faces a premise situated in any R District, or an institutional premise, by masonry wall or solid fence of acceptable design. Such wall or fence shall be not less than four (4) feet or more than eight (8) feet in height and shall be maintained in good condition without any advertising thereon. In any R District, the space between such wall or fence and the side lot adjoining the premise, or the front lot line facing premise, shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In case the capacity of the parking area exceeds thirty (30) vehicles, it shall be screened by a masonry wall not less than four (4) feet or more than eight (8) feet in height.

**2. Minimum Distances and Set-Backs**

No part of any parking area shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall of acceptable design. If not in an R District but adjoining an R District, the parking area shall be set back at least twenty-five (25) feet from the established street right-of-way line for a distance of fifty (50) feet from any R District.

**3. Surfacing**

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

**4.** Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any nearby or adjoining premise in any R District.

**5.** Handicapped parking will be sited, designed, and marked for the benefit of handicapped persons.

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

**I.** The Board of Adjustment may authorize on appeal a modification, reduction, or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential business, trade, industrial, or other use, or the exceptional shape or size of the property or other exceptional situation or condition would justify such action.

**J.** Large Commercial Motor Vehicles, Large Commercial Trailers and Commercial Vehicles. In all Zoning Districts the parking of large commercial motor vehicles, large commercial trailers and commercial vehicles shall require an off-street parking area with an access drive that is designed and constructed in a manner to be used by said vehicles.

1. This shall include an access on public right-of-way that is forty (40) to sixty (60) feet wide with a minimum of thirty (30) foot radius, and constructed in compliance with the Taney County Road Standards for commercial drives. If the access is on Missouri Department of Transportation rights-of-ways then the construction must be in compliance with Missouri Department of Transportation design standards.
2. The driveway extending from the access on public right-of-way shall be constructed using the same criteria as the access.
3. Adequate parking area for the vehicles will be provided using the location requirements and screening requirements as used for automobile parking spaces.
4. The parking area may be gravel provided that the gravel area is keep free of debris, potholes, puddles, or ruts and does not create a dusting on the surrounding area. If these items cannot be complied with then the parking area must be protected with a surface similar to the driveway and access drive that is non gravel.
5. Large commercial motor vehicles, large commercial trailers or commercial vehicle parking requirements may be waived if only one vehicle is in use on the site that is titled or leased to the owner, leaser, or renter of the parking area, or the vehicles and/or trailer are part of an agricultural operation on which the vehicles are used to transport materials produced or grown on the property in question. If the vehicles and/or trailer in question are not titled or leased to the property owner then this operation will be considered a commercial business and will need to be rezoned to the proper Zoning District or cease operation in the existing location.

### **SECTION 039.020 RESTRICTED BUSINESS OR INDUSTRIAL ACCESSORY PARKING AREAS**

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

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

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

### **SECTION 039.030 FILLING STATIONS, PUBLIC GARAGES, AND PARKING LOTS**

- A.** No gasoline filling station, parking lot for twenty-five (25) or more motor vehicles, or parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital, public

library or institution for dependents or for children, except where such property is in another block or on another street that the lot in question does not abut.

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

#### **SECTION 039.040            OFF-STREET LOADING SPACE**

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



## **ARTICLE 040.000 HEIGHT LIMITS**

### **SECTION 040.001 EXEMPTIONS**

- A.** Height limitations stipulated elsewhere in these Zoning Regulations shall not apply:
- 1.** To barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas, domes, monuments, water towers, fire and hose water, observation towers, transmission towers, sand and gravel processing plants, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
  - 2.** To places of public assembly including churches, schools and other permitted public and semipublic buildings, provided that these are located on the first floor of such building and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the Zoning District in which the building is located, its side and rear setbacks shall be increased in width and depth by an additional foot over the side and rear setback required for the highest building otherwise permitted in the Zoning District in which the building is located.
  - 3.** To bulkheads, elevator penthouses, water tanks and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers, grain elevators or other structures, where the manufacturing process requires a greater height; provided, however, that all such structures above the heights permitted in the Zoning District in which the structure is located shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line.

### **SECTION 040.010 PROJECTION INTO REQUIRED SETBACK AREAS**

- A.** Certain architectural features may project into required setback areas as follows:
- 1.** Into any required front setback area, rear setback area or required side setback area on a corner lot:
    - a.** Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.

- b.** An uncovered stair and necessary landings may project a distance not to exceed six (6) feet, provided such stair and landings shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet.
    - c.** Bay windows, balconies and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third ( $1/3$ ) of the length of the building on which they are located.
- 2.** The above named features may project into any required side yard adjoin an interior side lot line a distance not to exceed one-fifth ( $1/5$ ) of the required least width of such setback, but not exceeding three (3) feet in any case.
- 3.** Fences, walls, and hedges may be located in required setback areas.

## **ARTICLE 041.000 COMMON OPEN SPACE AND COMMON IMPROVEMENT REGULATIONS**

### **SECTION 041.001 GENERAL PROVISIONS**

The provisions of this Article shall apply to all developments in which the following features are held in common ownership by a property owners' association or by persons or entities owning property within a development.

- A.** All lands in common open space, not a part of individual lots, designed for the mutual benefit of a group of persons owning property within a development, where such lands are not dedicated to or conveyed for public use whether or not such lands are required by the provisions of this Article; and
- B.** All private streets, driveways, parking facilities and buildings or portions thereof, as may be provided for the common use, benefit and/or enjoyment of the occupants of the development; whether or not such improvements are required by the provisions of this Article.

### **SECTION 041.010 CONDOMINIUM PROPERTY ACT**

- A.** All lands and improvements as set forth in Section 041.001 above shall be established and maintained according to the provisions of the Condominium Property Act, Chapter 448 of the Revised Statutes of Missouri, or subsequent amendments, except where the Planning Commission determines that the provisions of this Article can otherwise be satisfied.
- B.** Should this Article conflict with the provisions of the Condominium Property Act, Chapter 448 of the Revised Statutes of Missouri, or subsequent amendments, the provisions of the Condominium Property Act shall prevail.

### **SECTION 041.020 SUBDIVISION APPROVAL REQUIRED**

All subdivision of property containing common open space and common improvements shall originally be classified as a major subdivision and subject to review according to the provisions of the Subdivision Regulations. Amendments or revisions to an improved subdivision plat containing a common open space and common improvements may be classified as a minor subdivision according to the provisions of the County's Subdivision Regulations.

### **SECTION 041.030 PROPERTY OWNERS' ASSOCIATION**

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

- A.** Ownership of the common open space and common improvements;
- B.** Method of maintenance;
- C.** Responsibility for maintenance; maintenance taxes and insurance coverage;
- D.** Compulsory membership and compulsory assessment provisions;
- E.** Guarantees that any association formed to own and maintain common open space, and common improvements will not be dissolved without the consent of the County; and
- F.** Any other specifications deemed necessary by the Planning & Zoning Commission and the County Commission.

### **SECTION 041.040 COVENANTS, RULES AND BY-LAWS**

The Planning Administrator and the County Counselor shall review and discretionarily approve the restrictive covenants, rules and bylaws of the unit ownership, as prepared according to the provisions of this Article and the Condominium Property Act, Chapter 448 of the Revised Statutes of Missouri. This approval shall be obtained before any final plat is recorded or final site plan approved. Such documents, once approved, shall become part of the recorded subdivision plat or approved site plan.

### **SECTION 041.050 MAINTENANCE RESPONSIBILITY**

- A.** The County shall not be responsible for the maintenance of any common open space/improvements required by this Article.
- B.** Initial maintenance of the common open space/improvements within a development shall be the responsibility of the developer. The restrictive covenants, rules and bylaws of the unit ownership may prescribe a method for transfer of maintenance responsibility to a duly constituted property owner's association.

## **ARTICLE 042.000 CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

### **SECTION 042.001 SPECIFICATIONS**

- A.** Concentrated Animal Feeding Operations (CAFO) as defined by Article 002.000 may be conditionally permitted in A-1, M-1 or M-2 districts with a Conditional Use Permit approved by the Planning Commission.
  
- B.** The Planning Commission shall consider the standards set forth within Taney County Ordinance No. 2019-819 concerning Health Regulations for concentrated animal feeding in issuing a Conditional Use Permit.

## **ARTICLE 043.000 STORM WATER RUNOFF, SEDIMENT AND EROSION CONTROL AND SINKHOLE USE STANDARDS**

### **SECTION 043.001 STORM WATER RUNOFF**

#### **A. Storm Water Detention**

1. Prior to the development of the land, surface conditions provide a higher percentage of permeability and longer time of concentration. With the construction of buildings, parking lots, *et cetera*, permeability and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume of runoff. Refer to the Taney County Storm water and Erosion Control Regulations for Storm water Detention requirements.

### **SECTION 043.010 SEDIMENT AND EROSION CONTROL**

#### **A. Statement of Intent**

The purpose of this Section is to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of the land within Taney County. Soil erosion scars the land and creates sediment that clogs storm sewers and road ditches; chokes streams and creates silt bars, all of which pose a threat to public health and safety. Refer to the provisions of the Storm water and Erosion Control Regulations for Taney County for sediment and erosion control regulations.

### **SECTION 043.020 SINKHOLE USE STANDARDS**

#### **A. Placing Substances and Objects in Sinkholes**

1. No person shall place or cause to be placed any substance or objects, other than those approved by the County, in any sinkhole.
  - a. This specifically precludes any trash, garbage, or refuse material.
  - b. If an accidental spill of any toxic, petroleum, or hazardous material occurs it shall be reported to the Missouri Department of Natural Resources immediately
2. Any property that has a sinkhole present that has been used as a site for dumping of trash, garbage, and refuse will be prohibited

from construction permits, zoning actions, or land subdivision until the sinkhole has been cleaned out.

**B. Alteration of Sinkholes**

The filling, grading, or excavation of sinkholes is prohibited unless the following provisions are met:

1. Approval is granted by the Planning and Zoning Department after receiving recommendation from the applicant's storm water engineer.
2. A sinkhole evaluation that addresses geologic and engineering factors, stamped or sealed by a registered civil engineer shall be filed with the Planning & Zoning Department detailing the method and material to be used and showing that no detrimental effect will occur to surrounding properties.
  - a. In cases of agricultural filling, where no detrimental effect on surrounding properties will occur, the Engineering Report may be waived.
3. All other pertinent regulations are met.

**C. Development**

1. No construction will be allowed within a sinkhole.
  - a. Any alteration of a sinkhole related to building construction, subdivision development, or landscaping, is prohibited unless approved by the Planning & Zoning Department.
2. Drainage to sinkholes shall not exceed pre-development conditions unless approved by the Planning & Zoning Department.
3. No waste disposal system is allowed within a sinkhole.
4. No excavation or stripping of vegetative cover is allowed within sinkholes, except for normal agricultural activities.

**D. Reporting Sinkholes**

1. Whenever a new sinkhole appears or it becomes apparent that a sinkhole has not yet been identified, it shall be reported to the Taney County Planning Department. Refer to the Storm water and Erosion Control Regulations for Taney County for sinkhole and karsts feature regulations.

## **ARTICLE 044.000 FLOODPLAIN MANAGEMENT**

**A. Statutory Authority**

The Legislature of the State of Missouri has in RSMo 64.090 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare.

**B.** Therefore the County Commission of Taney County Missouri Adopted the Floodplain Management Ordinance for Taney County. Please refer to the Amended Floodplain Management Ordinance for Taney County 60.3(d) (Effective March 15, 2012) for complete Floodplain Management regulations.



## **ARTICLE 045.000 ZONING DISTRICT AND REGULATION CHANGES**

### **SECTION 045.001 ZONING DISTRICT CHANGES**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Commission may by order, after receiving a recommendation and report from the Planning Commission, and subject to the procedure provided in this Article, amend, supplement, or change the Zoning District boundaries now or hereafter established by these Zoning Regulations.

- A.** It shall be the duty of the Planning Commission to submit its recommendations to the County Commission regarding all applications or proposals for district changes.
- B.** A Zoning District change may be initiated by passing a resolution therefore by the Planning Commission, on its own initiative, or by an application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by said resolution.

### **SECTION 045.010 PROCEDURE FOR CHANGE OF ZONING DISTRICT BOUNDARY OR CHANGE OF ZONING CLASSIFICATION OF PROPERTY**

#### **A. By Owner or Lessee of Property**

Applications for any change of Zoning District boundary or change of zoning classification of property as shown on the zoning map shall be submitted to the Planning Administrator upon such forms prescribed by the Planning Administrator, and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning Commission or the Planning Administrator, so as to assure the fullest practicable presentation of facts for the permanent record.

- 1.** Each application shall be signed by at least one (1) of the owners of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application.
- 2.** The application shall be submitted at least thirty (30) days before the public hearing date to be held by the Planning Commission.
- 3.** The applicant must provide names and addresses of the owners of all properties lying within the area sought to be changed and within six hundred (600) feet of any part of the premises the zoning classification of which is proposed to be changed.

**B. By Planning Commission**

The Planning Commission may by motion or resolution propose a change of Zoning District boundaries or change of zoning classification of property.

- 1.** Before submitting its recommendations concerning a proposed zoning change to the County Commission, the Planning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by at least one (1) publication in a newspaper of general circulation in the County at least fifteen (15) days before the hearing.
  - a.** A notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in at least one (1) conspicuous place on the premises the zoning classification of which is proposed to be changed.
  - b.** The notice shall state the place or places and time at which the proposed change to the Zoning District, including text and maps, may be examined.
- 2.** The Planning Commission shall recommend to the County Commission the approval, denial, or modification of the proposed change of Zoning District boundary or change of zoning classification of property within twenty-five (25) days after the conclusion of the public hearing together with such application or resolution and the text and map pertaining thereto.
  - a.** If the County Commission deems it desirable, an application or resolution may be tabled to the next meeting for one (1) additional hearing, in which case the recommendation shall be submitted within twenty-five (25) days after the second hearing.
- 3.** In case of written protest against any proposed amendment, such amendment may not be passed except by the favorable vote of two-thirds of all the members of the County Commission when
  - a.** In cases where the land affected lies within one and one-half (1-1/2) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of the municipality, made by resolution of the city council or board of trustees thereof, and filed with the County Clerk.

4. Any person adversely affected by an order of the County Commission adopting, amending or rescinding a Zoning District change may appeal to the Circuit Court of Taney County on the grounds that said County Commission failed to comply with the law in adopting, amending, rescinding, publishing or distributing such Zoning District change, or that the change, as adopted or amended by said County Commission is unreasonable or unlawful.
5. Each application for zoning change, except those initiated by the Planning Commission, shall be accompanied by a check payable to Taney County Treasurer, or a cash payment in an amount to be determined by the County Commission, to cover the cost of application review, publishing, posting and/or mailing the notices of the hearing or hearings required by the foregoing provisions.

### **SECTION 045.020            ZONING REGULATION AMENDMENTS**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the County Commission may by order, after receiving a recommendation and report from the County Planning Commission, and subject to the procedure provided in this Article, amend, supplement or change the Zoning Regulations, now or hereafter established by the Regulations created under authority of Sections 64.800 through 64.895 of the Revised Statutes of Missouri.

- A. It shall be the duty of the Planning Commission to submit its recommendations to the County Commission regarding all proposals for amendments to the Zoning Regulations.
- B. An amendment, supplement or change of the text of these Zoning Regulations may be initiated by:
  1. By the Planning Commission, on its own initiative, through motion or resolution.
- C. In any case, it shall be the duty of the Planning Commission, in the interest of public necessity and good zoning practice, to conduct a review of the Zoning Regulations from time to time, and report its findings and recommendations to the County Commission.

**SECTION 045.030           PROCEDURE FOR CHANGE**

- A.** Before submitting its recommendations on a proposed amendment to the County Commission, the Planning Commission shall hold at least one (1) public hearing thereon.
  - 1.** Notice of the hearing shall be given at least fifteen (15) days in advance thereof by at least one (1) publication in a newspaper of general circulation in the County.
  - 2.** The notice shall state the place and time of the hearing and the place and time at which the proposed amendment to these Zoning Regulations may be examined.
- B.** The County Planning Commission, after consideration of the proposed amendment shall, within a reasonable time after the conclusion of such public hearing or hearings, recommends the approval or denial of the proposed amendment or the approval of some modification thereof to the County Commission.
- C.** If the proposed amendment is adopted by the County Commission, an attested copy shall be certified to the County Clerk and a copy shall be recorded in the office of the Recorder of Deeds.
- D.** Any person adversely affected by an order of the County Commission adopting, amending or rescinding a regulation, may appeal to the Circuit Court of Taney County.

**SECTION 045.040           LIMITATION ON APPLICATIONS FOR REZONING**

No application for rezoning of any tract, lot or parcel of land within the unincorporated area of Taney County, other than an application initiated by the Planning Commission as set forth in Section 045.001 of this Article shall be filed or allowed prior to the expiration of four (4) months from the time that the Taney County Commission shall have finally acted on any application for rezoning of all or any part of the same lot, tract or parcel of ground; unless: (1) the application previously acted upon was initiated by the Planning Commission; or (2) unless during said four (4) month interval property adjoining or abutting the lot, tract or parcel of land or within six hundred (600) feet, as provided in Section 045.010.B.1 of this Article, of the lot, tract or parcel of land shall have been rezoned by the County Commission or by any other appropriate zoning authority.

## **ARTICLE 046.000 ENFORCEMENT**

### **SECTION 046.001 ENFORCEMENT BY PLANNING ADMINISTRATOR**

- A.** The Planning Administrator is charged with the enforcement of the Zoning Regulations and Subdivision Regulations.
- B.** All departments, officials and public employees of Taney County, vested with the duty of authority to issue permits or licenses shall conform to the provisions of these Zoning Regulations and shall issue no permit or license for any use, building or purpose, in conflict with the provisions of these Zoning Regulations; any permit or license issued in conflict with the provisions of these Zoning Regulations shall be null and void.

### **SECTION 046.010 PROCEDURES UPON DISCOVERY OF VIOLATIONS**

The Planning Administrator shall have the power to cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of the Zoning Regulations, Subdivision Regulations, Storm water and Erosion Control Regulation or the Road and Access Standards.

- A.** Any owner, lessee or tenant who, having been served with an order in writing signed by Planning Administrator to correct or remove any such violation, shall fail to comply with the order within ten days after service, or who shall continue to violate any of the regulations or orders, shall be guilty of a misdemeanor.
- B.** Any person or entity violating any of the provisions of these Zoning Regulations, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00).
- C.** Each and every day during which such illegal location, erection and/or construction may be deemed a separate offense.

### **SECTION 046.020 VIOLATIONS – REMEDIES**

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of these Zoning Regulations or any amendment or supplement thereto, the Planning Administrator, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may

institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

## **ARTICLE 047.000 COUNTY COMMISSION**

### **SECTION 047.001 POWERS AND DUTIES ASSIGNED TO COUNTY COMMISSION**

The County Commission shall have all of the powers and duties as provided in Sections 64.800 to 64.895 of Missouri Revised Statute, including the following:

**A. Taney County Zoning Regulations Text Amendments**

The text of the Taney County Zoning Regulations may be amended from time to time by the County Commission by order, after receiving the recommendation of the Planning Commission.

**B. Taney County Zoning Map Amendments**

The Taney County Zoning Map may be amended from time to time by the County Commission by order, after receiving the recommendation of the Planning Commission.

**C. Master Plan Adoption and Amendment**

The County Commission adopted the official Taney County Master Plan and may subsequently amend or extend the adopted plan by resolution, upon recommendation of the Planning Commission.

**D. Subdivision Regulations Adoption and Amendment**

The County Commission adopted the Taney County Subdivision Regulations and may subsequently amend or extend the adopted plan by resolution, upon recommendation of the Planning Commission.

**E. Plat Approval if the Plat is Rejected by the Planning Commission or Protest Received from Municipality**

A plat shall be reviewed and approved by two-thirds (2/3rds) vote of the County Commission (§ 64.830, RSMo.) in instances in which:

1. A plat is amended or rejected by the Planning Commission; or
2. The City Council or Board of Aldermen of any municipality within one and one-half (1 ½) miles of the area in question files a certified copy of a resolution with the Planning Commission protesting the plat approval.

## **ARTICLE 048.000 PLANNING COMMISSION**

### **SECTION 048.001 MEMBERS**

A. Upon the adoption of the County plan there is created in the County a County Planning Commission. The Taney County Planning Commission shall consist of the county highway engineer or head of the highway department, and one resident of the County appointed by the County Commission, from the unincorporated part of each township in the county, except that no such resident shall be appointed from a township in which there is no unincorporated area, as provided in Sections 64.800 to 64.895, RSMo. The township representatives are hereinafter referred to as appointed members.

1. The term of each appointed member shall be four (4) years or until a successor takes office, except that the terms shall be overlapping and that the respective terms of the members first appointed may be less than four years.

2. The term of the County highway engineer shall be only for the duration of the engineer's tenure of official position.

3. Members shall be removable for cause by the County Commission upon written charges and after public hearings.

4. **Officers**

At its first meeting in February of each year, the Planning Commission shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairperson, one member to serve as vice-chairperson, and one member to serve as secretary. The people so designated shall serve in these capacities for terms of one year. The Chairperson shall serve no more than two consecutive terms in that position. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Planning Commission membership (excluding vacant seats). The chairman, vice-chairman, and secretary may take part in all deliberations and vote on all issues.

5. **Quorum**

A quorum of the Planning Commission shall consist of a majority of the membership (excluding vacant seats). A quorum is necessary for the Planning Commission to take official action.



## **Section 048.010 Meetings**

- A.** The Planning Commission may create and adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and recommendations.
- B.** All members of the County Planning Commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses may be paid to the appointed members of the Planning Commission in an amount, as set by the County Commission, not to exceed twenty-five (25) dollars for each meeting.
- C.** Parliamentary procedure in Board meetings shall be governed by "Roberts Rules of Order, Newly Revised," except as specifically modified herein.

**D. Notice Letters**

Notice letters shall be mailed to the applicant and property owner, if different than the applicant and all property owners within six hundred (600) feet by regular mail at least fifteen (15) days prior to the public hearing. In sparsely populated areas, staff may require additional notification. The applicant shall provide the Planning Office with addressed, stamped notices for this purpose, as well as a list of property owners to whom notices are sent. Notices will be mailed by staff at the applicant's expense.

**E. Notice of Public Hearings**

Public hearings of applications shall be preceded by at least one (1) notice, published at least fifteen (15) days before the hearing in the official County newspaper(s). The applicant shall bear the costs of notice publication and shall submit an affidavit of publication as evidence that proper notice has been published.

## **ARTICLE 049.000 BOARD OF ADJUSTMENT**

### **SECTION 049.001 MEMBERS**

A. The Taney County Commission which appointed a County Planning Commission and which has adopted a Master Plan, as provided in Sections 64.800 to 64.885, RSMo., shall appoint a County Board of Adjustment.

1. The Board shall consist of five residents of the County, but not more than two (2) shall be residents of the incorporated area of the County and not more than one (1) may be a member of the County Planning Commission.

2. The membership of the first board appointed shall serve respectively:

a. One for one year, one for two years, one for three years, and two for four years.

b. Thereafter members shall be appointed for terms of four years each.

3. Members shall be removable for cause by the County Commission upon written charges and after public hearings.

4. Vacancies shall be filled by the County Commission for the unexpired term of any member whose term becomes vacant.

5. **Quorum**

Three (3) members in attendance at any meeting shall constitute a quorum of the Board of Adjustment.

a. If at any meeting of the Board of Adjustment, a quorum shall fail to be present, or if at any meeting of the Board of Adjustment it should be suggested that a lack of quorum exists and the Board so finds, then the Chairperson or Acting Chairperson, shall adjourn such meeting to the earliest possible date in order to afford a full hearing upon such appeal or application pending.

6. **Chairperson**

The Board of Adjustment shall elect its own Chairperson and Vice Chairperson, and shall adopt rules of procedure consistent with the

provisions of the Zoning Regulations and the provisions of sections 64.800 to 64.895, RSMo.

- a. The chairperson, or in the chairperson's absence the acting chairperson, may administer oaths and compel the attendance of witnesses.
  - (1) All interested witnesses wishing to speak will be sworn in before all the hearings are heard.
  - (2) When the speaker approaches the podium they must state their name, address, and whether they have been sworn in previously.

**7. Secretary**

The person acting as Administrator of Planning and Zoning for Taney County shall act as Secretary for the Board of Adjustment and is hereby authorized and directed to publish, deliver, mail, and sign for on behalf of the Board of Adjustment on notices required.

- a. The Planning Administrator shall not accept any applications for any meeting which are not filed at least thirty (30) days prior to said meeting.

**8. Election**

The Board shall, at its regular May meeting each year, elect by a majority of its membership, a Chairperson of the Board who shall serve until the successor has been elected and qualified, and in the same manner shall elect a Vice-Chairperson, who shall serve in the absence or inability of the Chairperson to act or perform the functions of his or her office.

**SECTION 049.005      POWERS AND DUTIES**

The Board of Adjustment shall have the following powers and it shall be its duty:

- (1) to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Regulations;
- (2) to hear and decide all matters referred to it or which it is required to determine under the Zoning Regulations; and

(3) where, by reason of exceptional narrowness, shallowness, shape or topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under 64.845 to 64.880 would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardship, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Zoning Map.

## **SECTION 049.010 MEETINGS**

- A.** All meetings of the Board of Adjustment shall be open to the public and held at the call of the Chairperson and at such other times as the Board may determine, but unless otherwise specified, the regular meeting shall be held the third Wednesday, of each month at 6:00 p.m. County Commission Hearing Room, Taney County Courthouse, 132 David Street, Forsyth, MO.
- B.** Parliamentary procedure in Board meetings shall be governed by "Roberts Rules of Order, Newly Revised," except as specifically modified herein.
- C.** **Continued Meetings**
- Motions for continuance in any case pending before the Board may be granted by the Board, within its discretion, and should for any reason a cause be continued, then such case will be automatically set for hearing on the next regularly scheduled meeting of the Board or at such sooner time appear for such hearing without further notice.
- E.** **Tabled Meetings**
- An applicant may request that a matter be tabled by submitting in writing signed and dated by the applicant or legal representative. If the Board votes to table a matter upon such a request, the Board will take action upon such matter at the next regular meeting of the Board. Any matter tabled for a period of one hundred eighty (180) days without substantive amendment or final action shall be denied and removed from the agenda without further action by the Board.

**F. Voting**

1. Each Board of Adjustment member shall be entitled to one vote on all issues presented to the Board of Adjustment. It shall require the concurring vote of at least three (3) members of the Board of Adjustment to constitute a decision or the Board of Adjustment.
2. If at hearing before the Board of Adjustment there is present only three (3) members of the Board of Adjustment, then in such event, the applicant of the proceeding shall have a one-time option to continue the hearing until the next regularly scheduled Board of Adjustment meeting at which there exists a quorum of members of the Board of Adjustment and the matter shall be heard at that meeting without another option pursuant to this paragraph to continue the hearing to a later date; this option shall be requested prior to any evidence being received by the Board of Adjustment for the particular.

**G. Records**

All meetings of the Board of Adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the board and shall be a public

**SECTION 049.020 APPEALS**

- A. Appeals to the Board of Adjustment may be taken by any aggrieved owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the administrative officer in administering a County Zoning Ordinance.
- B. Such appeals shall be taken within a period of not more than ninety (90) days of the date of such decision, and in the manner provided by the rules of the board.

**SECTION 049.030 AUTHORITY**

- A. The Board of Adjustment shall have the following powers and it shall be its duty to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the County Zoning Regulations:

1. To hear and decide all matters referred to it or which it is required to determine under the Zoning Regulations adopted by the County Commission as herein provided;

**B.** In exercising the above powers, the Board may in conformity with the provisions of statute and the regulations reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

1. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board of Adjustment or of the County Commission, respectively, under the provisions of sections 64.800 to 64.895, RSMo., or board, commission or other public official, may present to the circuit court having jurisdiction in Taney County, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief there from.

2. Upon the presentation of the petition the circuit court shall allow a writ of certiorari directed to the Board of Adjustment of the action taken and data and records acted upon.

3. The court may reverse or affirm or may modify the decision brought up for review.

- a. After entry of judgment in the circuit court in the action under review, any party to the case may file an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law.

#### **SECTION 049.040 STAY OF PROCEEDINGS**

**A.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken shall certify to the board that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property.

#### **SECTION 049.050 VARIANCES**

**A.** The County Commission shall provide for a Board of Adjustment with powers to modify or vary the regulations, in specific cases, in order that unwarranted hardships, which constitute an unreasonable deprivation of use as distinguished from the mere grant of a privilege, may be avoided,

the intended purpose of the regulations being strictly observed and the public welfare and public safety protected.

- 1.** The County Board of Adjustment shall be appointed to serve as the Board of Adjustment for the building or setback line regulations.
- B.** Where, by reason of exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under sections 64.800 to 64.895, RSMo., would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Adjustment may authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and map.
- C.** In authorizing a variance, the Board of Adjustment may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the regulations and in the public interest.
  - 1.** In authorizing a variance, with guarantee or bond as it may deem to be necessary, that the conditions attached are being and will be complied with.
- D.** No such variances in the provisions or requirements of the regulations shall be authorized by the Board of Adjustment unless the Board finds, beyond a reasonable doubt, that all the following facts and conditions exist:
  - 1.** That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property that do not apply generally to other properties or classes of uses in the same Zoning Districts.
  - 2.** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
  - 3.** That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the regulations or the public interest.

- E. No grant of a variance shall be authorized unless the Board of Adjustment specifically finds that the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought, one or the other in combination is not of so general or recurrent a nature as to make reasonable practicable the formulation of a general regulations for such conditions or situation.

## **SECTION 049.060 APPLICATIONS FOR BOARD OF ADJUSTMENT VARIANCE AND APPEAL HEARINGS**

### **A. Public Notice**

The applicant shall pay for the cost of, and the Planning Administrator shall provide public notice of the public hearing of the Board of Adjustment by regular mail and newspaper notice. Notice of public hearings shall be posted on the property described in the application 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 fifteen (15) days prior to the hearing.

### **B. Application**

Application shall be filed thirty (30) days before a scheduled hearing. All information to be discussed before the Board should be submitted fifteen (15) days prior to the scheduled meeting to allow sufficient time for the staff to prepare the packets to the Board and give the Board a reasonable amount of time to review the information and to perform an on-site inspection, if needed. Substantial evidence submitted during the hearing may result in continuation or tabling the meeting to allow the Board sufficient time to review all evidence before a decision is made.

### **C. Application must be submitted with the following documents:**

1. **Application Fee:** Fees must be paid to the department before a hearing can be held. Fees are non-refundable.
2. **Property Description:** Provide a copy of the recorded deed with the legal description attached.
3. **Property Owners:** Provide a list of property owners that was obtained from the Assessor's office.
4. **Reason:** Provide a typewritten description of the applicants reason for the appeal or variance requested.



5. **Plot Plan:** Provide a plot plan and/or a survey of the property. If a setback variance is requested, the survey must have the structure, easements, and property lines included.
6. **Evidence:** Provide any evidence fifteen (15) days prior to the scheduled hearing to be sent to the Board of Adjustment.

**D. Notice Letters**

Notice letters shall be mailed to the applicant and property owner, if different than the applicant and all property owners within six hundred (600) feet at least fifteen (15) days prior to the Board of Adjustment hearing. In sparsely populated areas, staff may require additional notification. Notices will be mailed by staff at the applicant's expense.

**E. Notice of Public Hearings**

Public hearings of applications shall be preceded by at least one (1) notice, published at least fifteen (15) days before the hearing in the official County newspaper(s). The applicant shall bear the costs of notice publication and shall submit an affidavit of publication as evidence that proper notice has been published.

- F.** Any party to any proceeding before the Board shall, insofar as it may be possible, prepare and submit in advance for hearing, six (6) copies of any exhibits proposed to be used in the proceeding, which said submission shall be made to the Board by filing the same in the office of the Planning and Zoning Department. The applicant and other proponents shall submit exhibits at least fifteen (15) days in advance of the hearing; the Planning and Zoning Department, other governmental agencies and departments, and opponents of the applicant's request shall submit exhibits at least ten (10) days in advance of the hearing. Each exhibit shall be identified as to the party who intends to sponsor the exhibit and shall be consecutively numbered or lettered. All material so submitted shall be deemed a public record and shall be open for inspection and copy by any person whomsoever. Any exhibit not so filed shall be admitted by the Board only upon a clear showing that such filing was not in good faith reasonably possible.

**G. Proceedings**

A proceeding before the Board consisting of an appeal by any aggrieved person from a decision of an administrative officer is a fact finding appeal made shorter than the Planning Commission meetings on applications

requesting a change of land use. Decisions will be based on any new information or evidence and based on incorrect or misleading information presented in leading to the administrative decision. This is not a chance to rehear all the information presented in the planning and Zoning meeting. A copy of the file, letter of record, and minutes of the meeting will be submitted by the staff for evidence prior to the meeting.

## **SECTION 049.070 BOARD OF ADJUSTMENT HEARING**

### **A. Agenda**

The Secretary shall prepare an agenda for such meeting and the order of business therein shall be as follows:

1. Roll Call
2. Approval of Minutes
3. Unfinished Business
4. Communication
5. Swearing in of All Witnesses
6. Hearings
7. Exceptions
8. Variances
9. Appeals
10. New Business
11. Closed meeting
12. Adjournment

**B.** All witnesses wishing to testify on any matter set for hearing by the Board of Adjustment shall be sworn before testifying.

**C.** Any witness may be cross-examined by any member of the Board.

### **D. Meeting Order**

Each case coming before the Board shall be heard in the following order:

1. The presentation of the Planning and Zoning Department or any other public agency and cross-examination of their witness.

2. The presentation of the applicant (limited to fifteen (15) minutes for primary speaker, five (5) minutes for each additional) and cross-examination.
  3. Any public agency.
  4. The presentation of parties in support to the applicant's position. (Limited to five (5) minutes).
  5. The presentation of parties opposed to the applicant's position (limited to fifteen (15) minutes for primary speaker, five (5) minutes for each additional), not representing any governmental agency, and cross-examination of their witnesses.
  6. The presentation of rebuttal testimony by the applicant and cross-examination of the rebuttal witnesses. Rebuttal testimony shall be limited to new matters made necessary in explanation of matters raised following the applicant's original presentation or in answer to matters so raised and shall not be for the purpose of merely resubmitting or restating matters previously submitted by the applicant in his original presentation. The applicants shall be given three additional minutes for rebuttal argument, if desired.
  7. Each person addressing the Board shall step up to the podium, state his name and address for the record, and whether they had been sworn in by the chairman. Unless further time is granted by the Board, the witness shall limit his address to five (5) minutes. All remarks shall be addressed to the Board as a body and not to any member thereof. No person, other than the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Board, without the permission of the Chairman. No question shall be asked of a member of the Board except through the presiding officer.
- E.** Following presentation of all cases and requests at a meeting, the public session of the Board shall be declared at an end by the Chairman so that the Board may make its decisions.

## **SECTION 049.080            GENERAL PROVISIONS**

### **A.     Burden of Proof**

It shall be the burden of the applicant in any case before the Board to present sufficient facts and testimony that an affirmative decision by the Board in favor of the applicant will be based upon competent and substantial evidence upon the whole record of proceedings before the Board. Nothing shall prohibit any member of the Board inquiring of any witness or party at any time during the proceedings upon any fact or matter related to the proceedings, but it shall not be the duty of the Board to supply any deficiencies in or to seek to provide facts in any proceedings.

### **B.     Presentation of Information or Evidence**

If the applicant or the County staff provides the Board of Adjustment with information or evidence that was not included in the packet of information provided by the County staff to the Board approximately ten (10) days prior to the Board's scheduled meeting to consider the case, then said case may be tabled for one meeting.

### **C.     Compel of Witnesses**

The Chairman or Acting Chairman may compel the attendance of any witness so requested to be at such hearing for examination, cross-examination, or both. The office making such service of a subpoena shall be entitled to receive therefore such fees as are allowed by law for similar service, to be paid by the County. The chairman shall have the power to administer oaths to witnesses.

### **D.     Finding of Facts**

Each member present at each meeting of the Board will make his separate findings in regard to each special exception and request for variance and taken together collectively, such findings will constitute the findings of the Board of Adjustment in each particular case. The staff shall be required to serve the Board's finding of facts and conclusions of law to the applicant by regular mail within five (5) days from the date of his notification of the Board's decision.

### **E.     Request to Re-schedule Meeting**

No affirmative relief will be granted to any applicant or appellant in any case unless the applicant, appellant, or his agent or attorney appear in person or by affidavit in writing duly verified which meets the required burden of proof, in any case in which the applicant, appellant or his agent or attorney fail to appear either in person or by written verified affidavit

and no interested person appears protesting the granting of such relief, then such case will be dismissed by the Board without prejudice to the applicant to request another hearing in the time and manner necessary for the first hearing and upon

- F. The Board of Adjustment shall adopt rules of procedure consistent with the provisions of the Zoning Regulations and the provisions of Sections 64.800 to 64.895 of the Revised Missouri Statutes.

## **SECTION 049.090            POWERS OF THE BOARD OF ADJUSTMENT**

- A. The Board of Adjustment shall have the power to hear and decide, in accordance with the provisions the Regulations, applications that are properly filed in the manner provided for:
  - 1. Special exceptions;
  - 2. Interpretation of the Zoning Map; or
  - 3. For decisions upon other special questions on which these Zoning Regulations provide that the Board of Adjustment shall decide.
- B. In considering an application for a special exception or interpretation of the zoning map, the Board of Adjustment shall give due regard to the nature and conditions of all adjacent uses and structures; Conditional Use or Special Exception as the Board of Adjustment may deem necessary for the protection of adjacent properties and the public interest.

## **SECTION 049.100            SPECIAL EXCEPTIONS**

- A. In addition to permitting the special exceptions specified in these Zoning Regulations, the Board of Adjustment shall have the power to permit the following Special Exceptions. The procedures shall be the same as those set forth in Section 049.050 and 049.060.
  - 1. **Nonconforming Uses.** The substitution of a nonconforming use existing at the time of enactment of these Zoning Regulations by another nonconforming use, if no structural alterations, except those required by law or resolution, are made provided, however, that
    - a. In an Residential District, no change shall be authorized to any use that is not a permitted use or a conditional use in any Residential District and

- b. In a Commercial District, no change shall be authorized to any use that is not a permitted use or a conditional use in any Commercial District.
    - 2. The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot, provided that:
      - a. Such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming, and
      - b. That such extension is necessary and incidental to such existing nonconforming use provided that:
        - (1) The value of such extension shall not exceed in all one-third (1/3) of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use;
        - (2) That such extension shall be within a distance of not more than fifty (50) feet of the existing building or premises; and
        - (3) Provided further that such extension shall in any case be undertaken within five (5) years of the enactment of these Zoning Regulations.
      - c. Provided, however, that the Board of Adjustment shall not authorize any extension or enlargement that would result in extending the useful life of a nonconforming building, or that would result in violation of the provisions of these Zoning Regulations with respect to any adjoining premises.

**SECTION 049.110            EXTENSION OF USE ON BORDER OF ZONING DISTRICT**

- A. The extension of a use or building into a more restricted Zoning District immediately adjacent thereto, but not more than twenty-five (25) feet beyond the dividing line of the two (2) Zoning Districts, under such conditions as will safeguard development in the more restricted Zoning District.

**SECTION 049.120            CONDITIONAL INDUSTRIAL USES**

- A. Permitting in such parts of any M-2 District as are more than six hundred (600) feet distant from any R District and more than two hundred (200) feet from every other Zoning District except an M-1 District,

1. Any of the industries or uses listed in Article 020.000 and permitted in any M-1 District as an accessory use,
  2. Any use permitted in an M-2 District as a principal use, as specified in Article 021.000.
- B.** In doing so, the Board of Adjustment may require the installation, operation and maintenance in connection with the proposed use of such devices or such methods of operation as may, in the opinion of the Board of Adjustment, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water carried waste, noise, vibration or similar objectionable features, and
- C.** May impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties as will tend to prevent or reduce the harm that might otherwise result from the proposed use of surrounding properties and neighborhoods.

**SECTION 049.130 INTERPRETATION OF ZONING MAP**

- A.** Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot line as shown on the Zoning Map, the Board of Adjustment, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purposes of these Zoning Regulations.
- B.** In case of any question(s) as to the location of any boundary line between Zoning Districts, a request for interpretation of the Zoning Map may be made to the Board of Adjustment and a determination shall be made by said Board of Adjustment.

## **ARTICLE 050.000 VALIDITY AND EFFECTIVE DATE**

### **SECTION 050.001 VALIDITY**

If any Article, Section, subsection, paragraph, sentence or phrase of these Regulations is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Zoning Regulations.

### **SECTION 050.010 EFFECTIVE DATE**

These Zoning Regulations shall be given an effective date when enacted by the County Commission in the manner provided by Sections 64.800 through 64.895 of the Revised Statutes of Missouri.



## **THE HISTORY OF TANEY COUNTY ZONING REGULATIONS**

Adopted April 21, 2021

Amended February 22, 2022 Order Number 02-22-22-06

Amended May 23, 2022 Order Number 05-23-22-05

Amended May 20, 2024 Order Number 05-20-24-05