

Chapter 151-6 Use Regulations

151-6.1 Use Table

The following table summarizes the principal use regulations of the Land Development Code's base zoning districts.

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 this Land Development Code.

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 Permit procedures of Sec. 151-3.10. and subject to all other applicable standards of this Land Development Code.

151-6.2

Uses Subject to Specific Standards

A number in the final ("Use Standards") column indicates that the listed use type is subject to use-specific standards in one or more of the districts in which the use is allowed. The number provides a cross-reference to the use-specific standards.

Uses Not Allowed

A blank cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.

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 and Zoning Director shall be authorized to make a similar use interpretation in accordance with Sec. 151-3.14. In the event that a similar use interpretation cannot be made, the proposed use type shall be allowed as a conditional use in the I-1 district and as a use permitted by-right in the I-2 district.

ZONING DISTRICT USE STANDARD

	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Residential														
Congregate Living									C	P				
Duplex					P	P								
Group Home, Class I (Limited) < 8 residents	C	C	C	C	C	C			C	C				
Group Home, Class I (General) 8-15 residents	C	C	C	C	C	C			C	C				
Group Home, Class II > 15 residents						C			C	C				
Group Residential						P		P						
House, Attached					P	P		P						151-6.2 I
House, Detached	P	P	P	P	P	P	P	P						
Mobile Home							P							
Mobile Home Park							P							
Multi-Unit Housing						P		P	P					151-6.2 Q
Retirement Housing, General						P								
Retirement Housing, Limited						P								
Transitional Housing					C	C				C	C			
Civic/Institutional														
Animal Shelter									C	P	P	P	P	151-6.2 W
Cemetery	C	C						C	C	C	C	C		RSMo.214
Crematorium											C	C		
Club or Lodge	C								P	P				
College or University	C								P	P	P			
Community Recreation, Private	P	P	P	P	P	P	P							
Convalescent Services						C		C	P	P				
Cultural Services								P	P	P			P	
Day Care, Family (1-5 children/adults)	P	P	P	P	P	P								
Day Care, Group (6 or more children/adults)	C	C	C	C	C	C			P	P				
Day Care, Commercial (21+ children/adults)						C			P	P			C	
Detention Facilities											C	C		
Guidance Service									P	P				
Hospital									C	C	P	P		
Parks & Recreation	P	P	P	P	P	P	P	P	P	P	P		P	
Postal Facility									C	P	P	P		
Railroad Facility											C	P	P	
Recycling Collection, Drop-Off										C	P	P		
Religious Assembly, Standard	P	P	P	P	P	P	P	P	P	P	P	P		
Religious Assembly, Mega	C	C	C	C				P	P	P	P	P		
Residential Treatment Facility	C	C	C	C	C	C			C	C				
Safety Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
School, Primary	C	C	C	C	C	C		P	P	P				
School, Secondary	C	C	C	C	C	C		P	P	P				
Utility Service, Major	C	C	C	C	C	C	C	C	C	C	C	P	C	
Utility Service, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	

	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Commercial														
Adult Use										C	C			
Agricultural Sales/Service	C									P	P	P		
Amusement Park										P	P	P	C	
Animal Services	C								C	C	C	C	C	151-6.2 W
Archery Range, Public	C									C	C	C	C	
Bar or Lounge									P	P			C	
Bed and Breakfast (B&B)	C	C	C						C	C				151-6.2 K
Boat Storage (w/in 2 mi. of Smithville Lake)	P	P								P	P	P		151-6.2 L
Business or Trade School									P	P	P			
Cabins, Rental	C								P	P			P	151-6.2 M
Campground/ Recreational Vehicle Park	C								P	P			P	151-6.2 N
Construction Sales/Services									C	P	P	P		
Convenience Store						C			P	P	P	P		
Financial Services, with Drive-through									C	P	P	P		
Financial Services, without Drive-through									P	P	P	P		
Firearm Sales, Retail									C	P				
Firearm Sales (only with shooting range)	C													151-6.2 T
Food Sales									P	P			C	
Funeral Services	C	C							P	P	P	C		
Greenhouse, Retail									P	P	P	P		
Greenhouse, Wholesale	C								P	P	P		P	
Hotel-Motel									P	P	P			
Kennel	C								C	C	C			151-6.2 W
Landscaping and Lawn Care Services	C								C	P	P	P		151-6.2 CC
Liquor Sales									P	P			C	
Marina	C								P	P			P	
Motorized Vehicle Tracks, Public												P	C	151-6.2 P
Office									P	P	P	P	P	
Organic Recycling Facilities ("Commercial Composting")	C										C	C		151-6.2 Y
Parking, Commercial									P	P	P			
Pawn Shop									P	P				
Personal Improvement Service									P	P	P			
Recreational Equipment & Vehicle Storage, Commercial	C									C	P	P		151-6.2 R
Recreation+Entertainment, Indoor	C								C	P	P	P	P	
Recreation+Entertainment, Outdoor	C								C	P	P	P	P	
Repair Service, Consumer									P	P	P	P		
Restaurant, Fast Food							C	C	P	P	P		C	
Restaurant, General								C	P	P	P		C	
Retail Sales+Service, Convenience							C	P	P	P	P			
Retail Sales+Service, General								P	P	P	P			
Scrap and Salvage Service											C	C		
Self-Service Storage										P	P	P		

	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Service Station									C	P	P			
Shooting Range	C									C	P		C	151-6.2 T
Stable, Training and Riding, Public	C	C											C	
Telecommunications Facility, Commercial	C	C	C	C						C	C	C		151-6.2 G
Utility & Stock Trailer Sales	C								P		P	P		151-6.2 V
Vehicle Repair, General									C	P	P	P		
Vehicle Sales/Rental										P	P	P		
Vehicle Service, Limited								C	P	P	P	P		
Vehicle Storage										P	P			
Wind Energy System, Micro < 10 kw output, < 40' height	P	P	P	P	P	P	P	P	P	P	P	P	P	151-6.2 H
Wind Energy System, Micro < 10 kw output, 41 – 80' height	P	P	P					P	P	P	P	P		151-6.2H
Wind Energy System, Micro or Small 81 – 120' height	C	C	C					C	C	C	C	C		151-6.2 H
Wind Energy System, Large > 100 kw output	C										C	C		151-6.2 H
Industrial														
Aviation+Surface Transportation											C	P		151-6.2 J
Industrial Service/Yard											C	P		151-6.2 O
Manufacturing and Production											P	P		
Warehouse and Freight Movement											P	P		
Wholesale Sales										C	P	P		
Agricultural and Other Uses														
Accessory Apartment	P	P	P	C	C	C	C	C	C	C	C	C	P	151-6.3 A
Accessory Dwelling Units	P	P	P	C	C	C	C	C	C	C	C	C	P	151-6.3 A
Accessory Guest House	P	P	P	C	C	C	C	C	C	C	C	C	P	151-6.3A&C
Accessory Security/Guard/House	C							C	C	C	C	C	P	151-6.3B3&4
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	151-6.3 B
Agricultural Tourist Operations – Class I	P									P				151-6.2 Z
Agricultural Tourist Operations - Class II	C									C				151-6.2 Z
Air Strip, Private	C										C	C		151-6.2 J
Animal Production	P									P	P	P	P	151-6.2 D
Animal Production, Concentrated Animal Feeding Operations (CAFOs)	C											C		151-6.2 D 5
Animal Wildlife Refuge, Public or Private	C										C	C	C	151-6.2 E 7
Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	
Distilleries	C									C	C	C		151-6.2 AA
Domestic Animal, Companion Animal	P	P	P	P	P	P	P	P	P	P	P	P	P	151-6.2 C 1 a
Domestic Animal, Small	P	P	P	P	P	P	P	P	P	P	P	P	P	151-6.2 C 1 b
Domestic Animal, Medium	P	P	P											151-6.2C1c
Domestic Animal, Large	P	P	P											151-6.2C1d
Exotic/Dangerous/Wild (EDW) Animal	C	C								C				151-6.2 E
Ethanol Production Facilities (EPF)	C										C	C		151-6.2 BB
Horticulture/Viticulture	P	P									P	P	P	151-6.2 AA

	AG	R-1	R-5	RU	R-SD	R-SDM	R-MHP	C-1	C-2	C-3	I-1	I-2	OP	Reference
Motorized Vehicle Tracks, Private	C	C												151-6.2 P
Recycling Center											C	P		
Resource Extraction													C	151-6.2 S
Soil Extraction	C												C	151-6.2 U
Stable, Private Boarding	P													
Telecommunications Facility, Amateur or Non-Commercial > 20 acres	P	P												151-6.2 F
Telecommunications Facility, Amateur or Non-Commercial < 20 acres	C	C	C	C										151-6.2 F
Vineyard	P	P								P	P	P	P	151-6.2 AA
Wineries and Breweries, Class I 20+ acres	P	P								P				151-6.2 AA
Wineries and Breweries, Class I 10 – 19.9 acres	C	C								C				151-6.2 AA
Wineries and Breweries, Class II 20+ acres	C	C								P				151-6.2 AA
Wineries and Breweries, Class II 10 – 19.9 acres	C	C								C				151-6.2 AA
Wineries and Breweries, Class III 20+ acres	C	C								P				151-6.2 AA
Wineries and Breweries, Class III 10 – 19.9 acres	C	C								C				151-6.2 AA
Wineries and Breweries, Class IV 20+ acres	C									C	C	C		151-6.2 AA
Wineries and Breweries, Class V 20+ acres	C									C	C	C		151-6.2 AA
Waste-Related Use													C	151-6.2 X
Zoological, Public or Private	C										C	C	C	151-6.2 E 7

151-6.2 Use Standards

A. Accessory Dwelling Units

See Section 151-6.3A

B. Accessory Structures

See Section 151-6.3B

C. Animal Standards

1. **Domestic animal** means any animal that is domesticated and not normally found in the wild state, and is bred or raised to live in or about the habitation of humans and is dependent on people for food and shelter. They have been classified as Companion, Small, Medium or Large Domestic Animals, or combination thereof.

Animals considered exotic/dangerous/wild (EDW) under Section 151-6.2 (E) require an approved Conditional Use Permit (CUP) in accordance with Section 151-3.10 and registration with the Clay County Sheriff's Office.

a. Companion Domestic Animals

Companion Animals are typically animals that are commonly kept by persons as companion pets. These include but are not limited to domesticated dogs, cats, and non-commercially raised rabbits, gerbils, guinea pigs, hamsters, mice, ferrets, caged birds, and non-venomous spiders, reptiles and amphibians. Animals raised commercially will be regulated as small domestic animals.

- i. Companion animals are limited to three (3) domesticated dogs and four (4) domesticated cats over six (6) months of age per household.
- ii. The number of companion animals is not limited on Agricultural (AG) zoned land with a minimum of 10 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3).
- iii. Normal once annual breeding of the allowable number of adult companion animals with young being placed in private homes is permitted.
- iv. **Kennels**
Locations providing boarding or care services for a number of dogs and cats in excess of the above allowances shall be considered Kennels, and must comply with the additional use regulations under Section 151-6.2 (W).

b. Small Domestic Animals

Small Domestic Animals means any animal commonly used by persons for purposes of pleasure or hobby (except cats and dogs covered by Companion Domestic Animals) employing some form of yarding, but not intended to be a part of an Animal Production facility in accordance with 151-6.2 (D).

The definition of Small Domestic Animals includes but is not limited to chinchillas, rabbits, guinea pigs and fowl such as, chickens, turkey, peacocks, geese, ducks, guineas and other similar fowl, and other similarly sized animals.

- i. Offspring from one (1) female are permitted at any one time, until those offspring are able to live independently.
- ii. The number of Small Domestic Animals is not controlled on agriculturally-zoned (AG) property with a minimum of 20 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3) and must comply with all Missouri State Statutes.
- iii. For allowed number of adult animals on property between three (3) acres and less than twenty (20) acres, refer to the Animal Units tables under Section 151-6.2 (C) (1) (e).

c. Medium Domestic Animals

Medium Domestic Animals means any animal commonly used by persons for purposes of draft or pleasure employing some form of free-range, yarding, or a combination thereof but **not** intended to be a part of an Animal Production facility in accordance with Section 151-6.2 (D).

The definition of Medium Domestic Animals includes but is not limited to: swine, sheep, goats, emus and ostriches and other similarly sized animals.

- i. Medium Domestic Animals are permitted on three (3) continuous acres or more in AG, R-1, and R-5 zoning districts.
- ii. Sucklings from one (1) female are permitted at any one time.
- iii. At least one (1) acre of continuous pasture to be used for roaming and grazing must be provided. Pastures do not include barns, storage sheds, and other structures. The pasture must have access for trucks to deliver feed and remove manure.

- iv. The number of Medium Domestic Animals is not controlled on agriculturally-zoned (AG) property with a minimum of 20 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3) and must comply with all Missouri State Statutes.
- v. For allowed number of adult animals on property between three (3) acres and less than twenty (20) acres, refer to the Animal Units tables under Section 151-6.2 (C) (1) (e).

d. Large Domestic Animals

Large Domestic Animals means any animal commonly used by persons for purposes of draft or pleasure employing some form of free-range, yarding, or a combination thereof but **not** intended to be a part of an Animal Production facility in accordance with 151-6.2 (D).

The definition of Large Domestic Animals includes but is not limited to: cattle, buffalo, horses or mules, donkeys or burros, alpaca and llamas, and other similarly sized animals.

- i. Large Domestic Animals are permitted on three (3) continuous acres or more in AG, R-1, and R-5 zoning districts.
- ii. Suckling's from one (1) female are permitted at any one time.
- iii. At least one (1) acre of continuous pasture to be used for roaming and grazing must be provided. Pastures do not include barns, storage sheds, and other structures. The pasture must have access for trucks to deliver feed and remove manure.
- iv. The number of Large Domestic Animals is not controlled on agriculturally-zoned (AG) property with a minimum of 20 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3) and must comply with all Missouri State Statutes.
- v. For allowed number of adult animals on property between three (3) acres and less than twenty (20) acres, refer to the Animal Units tables under Section 151-6.2 (C) (1) (e).

e. Animal Units

An animal unit is an expression of the impact of specific types of animals based on weight, size, and environmental impact compared to a cow as a baseline. For example, one (1) cow equals one (1) animal unit (AU), while a sheep is 0.2 AU. Consequently, five (5) sheep equal the impact of one (1) cow per each acre of land.

Allowed number of animal units shall be determined by the following tables:

Figure-151-6.2-1

Medium & Large Domestic Animals (Permitted on ≥ 3 acres)		
	Animal Units	Animals/acre
Llamas/Alpacas	0.2 AU	5
Sheep/Goat	0.2 AU	5
Ostriches/Emus	0.4 AU	2.5
Swine	0.6 AU	1.67
Cow	1 AU	1
Horse/Mule	1 AU	1
Donkey/Burros	1 AU	1
Buffalo	2 AU	0.5
Other ≥ 500 lbs	1 AU	1
Other 200 - 499 lbs	0.6 AU	1.67
Other 50 - 199 lbs	0.2 AU	5
Other < 49 lbs	0.08 AU	12.5

i. Numbers Allowed

The number of Companion, Small, Medium, or Large Animals is not controlled on agriculturally-zoned (AG) property with a minimum of 20 continuous acres. However, the animals may not create a nuisance as described in Section 151-6.2 (C) (3) and must comply with all Missouri State Statutes.

1) Small Domestic Animals

A prorated portion of allowed number of animal units will be applied to small domestic animals if a property is less than one (1) acre. For example, if a property is .50 acre, then the allowable animal units will be calculated at 50%; for a .35 acre property, it would be a 35% rate.

(Example: Animals/acre for Chickens = 16.67 x .35 acre = 5.83 or 6 chickens would be allowed)

Figure-151-6.2-2

Small Domestic Animals		
	Animal Units	Animals/acre
Turkeys	0.06 AU	16.67
Rabbits/Chinchillas/Guinea Pigs	0.06 AU	16.67
Chickens	0.06 AU	16.67
Other large birds ≥ 5 lbs	0.06 AU	16.67
Other small birds ≤ 4.99 lbs	0.02 AU	50

f. **Fencing and Structures**

Fencing requirements shall conform to the Missouri Revised Statutes Chapter 272 and Section 151-6.3 (E) of this Land Development Code (LDC). Structures shall conform to Section 151-6.3 (B) of this Land Development Code (LDC).

g. **Animal Waste**

The following regulations shall apply to all lands on which domestic animals are allowed:

- i. Manure shall be removed in a regular and reasonable manner or otherwise composted or spread in such a manner as to protect surface and groundwater and to minimize the breeding of flies and to control odors.
- ii. Manure piles shall be set back a minimum distance of one hundred (100) feet from any lot line, well, stream, waterbody, or other sensitive natural features on a property.
- iii. Adequate drainage facilities or improvements shall be provided by the landowner and constructed to protect any adjacent land from runoff containing contaminants such as sediment or organic wastes.

h. **Vegetation Standards**

The following regulations shall apply to all lands on which domestic animals are allowed:

- i. The site, excluding that area which is allowed to be de-vegetated, must be maintained with vegetative groundcover.
- ii. Vegetative groundcover includes native or introduced grasses and forbs, but does not include weeds on bare dirt.
- iii. In areas where exposed shelf-rock or cap-rock is the natural terrain, this will be considered to be vegetative groundcover.
- iv. All corrals, outdoor arenas, paddocks, run pens, round pens, unpaved or un-graveled parking areas shall be included when calculating the maximum area de-vegetated.
- v. The area within the required minimum setback shall be fully maintained with vegetation.
- vi. The maximum land area that may be de-vegetated is as follows:

Lot Area	Maximum De-vegetated Area
Less than 5 acres	25% of total site
5 acres to 10 acres	20% of total site or 1.25 acres whichever is larger
10 acres or more	15% of total site or 2 acres whichever is larger to a maximum of 10 acres

2. **Beekeeping**

It shall be unlawful to keep or harbor any bees except in Agricultural zoned property and then 50 feet from property lines. Any beehive used or occupied by bees in violation of this section is hereby declared to be a nuisance and shall be removed.

3. **Animal Nuisances**

- a. It is unlawful to keep an animal in the county in such a manner that it creates a nuisance by reason of excessive noise (barking), odors, flies, disease, or unsightly appearance.
- b. Owners are responsible for companion animals that cause injury to other animals or humans.
- c. Feral cats and stray dogs are not permitted.

4. **Cruelty**

Cruel treatment, animal abuse or neglecting to provide adequate shelter and nutrition is unlawful. Animal abandonment is also an act of cruelty and is punishable by law. Animal abuse is a misdemeanor, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or torturing a live animal which is a felony.

5. **Mistreatment**

Any animal that is deemed by the Clay County Sheriff to be cruelly mistreated or suffering may be seized from the property of its owner or keeper to abate the mistreatment or the suffering of that animal, and it may be confined at an animal shelter for disposition.

6. **Abandonment**

It shall be unlawful for any owner or keeper to abandon any animal. For the purpose of this section, the term "to abandon" includes but is not limited to any instance where the owner or keeper leaves an animal without demonstrated or apparent intent to recover or to resume custody; or leaves an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence; or turns out or releases an animal; or dumps or releases an animal from a vehicle. Abandonment is a misdemeanor.

7. **Animal Control**

- a. Complaints shall be made to the Planning and Zoning Department, unless the issue is of an urgent nature, then a call should be placed to the Clay County Sheriff's Department.
- b. The Clay County Sheriff is permitted entry without warrant on any private or public property where an exotic/dangerous/wild or diseased animal is kept or running at large where such animal is to be found in plain sight for the purpose of enforcement of this chapter and to seize such animal from such private property to abate ordinance violation(s).
- c. An animal responsible for an unprovoked severe or fatal injury shall be quarantined. Owners of the animal are considered responsible for the animal's actions.

D. Animal Production

Animal production shall be allowed only on lots or parcels having a minimum area of at least 20 continuous acres in AG, C-3, I-1, I-2, and OP zoning districts, provided that all buildings used to house such animals are set back at least 100 feet from the front property line and at least 50 feet from side and rear property lines. Animal Production is not intended to be covered under Section 151-6.2 (C).

1. Animal production is limited to farm animals such as cattle, horses, and chickens, or as noted in Section 151-15.1, "Farm Animals".
2. All animals shall be kept confined to the premises by erection and maintenance of a stock-tight fence and necessary cattle guards in conformance with Missouri Revised Statutes Chapter 272 and Section 151-6.3 (E).
3. Animal care and boarding regulations are covered under Section 151-6.2 (W).

4. **Diseased Animals**

No animal afflicted with a contagious or infectious disease shall be allowed to run at large, nor be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the County Sheriff. Disposal of diseased animals shall be under the direction of a veterinarian and conform to the regulations established by the Missouri Revised Statutes (RSMo), Missouri Department of Natural Resources (DNR), and Missouri Department of Agriculture.

5. **Concentrated Animal Feeding Operations (CAFOs)**

CAFOs or feedlots are regulated by the State of Missouri through the Missouri Department of Natural Resources NPDES (National Pollutant Discharge Elimination System) permitting process. Any agricultural-related feeding or disposal activity shall obtain the proper NPDES permit (e.g. construction permit and operation permit) when required.

Specific laws and regulations from the Revised Missouri State Statutes and Missouri Code of State Regulations shall be followed (e.g. 10 CSR 20-6.300 Concentrated Animal Feeding Operations and 10 CSR 20-8.020 Design of Small Sewage Works). When the County's requirements conflict with the State's requirements, the more restrictive standards shall apply.

- a. CAFOs may be approved through applying for a Conditional Use Permit (CUP) in AG and I-2 zones in accordance with Section 151-3.9.

The County shall assess the impact of CAFOs during the review process for a Conditional Use Permit (CUP), which may include but is not limited to the following:

- i. The size of the operation and type of animal raised in the operation.
 - ii. The method of sprading or incorporating manure from the feedlot.
 - iii. The measures which will be taken to minimize odor at the feedlot site and during the disposal of manure.
 - iv. The method of disposal of dead, dying, or diseased animals.
 - v. Additional conditions may be imposed by the Planning & Zoning Commission and County Commission which are considered necessary to protect public health, safety, and welfare.
- b. Pasturing of animals shall not be considered CAFOs under this section.
 - c. CAFOs shall be a minimum of 1,000 feet from water supply wells, water supply reservoirs, or any other sensitive drinking water source.
 - d. Commercial slaughtering and processing of large animals such as horses, cows, pigs, sheep, or goats shall not be conducted on the premises.

E. Animals, Exotic/Dangerous/Wild (EDW)

It is the intent of Clay County to protect the public against health and safety risks that exotic, dangerous or wild animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and, as such, do not adjust well to a captive environment.

- 1. **Exotic/Dangerous/Wild (EDW) animals** include but are not limited to any or all of the following orders and families, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:
 - a. Artiodactyl (hippo, antelope, giraffe, camel, yak, zebra)
 - b. Bats (bat, flying fox)
 - c. Cannabis sativa and indica (skunks)

- d. Canine (wolf, coyote, fox, jackal, dingo)
 - e. Crocodilian (alligator, crocodile, gharials, and caimans)
 - f. Edentata (anteater, sloth, armadillo)
 - g. Feline (lion, tiger, bobcat, cougar, leopard, jaguar, jaguarondi, lynx, Canada lynx, ocelot, mountain lion, panther, cheetah, margay)
 - h. Fowl (raptors, fowl not native to the continental United States)
Canary, finch, parakeet, lovebirds, parrots, pheasants, and peacocks bred domestically, legally imported, or naturally occurring population are exempt.
 - i. Hyaenidae (hyena)
 - j. Marine animals and sea mammals (seal, dolphin, whale, walrus)
Fish for aquarium use and native fish are exempt.
 - k. Marsupial (kangaroo, opossum, wombat, koala)
 - l. Mustelid (weasel, otter, badger)
Ferret, mink, and sable bred domestically or legally imported are exempt.
 - m. Perissodactyl (rhinoceros, tapir)
 - n. Non-human primates (monkey, chimpanzee, baboon, ape, gibbon, gorilla)
 - o. Proboscidian (elephant)
 - p. Procyonidae (raccoon, coatis, panda, mongoose)
 - q. Reptiles (all venomous snakes, constricting snakes, iguana, venomous lizards, and nonpoisonous/nonconstricting snakes more than six (6) feet in length)
 - r. Rodents weighing more than one (1) pound.
Guinea pigs and rabbits are exempt.
 - s. Ungulate (wild cattle, wild deer, wild boar, takin, water buffalo)
 - t. Ursine (all bears)
 - u. Viverrine (mongoose, civet, and genet)
 - v. Any other poisonous creature such as certain spiders or tarantulas.
 - w. Endangered species shall be considered EDW animals and are not permitted as pets.
2. EDW animals as listed in Section 151-6.2 (E) (1) are allowed only under an approved Conditional Use Permit (CUP) in AG, R-1, or C-3 Districts in accordance with Section 151-3.10, in addition to being registered with the Clay County Sheriff's Department.

If a CUP is granted for an EDW animal, a display sign shall be placed upon the premises stating that there are EDW animals on the property. The sign shall be visible and capable of being read from the public street that abuts the property.

- 3. It shall be unlawful for any person or corporation to own, possess, keep, harbor, shelter, sell, offer for sale, bring, or have in one's possession an EDW animal within unincorporated Clay County without an approved CUP and registration with the Clay County Sheriff's Office.
- 4. It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within unincorporated Clay County or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an EDW animal upon the property, residence or premises without an approved CUP and registration with the Clay County Sheriff's Office.
- 5. It shall be unlawful for any person to own any animal EDW or otherwise that has inflicted severe or fatal injury on a human being or domestic animal, livestock or poultry without provocation on or outside the owner's property. "Severe injury" shall include an animal bite or action that results in broken bones or inpatient hospitalization.
- 6. Any person finding or capturing any EDW animal, as outlined in this ordinance, shall make a report to the Clay County Sheriff's Office within six (6) hours of the time of capture.

7. Exemptions

- a. Provisions of this act shall not apply to:
 - i. Institutions accredited by the American Zoo and Aquarium Association
 - ii. Circus (Temporary Use Permit required in accordance with Section 151-6.4)
 - iii. Scientific and/or educational institution, research laboratory
 - iv. Licensed Humane Societies
 - v. Licensed pet shops, veterinary hospitals, or clinics
 - vi. Any wildlife rehabilitator, licensed by the state of Missouri who temporarily keeps any EDW animals within the limits of unincorporated Clay County when the purpose is to return the animals to the wild. An animal wildlife refuge public or private is allowed as a CUP in an Agricultural (AG), Limited Industrial (I-1), General Industrial (I-2) and an Open Space/Trails/Parks/Public Uses (OP) zoning districts.
 - vii. An organized event sponsored by a federal, state or county agency

8. Violations and Penalties

- a. Conduct made unlawful by this section of this ordinance constitutes a crime subject to the provisions set forth in Clay County's penalty section.
- b. Persons found guilty of violating the provisions of this ordinance shall be guilty of a misdemeanor.
- c. For the purpose of enforcement of this chapter, the Clay County Sheriff's Office is permitted entry without warrant on any private or public property where an EDW or diseased animal is or is believed to be kept or running at large, and to seize such animal from such private property to abate ordinance violation(s).

9. Nonconforming

The owner or possessor of any EDW animal who owned, possessed, kept, or harbored the EDW animal on or before the effective date of this ordinance may keep the same EDW animal as long as he/she satisfies licensing requirements of the Missouri Department of Conservation, the United States Department of Agriculture or such other applicable federal agencies and complies any other housing and maintenance regulations which may be adopted by the County Commission.

In addition, the animal must be registered with the Clay County Sheriff's Office and Planning & Zoning Department within 30 days of the effective date of this ordinance.

10. Owner's Responsibility

Permitted and registered EDW animals in compliance with Section 151-6.2 (E) (2) shall be confined on the owner's premises either indoors or in a securely enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping.

ANIMAL REGULATIONS SUMMARY TABLE

The following table summarizes the information detailed in Section 151-6.2 (C) thru (E) above and (W), in addition to referencing the principal use regulations table in Section 151-6.1.

Animal Type	Permitted Use	Conditional Use Permit	Setback Requirements	General Remarks
Domestic animals, Companion	All districts			Maximum 3 dogs, 4 cats, or 4 companion other pets. Limitless in AG zoning, but cannot create nuisance. Subject to 151-6.2 (C) (1) (a).
Domestic animals, Small	All districts			Limitless in AG zoning, but cannot create nuisance Subject to 151-6.2 (C) (1) (b)
Domestic animals, Medium	AG, R-1, R-5		100 feet from front property line 50 feet from side and rear property lines	Minimum 3 acres with 1 acre of continuous pasture. Limitless in AG zoning, but cannot create nuisance. See Animal Unit Tables under Section 151-6.2 (C) (1) (e) Subject to 151-6.2 (C) (1) (c)
Domestic animals, Large	AG, R-1, R-5		100 feet from front property line 50 feet from side and rear property lines	Minimum 3 acres with 1 acre of continuous pasture. Limitless in AG zoning, but cannot create nuisance. See Animal Unit Tables under Section 151-6.2 (C) (1) (e) Subject to 151-6.2 (C) (1) (d)
Kennels		AG, C-2, C-3, I-1	300 feet from any residential zoned property	Minimum 3 continuous acres. Subject to 151-6.2 (W)
Animal Production	AG, C-3, I-1, I-2, OP		100 feet from front property line 50 feet from side and rear property lines	Minimum 20 continuous acres Subject to 151-6.2 (D)
Animal Production, CAFOs		AG, I-2	100 feet from front property line 50 feet from side and rear property lines. 1,000 feet from any sensitive drinking water source.	Subject to 151-6.2 (D) (5)
Exotic/Dangerous/Wild (EDW) Animals		AG, R-1, C-3		Subject to 151-6.2 (E)