

ARTICLE IV. SPECIAL PROVISIONS

Section 1. Parking and Loading Area, Public Garages, Parking Lots, and Filling Stations

A. Off-Street Loading Space

1. In any 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, which 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.
2. 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.
3. Subject to the limitations of this Article, such space may occupy all or any part of the required yard or court space.
4. No loading space shall be located closer than fifty (50) feet to any lot in any R 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.

Section 2. Off-Street Parking Space

A. Required Automobile Parking Spaces

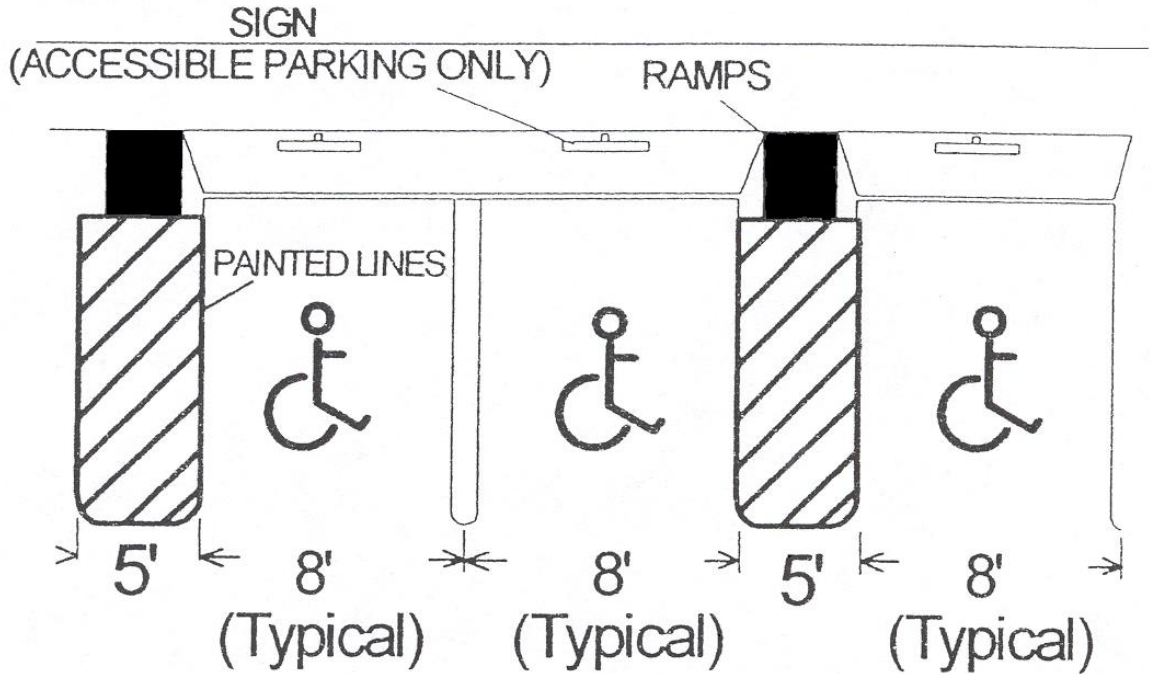
In all districts, in connection with every industrial, business, institutional, recreational, residential or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the requirements herein.

B. Size and Access

1. Each off-street parking space shall have an area not less than one hundred sixty-six and one-half (166.5) square feet (18.5 feet x 9 feet) exclusive of access drives or aisles, and shall be of usable shape and condition.
 - a. Except for dwellings no parking area provided hereunder shall be less than one thousand (1,000) square feet in area.
2. There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width in the case of a dwelling, and not more than thirty (30) feet in width in all other cases, leading to the parking or storage areas or loading or unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in connection with a use permitted in an R District, such easement of access or access drive shall not be located in any R District.

C. Handicapped Parking

Handicapped parking shall be required in sufficient amounts to be in conformance with the Americans with Disability Act. One (1) expanded (see illustration) handicap space 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.



D. Floor Area Defined

1. For purpose of applying the requirements herein, "Floor Space," in the case of offices, merchandising or service type of uses, shall mean 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.

E. Number of Parking Spaces Required

1. The minimum number of off-street parking spaces required shall be as set forth in the following, however, final requirements shall be determined by the Planning Director.
2. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply.

| <u>Uses</u> | <u>Parking Spaces Required</u> |
|--|--|
| Retail Establishments | 1 for each 200 Sq. Ft. floor area |
| Banks, Business and Professional Offices | 1 for each 200 Sq. Ft. floor area |
| Bowling Alleys | 5 for each alley |
| Churches and Schools | 1 for each 8 seats in an auditorium or 1 for each 17 classroom seats, whichever is greater |
| Dance Halls and Assembly Halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium | 1 for each 100 Sq. Ft. floor area used for assembly or dancing |
| Dwellings | 2 for each dwelling unit |
| Funeral Homes, Mortuaries | 4 for each parlor or 1 for each 50 Sq. Ft. of floor area |
| Hospitals | 1 for each 2 beds |
| Hotels, Lodging Houses | 1 for each 2 bedrooms |
| Manufacturing Plants, Research or Testing Laboratory Plants, over 1,000 Sq. Ft. in area | 1 for each 2 employees in the maximum working shift, or 1,200 Sq. Ft. of floor |
| Medical or Dental Clinics | 1 for each 200 Sq. Ft. of floor area |
| Motels and Motor Hotels | 1 space for each living or sleeping unit |
| Restaurants, Beer Parlors and Night Clubs – over 1,000 Sq. Ft. in area | 1 for each 200 Sq. Ft. of floor space or 1 for each 3 seats whichever is greater |
| Sanitarium, Convalescent Homes, Children’s Homes | 1 for each 6 seats |
| Sports Arenas, Auditorium, Theaters, Assembly Halls, and other than schools | 1 for each 6 seats |
| Swimming pools and other recreational development associated with subdivision development | 1 per each 10 dwelling units served |
| Wholesale Establishments or Warehouses | 1 for each 3 employees on maximum shift or for each 3,000 Sq. Ft. of floor area whichever is greater |

F. 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 in accordance with the following requirements:

1. Screening and Landscaping

Off-street parking areas shall be effectively screened on each side which adjoins or faces premises situated in any R District, or institutional premises, 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. The space between such wall or fence and the side lot adjoining the premises, or the front lot line facing premises, in any R District 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 of a height herein above prescribed.

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

4. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R District.

5. Handicapped parking will be sited, designed, and marked for the benefit of handicapped persons. All applicable building codes shall be met.

G. No motor vehicle or trailer shall be parked in the required front yard of a lot or tract of land in any residential district or a lot or tract of land used for residential purposes in any other 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.

H. 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.

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

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

1. This shall include an access on public right-of-way that is forty (40) to sixty (60) feet wide with a minimum of thirty (30) foot radius, and constructed in compliance with Greene County Highway Design Standards for commercial drives. If the access is on MoDot rights-of-ways then the construction must be in compliance with MoDot 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 which 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 which the vehicles are used to transport materials produced or grown on the property in question. If the vehicles and/or trailer in question are not titled or leased to the property owner then this operation will be considered a commercial business and will need to be rezoned to the proper district or cease operation in the existing location.

Section 3. Restricted Business or Industrial Accessory Parking Areas

The Board of Zoning 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, R or F District that abut at least fifty (50) feet, either directly or across an alley, a C or 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 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, which 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 which 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 therefrom 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 Zoning Adjustment) shall hold a public hearing, notice of which shall be given to owners of property above described. If the Board (of Zoning Adjustment) approves the aforesaid application, the Zoning Enforcement Officer 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 Zoning Adjustment).
- I. Any permit authorized by the Board (of Zoning Adjustment) and issued by the County Zoning Inspector may be revoked at the time that the aforementioned requirements are not complied with.

Section 4. 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 which 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 5. Travel Trailer Parks

- A. One (1) travel trailer may be stored in a driveway leading to a required off-street parking space for a single-family detached, single-family semi-detached, duplex or townhouse dwelling unit or mobile home on an individual lot or stored in an enclosed garage or other accessory building, or parked in a rear yard, provided that no living quarters shall be maintained or any business conducted in connection therewith while such travel trailer is parked or stored, and to insure compliance therewith, a zoning certificate shall be required.
- B. Travel trailer parks are permitted in C-2 General Commercial Districts and must conform to sanitary regulations prescribed by the County Board of Health, the regulations of the County Building Code adopted by the County Commission, together with all amendments thereto subsequently adopted, and as may otherwise be required by law, shall be complied with, in addition to the following requirements:
 - 1. Access to Public Sewerage System - Mandatory

All travel trailers stationed within an authorized trailer park shall be connected to a public sewer system within seventy-two (72) hours.
 - 2. Access to Public Water System - Mandatory

All travel trailers stationed within an authorized trailer park shall be connected to a public water system within seventy-two (72) hours. This requirement may be waived if the developer or proprietor of such trailer park provides an approved well(s) that will comply with the requirements of the Missouri Division of Health and the County Board of Health.
- C. No vehicular entrance to or exit from any travel trailer 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 which the premises in question do not abut.
- D. All the areas for automobile access and parking shall comply with the applicable provisions of this Article of these Regulations.
- E. 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.
- F. Travel trailer parks shall comply with all areas and yard requirements prescribed for in the respective district in which located.
- G. The buildings, cabins and trailers in any tourist camp or travel trailer 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.
- H. Any enlargement or extension to any existing travel trailer park shall be treated as if such enlargement or extension was a new establishment, and thus be subject to all current, applicable regulations.
- I. No enlargement or extensions to any travel trailer park shall be permitted unless the existing one is made to conform substantially with all requirements for new construction for such an establishment.
- J. Travel Trailer Park - Submission of Plans/Platting
 - 1. An application for the establishment of a travel trailer park shall be filed with the Planning Director and must be accompanied by a scale drawing certified by a registered civil engineer. All pertinent information, data and plans shall be submitted to the Planning Director in accordance with all provisions contained in the Subdivision Regulations for Greene County, Missouri.

2. Travel Trailer Park - Requirements

Travel trailer park shall be designed and maintained in accordance with the following additional requirements:

a. Park Area

The minimum travel trailer park area shall be five (5) acres.

b. Distance Between

The minimum distance between adjacent trailers shall be in accordance with the respective district area requirements.

c. Screening

All travel trailer parks shall provide for proper screening and landscaping of the perimeter areas so as to mitigate the impact of the project upon adjoining properties and/or to achieve appropriate transition between land uses and densities, subject to the review and approval of the Planning Board.

K. Utilities

Each travel trailer unit shall be equipped with an electric outlet. A sanitary sewer and water system shall be installed in accordance with this Article of these Regulations and any other applicable County specifications. Travel trailer 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 sex.

L. Recreation Areas

There shall be provided within each travel trailer 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 travel trailer vehicular driveways and parking spaces shall not be counted in computing recreation space or site area.

M. Supplementary Requirements

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

Section 6. Billboards and Other Outdoor Advertising Signs and Structures, Real Estate and Other Signs

A. Outdoor Commercial Advertising:

1. Statement of Purpose:

This ordinance regulates the use of outdoor advertising. The purpose of the ordinance is

- a. to allow businesses to inform and direct the general public,
- b. to protect the physical appearance of the county, and
- c. to ensure public safety along county streets and roadways.

2. Outdoor advertising shall be classified as a commercial use and shall be permitted in the following districts: C-1, C-2, C-3, M-1 and M-2, subject to the regulations of the State Highway Department.

B. Legal Nonconforming Signs:

1. Any sign in existence prior to the adoption of Article III, Section 8 of the Greene County Zoning Regulations (February 14, 1978) shall be considered a legal nonconforming use.

- a. No existing nonconforming use may be enlarged, extended, reconstructed, substituted or structurally altered without Board of Zoning Adjustment approval.

2. All legal nonconforming signs are subject to Article III, Section 8 of the Greene County Zoning Regulations (Nonconforming Uses or Buildings).

C. General Provisions:

1. Any billboard, sign or advertising structure shall comply with applicable State and Federal regulations.

2. Any outdoor advertising structure located within one hundred (100) feet of any R 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.

3. No sign shall be constructed which resembles any official marker, or which by reason of position, shape, or color would conflict with any official traffic control device.

4. All sign structures shall be constructed in accordance with County Building Regulations.

- a. Stamped engineering plans shall accompany any sign permit applications and are subject to the latest BOCA requirements.

5. Signs shall be maintained in good and safe structural condition.

6. No off-premise sign shall be located on property without the consent of the property's owner or legal representative.

7. The area in the vicinity of any freestanding sign shall be kept clear of any trash and debris.

D. Size of Signs:

1. 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.
2. The maximum sign area on roads designated as interstate highways and freeways on the federal-aid primary system is twelve hundred (1200) square feet inclusive of embellishments but not including the base, supports or other structural elements.
3. Temporary embellishments for off-premise signs shall not exceed twenty (20) percent of the maximum sign area allowed.
4. The sign area shall be measured by the smallest square, circle, or rectangle which will encompass the entire sign.
5. Off-premise signs or billboards which 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 regulation.
 - a. V-shaped or multiple faced structures if not sharing a common support or pole may not be more than fifteen (15) feet apart.

E. Maximum Height and Length:

1. 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.
2. Any advertising structure shall have a maximum height not to exceed fifty (50) feet above grade level of the roadway to the top of the sign face, as measured from the centerline of the roadway to which the sign is oriented.
3. The maximum length allowed is sixty (60) feet on all roadways.

F. Spacing for Off-Premise Signs:

1. No off-premise sign located along a federal-aid primary route classified as having limited access 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.
2. 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.
3. 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.
4. Spacing from directional, official or on-premise signs shall not be included in the measurement of these spacing requirements for off-premise signs.
 - a. 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.
5. 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.

G. Minimum Setbacks for Off-Premise Signs:

1. The minimum front setback for any off-premise sign with any face greater than three hundred (300) square feet shall be twenty-five (25) feet from the front property line.
 - a. Those signs less than three hundred (300) feet are required to be setback ten (10) feet from the front property lines.
2. 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.
3. The minimum side setback for any off-premise sign is five (5) feet from any adjoining C or M district and twenty-five (25) feet from a more restrictive district.
4. The minimum rear setback for any off-premise sign is five (5) feet from any adjoining C or M district and twenty-five (25) feet from a more restrictive district.
5. Setbacks shall be measured from a point on the sign nearest to the property line.
6. No sign may be located within any utility, drainage or other easement without written authority from the easement holder.
 - a. Such written authority must accompany any permit request.

H. Lighting of Signs:

1. Signs which 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.
2. Electronic variable message signs, both informational and commercial in nature, which function as multiple-faced signs are permitted provided such signs do not interfere with traffic safety. If a sign has a scrolling message, or a message display of less than 8 seconds, then the sign must receive a conditional use permit.
3. The Greene County Planning and Zoning Director or Greene County Highway Administrator 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. Digital video displays that scroll or have an image display of less than 8 seconds, must receive a conditional use permit.
4. Signs must be effectively shielded to prevent beams or rays from being directed toward any public right-of-way, dwelling unit or any R district.
5. No sign shall be illuminated as to interfere with the effectiveness of or to obscure an official traffic sign, or signal.

I. Sign Permits:

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

1. a set of engineering plans,
2. a legal description from a legal document,
3. a zoning certificate,
4. a site plan, and
5. written authority from the easement holder if a sign is to be located within an easement.

J. Small announcement or professional signs where permitted,

1. Shall not exceed one (1) square foot in area;
2. Except that a church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board
 - a. not over twelve (12) square feet in area,
 - b. which if not attached flat against a building, shall be at least twelve (12) feet from all road right-of-ways.
 - c. Any such sign(s), if lighted, must be sited so that the light does not become a nuisance to residential structures.
 - d. Electronic variable message signs are permitted provided such signs do not interfere with traffic safety. If a sign has a scrolling message, or a message display of less than 8 seconds, then the sign must receive a conditional use permit.
 - e. The Greene County Planning Director or Greene County Highway Administrator 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. Digital video displays that scroll or have an image display of less than 8 seconds, must receive a conditional use permit.
 - f. Small announcement or professional signs are permitted on a district by district basis. If they are located in a commercial or manufacturing district, then the sign, including its size, lighting, and other requirements shall be regulated as any other commercial sign.
 - g. In any district other than a commercial or manufacturing, a sign larger than twelve (12) square feet in area may be approved with a conditional use permit.

K. Political signs shall be allowed in any zoning district.

1. At no time shall a sign be placed on a corner lot that would obscure the vision of a motorist.
2. All signs shall be removed within twenty-five (25) days following the General Election for which they are used.
3. The person or group of persons responsible for erection of the sign(s) shall also be responsible for the removal of the sign(s).

Section 7. Cluster Developments

In any residential 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 district.
- B. The development shall be provided with approved sewage disposal system other than the conventional septic tank. Approval shall be subject to the discretion of the Planning Board.
- C. The developer must be able to satisfy the Planning Board and the County Counselor that the remaining common space shall be maintained by the residents or a responsible agent.
- D. In no case may the 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 Board.
- 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 prior to the filing of a final plat. The plot plan shall show the proposed coverage on each lot.
- H. The appropriate variances pertaining to side yards and front and rear yards shall become automatic with the approval of the preliminary plat; however, the development shall remain subject to the 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 Board to protect the public health, safety and welfare.
- J. Prior to the submittal of a preliminary plat a sketch plan shall be reviewed by the County Resource Management Department.
- K. Calculation of dwelling units per acre will exclude areas used for road right-of-ways.
- L. The development must meet all applicable subdivision regulations.

Section 8. Commercial Mines, Quarries, Gravel Pits

- A. Any owner, lessee or other person, firm or corporation having an interest in mineral lands may file with the Planning Director an application for authorization to mine minerals therefrom, provided that this person shall comply with all requirements of the district in which said mining is allowed by the Regulations and with the following additional requirements:
- B. No quarrying operation shall be carried on or any stockpile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the Planning Board or the Board (of Zoning Adjustment) where such is deemed necessary for the protection of adjacent property; however, this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of abutting property;
- C. In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;
- D. Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Planning Board or the Board (of Adjustment) such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Planning Board or the Board (of Zoning Adjustment);
- E. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition.

Section 9. Crushing, Washing and Refining

The crushing, washing, and refining or other similar processing may be authorized by the Board (of Zoning Adjustment) upon receiving a report and recommendation by the Planning Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the land use regulations of the district in which the operation is located.

- A. In accepting such plan for review, the Planning Board and the Board (of Zoning Adjustment) must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

- B. An application for such operation shall set forth the following information:
 - 1. Name of the owner or owners of land from which removal is to be made.
 - 2. Name of the applicant making request for such a permit.
 - 3. Name of the person or corporation conducting the actual removal operation.
 - 4. Location, description and size of the area from which the removal is to be made.
 - 5. Location of processing plant used.
 - 6. Type of resources or materials to be removed.
 - 7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
 - 8. Description of equipment to be used.
 - 9. Method of rehabilitation and reclamation of the mine area.

- C. Upon receipt of such application, the Planning Board shall set the matter for a public hearing in the same manner as for a zoning change.

- D. The Planning Board shall make a complete record and transcript of all testimony and witnesses heard at the public hearing. It shall recommend to the Board of Zoning Adjustment within thirty (30) days of completion of said hearing either approval, denial, or conditional approval of said application. The Board (of Zoning Adjustment) shall then act on the application within thirty (30) days of receipt of the report and recommendation of the Planning Board. Any person or corporation aggrieved by the action of the Board (of Zoning Adjustment) shall have the right to appeal to the Circuit Court having jurisdiction in Greene County, Missouri.

Section 10. Restoration, Rehabilitation and Reclamation

To guarantee the restoration, rehabilitation and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to Greene County, Missouri, in an amount to be determined by the County Commission as guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board (of Zoning Adjustment) meet the following minimum requirements:

- A. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure:
 - 1. That the excavated area shall not collect and permit to remain therein stagnant water; or
 - 2. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land areas.
- B. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.
- C. The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- D. In addition to the foregoing, the Board (of Zoning Adjustment) may impose such other conditions, requirements, or limitations concerning the nature, extent of the use and operations of such mines, quarries, or gravel pits as the Board (of Zoning Adjustment) may deem necessary for the protection of adjacent properties and the performance bond shall be determined by the Board (of Zoning Adjustment) prior to issuance of the permit.

Section 11. Oil Drilling

The extraction of oil and other hydrocarbons is expressly prohibited in all districts other than A-1, F-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 12. Agricultural Reserve District

- A. To help encourage the preservation of agricultural land and provide a landowner(s) protection from development pressures, any landowner who holds title to at least ten (10) acres may request that his/her property be designated as an Agricultural Reserve Area.
- B. Said designation shall assure the landowner that property taxes shall be assessed at the rates set for agricultural use, even if the reserve area lies within an area designated for another land use.
- C. A reserve designation shall run with the property and shall be recorded in the County Recorder's Office, as well as the County Planning and Zoning Department.
- D. While an area is designated as a reserve area, there shall be no building permits issued other than for customary residential and accessory buildings directly related to agricultural uses.

Section 13. Use Standards

A. General Requirements

No land or structure in any 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 the adjoining premises or surrounding area, referred to herein 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 this Article.

B. Existing Uses

Use standards - review: Whenever it is alleged that a use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Planning Board 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 Board 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 means of remedying such condition.

Conditions:

1. No noise from any operation conducted on the premises, other than that emanating from vehicular traffic, either continuous or intermittent, shall be detectable at any boundary line of the M-1 District.
2. 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.
3. No vibrations shall be detectable beyond the lot lines of the lot on which the use is located.
4. Exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon property located in any residence district.
5. The manufacture of flammable materials which produce explosives, vapors or gases is prohibited.
6. 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.

C. Agriculture Uses

Nothing contained in the Greene County Zoning Regulations shall prohibit the use of land for agriculture purposes or the construction or use of buildings or structures incidental to the agriculture purposes on land that is zoned for agriculture use. Agriculture uses shall follow normal agriculture production practices. Whenever it is alleged that an agricultural use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Agriculture Review Committee shall make a preliminary investigation of the matter and determine if normal agriculture production practices are being used. The Committee shall forward its report, together with all preliminary findings and evidence, to the Greene County Planning Board.

In the event that the Planning Board 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 means of remedying such condition.

The Agriculture Review Committee shall be appointed by the Greene County Commission and may include but not be limited to at least one member from each of the following groups or organizations; the Greene County Farm Bureau, the Greene County Soil and Water Conservation District, the Greene County Cattleman's Association, the MU Extension service, Missouri State Agriculture Department Faculty, and NRCS. The make up of this committee may change from time to time depending on the issue being reviewed. It is encouraged that members from the listed organizations be actively involved in an agriculture profession.

Agriculture practices are not exempt from the County's Sinkhole Use standards, Floodplain standards or On-site Wastewater System regulations. Other Federal and State regulations may supersede Greene County regulations.

D. 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 Zoning Enforcement Officer to proceed with the enforcement of said measures.

Section 14. Conditional Uses

A. The Board (of Zoning Adjustment), after receiving a report and recommendation from the Planning Board, shall have authority to allow any conditional use permitted in a particular district

1. upon finding that the proposed use meets all requirements set forth in the section allowing such conditional use, and
2. further finding that such use is not inappropriate for the neighborhood, or for the adjacent properties, considering both present and probable future uses.
3. In authorizing a conditional use, the Board (of Zoning Adjustment) 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.

Section 15. Airports, i.e., FAA Approved and Private Landing Fields

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

Section 16. Airport Zone

Statement of Intent: This zone is intended to provide for the safety of the inhabitants of those areas described herein. Reference Missouri State Revised Statute 305.400 through 305.405.

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 which 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 which 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 which exceeds fifty (50) feet in height in an airport zone; no building or structure shall be constructed nor any growth maintained which 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 which emits radio signals, electronic emissions or interference of any kind with any navigational signal or radio communication between the airport or aircraft; nor anything which makes it difficult for pilots to distinguish airport lights or results in significant reflection of light or glare which impairs pilot visibility or otherwise light or glare which impairs pilot visibility or otherwise creates a hazard for aircraft.

Section 17. Engineers' Report

- A. Whenever the Board (of Zoning Adjustment) or County Commission are required to pass on matters of protection of life and property from flood hazards, such Board (of Zoning Adjustment) or County Commission shall request a report from the U.S. Corps of Engineers.
 - 1. Such report shall be considered final and conclusive, and the Board (of Zoning Adjustment) or County Commission shall be bound thereby.
- B. Nothing in this article shall be so construed as to prohibit the rehabilitation or reclamation of any land within the district provided that any fill, drainage, works, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be subject to review and authorization by the Board (of Zoning Adjustment).
- C. It shall be the developer's responsibility to document the exact delineation of flood hazards.
- D. This request shall be at the discretion of the County reviewing officials.
- E. It shall also be the developer's responsibility to document compliance with accepted procedures designed to prevent contamination or pollution of adjacent waterways in accordance with Section 208 of the Federal Water Pollution Control Act, and other state water quality regulations.

Section 18. Height Limits

A. Height limitations stipulated elsewhere in the Regulations shall not apply:

1. To barns, silos, or other farm buildings or structures on farms; to church spires, belfries, cupolas, and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio 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 in 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 district, its side and rear yards shall be increased in width and depth by an additional foot over the side and rear yard required for the highest building otherwise permitted in the district.
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 district 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.

B. Projection into Required Yards

Certain architectural features may project into required yards or courts as follows:

1. Into any required front yard, or required side yard adjoining a side street lot line:
 - a. Cornices, canopies, eaves or other architectural features may project a distance not exceeding two (2) feet, six (6) inches.
 - b. Fire escapes may project a distance not exceeding four (4) feet, six (6) inches.
 - c. 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.
 - d. 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 adjoining an interior side lot line a distance not to exceed one-fifth (1/5) of the required least width of such yard, but not exceeding three (3) feet in any case.
3. The features named herein may project into any required rear yard or into any required outer court the same distances they are permitted to project into a front yard.

4. Fences, walls, and hedges may be located in required yards as follows:
 - a. If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, they may be located in any yard or court.
 - b. If not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot, abutting in the rear the side lot line of another lot in an R District, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.
 - c. Fences exceeding eight (8) feet but not greater than ten (10) feet in height in rear or side yards shall be permitted upon approval of a conditional use permit in accordance with Article XXIII, Section 8.

C. Setbacks for Required Yards.

The required yard setbacks whether side, front, or rear for each district are stipulated in the yard requirements of each district but may be modified as follows providing the setback violation does not exceed one foot and has passed a previous inspection by the Greene County Building Regulations Section.

1. The set back requirements for any district may be modified upon approval of a written request if the following conditions are met:
 - a. The written request must include a survey or plot plan showing:
 - 1) The tract with existing set backs
 - 2) Adjacent tracts and set backs
 - 3) Existing buildings on all tracts
 - 4) The location of any existing onsite waste water systems
 - 5) The location of any wells
 - b. The tract must be a legally recorded tract and have one of the following characteristics:
 - 1) Irregular shape
 - 2) Small size
 - c. The request must be approved by the Greene County Highway Administrator, the Greene County Resource Management Administrator, the Greene County Planning Director, the Greene County Stormwater Engineer, and the Chief Building Inspector for Greene County within thirty (30) days of receipt of the request. If the request is denied then the applicant may appeal to the Board of Zoning Adjustment by applying for a variance.
2. Any setbacks modified by procedure described above will then be the required setbacks for any future buildings on the lots affected.
3. A setback variance may be approved for a single structure if the setback violation does not exceed one foot and has passed a previous inspection by the Greene County Building Regulations Section.
4. Additions or improvements may be made to a structure that encroaches into an existing setback, provided that the encroachment is not increased.

Section 19. Weeds and Other Rank Vegetation

- A. In any R, C or M District, or any platted subdivision, it shall be considered unlawful for the growth of grass, weeds, brush or other rank vegetation to exceed twelve (12) inches in height.
 - 1. This growth shall constitute a nuisance when, in the opinion of the Zoning Enforcement Officer, any such growth on a lot or a piece of land may substantially endanger the health, safety or welfare of the people.
- B. The Zoning Enforcement Officer shall notify the owner of the property to abate the nuisance.
 - 1. The owner shall be notified by certified mail.
 - 2. If the nuisance is not abated within ten (10) days from the date the notice is sent, then the Zoning Enforcement Officer shall, after appropriate proceedings in the Circuit Court of Greene County, Missouri, cause such nuisance to be abated by whatever reasonable means are necessary.
- C. The cost of cutting and removing grass, weeds, brush and other rank vegetation shall be compiled.
 - 1. The owner of the property who was such at the time that the nuisance was abated shall be personally liable to the County for the cost of abatement, and
 - 2. After appropriate proceedings in the Circuit Court of Greene County, Missouri, a lien upon the land where such nuisance was abated, the same to run with the land for the full cost of the County for such abatement, or a forecloser in favor of the County may be exercised upon the land.

Section 20. Stationary Vehicles

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

Section 21. Mobile Home

- A. Mobile homes shall be utilized solely for dwelling purposes and meet all applicable standards set forth in Chapter 700 of the 1978 Missouri Revised Statutes.
- B. No mobile home shall be located, erected, secured and/or altered to serve as a non-residential use, including but not limited to uses such as a storage unit, tool house, private garage or wash house, in any district.
- C. No mobile home shall be placed in any district, other than in an MH-1 District or an A-1 Agriculture District, except in a previously approved mobile home park or mobile home subdivision.
- D. No mobile home shall be located, erected, secured and/or altered to serve as a guest house, servant's quarters, den or parsonage in any district unless otherwise provided for in this regulation.

Section 22. Home Occupations

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

A. Residential Districts

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

1. No more than one (1) person other than a member of the immediate family occupying the dwelling shall be employed.
2. Not more than fifty (50) percent of the floor area of one (1) story of the dwelling is devoted to the home occupation.
3. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds, noises or vibrations.
4. The home occupation must be conducted within the principal dwelling, the garage or accessory building. The 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 yard, and must not be located farther than fifteen (15) feet from the dwelling unless located in the back yard.
5. 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 met off the street and other than in a required front yard.
6. No commercial vehicle shall be used in connection with the home occupation, or parked on the property.
7. No outdoor display of goods or outside storage of materials used in the home occupation shall be permitted.
8. Only one (1) nameplate will be allowed.
 - a. It may display the name of the occupant and/or the name of the occupation.
 - b. It shall not exceed one (1) square foot in area,
 - c. shall be non-illuminated, and
 - d. shall not be erected in any required front or side yard.
9. The use shall not generate traffic, parking, noise, vibration, glare, fumes, odors or electrical interference beyond what normally occurs in the applicable zoning district.

10. The following are typical examples of uses which often can be conducted within the limits of the restrictions established in this section and thereby qualify as home occupations. Uses which 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):
 - a. Artists and sculptors.
 - b. Authors and composers.
 - c. Beauty shop - one (1) chair.
 - d. Dressmakers, seamstresses and tailors.
 - e. Family day care home, limited to not more than ten (10) children.
 - f. Home crafts, such as model making, rug weaving, lapidary work and cabinet making.
 - g. Office facility of a minister, rabbi or priest.
 - h. Office facility of a sales person, sales representative or manufacturer's representative, provided that no retail or wholesale transactions are made on the premises.
 - i. 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.
 - j. Music or dancing teachers, provided that the instruction shall be limited to four (4) pupils at any given time except for occasional groups.
 - k. 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.
 - l. Commercial raising of some animals and private kennels.

11. The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, the uses specified below shall not be permitted as home occupations:
 - a. Animal hospitals.
 - b. Antique shops.
 - c. Auto repair.
 - d. Clinics or hospitals.
 - e. Dancing schools.
 - f. Gift shops.
 - g. Mortuaries.
 - h. Nursery schools.
 - i. Painting of vehicles, trailers or boats.
 - j. Private clubs.
 - k. Renting of trailers.
 - l. Repair shops or service establishments, except the repair of electrical appliances, typewriters, cameras or other similar small items.
 - m. Restaurants.
 - n. Stables or kennels.
 - o. Tourist homes.

B. Agriculture Districts

Home occupations are permitted as accessory uses in agricultural districts. The home occupations permitted in Article V 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 Board of Zoning Adjustment, may be permitted as home occupations in agricultural districts upon receipt of a conditional use permit.

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.
 - 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 the 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. This additional screening could include enclosed garage, board fence (up to eight (8) feet tall) or vegetative screening.
6. No outdoor display of goods or outside storage of materials used in the home occupation shall be permitted.
7. Only one (1) nameplate will be allowed.
 - a. It may display the name of the occupant and/or the name of the occupation.
 - b. It 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 which 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 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 Board of Zoning Adjustment.

Section 23. Household Pets, Animals, and Livestock

It is the intent of these regulations to address issues related to the keeping of animals on tracts that are less than 20 acres or to the keeping of pets as part of a household.

A. Definitions:

1. **Common Household Animals**

Including dogs, cats, and non-commercially raised rabbits, gerbils, guinea pigs, hamsters, mice, ferrets, caged birds, and non-venomous reptiles and amphibians. Animals in addition to the maximum number allowed for a dwelling unit or raised commercially will be regulated as small domestic animals and require a home occupation permit.

2. **Small-Sized Domestic Animals**

Including common household animals raised or kept commercially or for hobby (except dogs), chinchillas, and fowl such as chickens, turkey, peacocks, geese, ducks, guineas, and other similarly sized animals. Offspring from one female are permitted at any one time, until those offspring are able to live independently.

3. **Medium-Sized Domestic Animals**

Including sheep, pigs, goats, emus, ostriches, and other similarly sized animals. Sucklings from one (1) female are permitted at any time. At least one (1) acre of continuous pasture to be used for roaming and grazing must be provided for medium domestic animals. Pastures does not include barns, storage sheds, and other structures. The pasture must have access for trucks to deliver feed and remove manure. A plan for manure management must be approved by the Resource Management Department. The plan shall be presented to the Resource Management Department within 90 days of the date new animals are moved to a site.

4. **Large-Sized Domestic Animals**

Including horses, cattle, donkeys, llamas, buffalo, or any other similarly sized animals. Sucklings from one (1) female are permitted at any time. At least one (1) acre of continuous pasture to be used for roaming and grazing must be provided for large domestic animals. Pasture does not include barns, storage sheds, and other structures. The pasture must have access for trucks to deliver feed and remove manure. A plan for manure management must be approved by the Resource Management Department. The plan shall be presented to the Resource Management Department within 90 days of the date new animals are moved to a site.

5. **Exotic Pets**

Any animal not customarily kept as a household pet such as monkeys, pot-belly pigs, sport birds such as falcons, hawks, and eagles, and domesticated wildlife animals, but not including dangerous or restricted animals. Exotic pets shall require a home occupation permit

6. **Dangerous Animals**

Any animal designated as dangerous (predators, carnivores, venomous, oversized, etc.) must have a Conditional Use Permit to be allowed as a pet in any district; provided, however, no retail or wholesale business will be conducted in conjunction with the keeping of such animals in any district lower than the C-2 General Commercial District. The keeping of such animals must conform to the Department of Conservation regulations.

7. **Kennel (Commercial)**

Any lot, building, structure, enclosure, or premises where four (4) or more dogs over six (6) months of age are kept for commercial purposes, including boarding, breeding, wholesale and retail of goods or animals, or the rendering of services for profit, or any facility which is classified as a regulated business by the Department of Agriculture. A commercial kennel must be located on at least five (5) acres and shall require a Conditional Use Permit.

8. **Kennel (Private)**

A shelter at or adjoining a private residence where more than four (4), but less than ten (10) dogs over six (6) months of age are bred and/or kept for hunting, training, and exhibition for organized shows, field, working and/or obedience trails, or for the enjoyment of an identifiable species of dog or cat with no wholesaling of animals. A private kennel must be located on at least five (5) acres and shall require a home occupation permit.

9. **Home Occupation Permit for Animals**

A Home Occupation Permit may be required for the keeping or raising of certain animals. A home occupation application must be completed and submitted along with the required fees and a statement explaining proposed mitigations of noise, waste, and odor. Additional documentation is required for private kennels.

10. **Animal Units**

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

11. **Enclosure**

An enclosure is any structure or corral area for the keeping, feeding, or shelter of an animal. Enclosures must meet USDA standards for the keeping of animals. Enclosures may be required to be set back from property lines. An enclosure or fence for oversized animals such as buffalo, bulls, elephants, etc. must be constructed to contain such animals. (See enclosure setbacks).

12. **Residential and Agricultural Lots**

For the purposes of the Household Pets, Animals, and Livestock regulations, a residential lot is zoned MH-1, R-1, R-2, R-3, R-4, or UR-1, platted, and is connected to public sewer services. Any agricultural lot is any lot zoned A-1, A-R-RR-1, or is not connected to public sewer services.

B. Animal Units

1. Animal Units shall be determined by the following chart:

| Animal | Animal Units | Animals/acre |
|------------------------------|---------------------|---------------------|
| Cow | 1 AU | 1 |
| Horse | 1 AU | 1 |
| Pig | 0.6 AU | 1.67 |
| Sheep/goat | 0.2 AU | 5 |
| Chickens | 0.06 AU | 16.67 |
| Turkeys | 0.06 AU | 16.67 |
| Rabbits | 0.06 AU | 16.67 |
| Ostriches/Emus | 0.4 AU | 2.5 |
| Buffalo | 2 AU | 0.5 |
| Llamas/Alpacas | 0.2 AU | 5 |
| Chinchillas/Guinea Pigs | 0.06 AU | 16.67 |
| Donkey/Burros | 1 AU | 1 |
| Other (500 lbs. +) | 1 AU | 1 |
| Other (200-500 lbs.) | 0.6 AU | 1.67 |
| Other (50-200 lbs.) | 0.2 AU | 5 |
| Other (50 lbs. -) | 0.08 AU | 12.5 |
| Other large birds (5 lbs. +) | 0.06 AU | 16.67 |
| Other small birds (5 lbs. -) | 0.02 AU | 50 |

C. Common Household Pets

1. Dogs
A maximum of four (4) dogs shall be allowed for a dwelling unit.
2. Cats
A maximum of four (4) cats shall be allowed for a dwelling unit.
3. Total
A total of six (6) dogs and cats shall be allowed for a dwelling unit.
4. Common household animals
A maximum of four (4) common household animals not including dogs and cats shall be allowed for a dwelling unit.

D. Animal Units Allowed

1. The allowed animal units per acres shall be determined by the following:

| | |
|---|----------------|
| Residential tracts (less than 2.9 acres) | 0 AU |
| Residential tracts (3-8 acres) | 1 AU per lot |
| Resident tracts (8.1 acres – 19.9 acres) | 1 AU per acre |
| Agriculture tracts (less than 1 acre) | 0 AU |
| Agricultural tracts (1-3acres) | 1.5 AU per lot |
| Agricultural tracts (3.1-5 acres) | 3.5 AU per lot |
| Agricultural tracts (5.1-9.9 acres) | 8 AU per lot |
| Agricultural tracts (10 acres-19.9 acres) | 1 AU per acre |

2. Animal units allowed on operations 20 acres or greater shall follow normal agriculture production practices.

E. Enclosure Setbacks

1. Enclosures for animals may be required to be set back from all property lines if the density of enclosed animals exceeds the following:
 - a. All Large Sized Animals enclosed in an area with a density exceeding 0.005 AU per square foot must be set back from all property lines a distance of 100 feet.
 - b. All Medium Size Animals enclosed in an area with a density exceeding 0.003 AU per square foot must be set back from all property lines a distance of 50 feet.
 - c. All Small Sized Animals enclosed indoors in an area with a density exceeding 0.0015 AU per square foot must be set back from all property lines a distance of 50 feet.
2. Any enclosure which exceeds the preceding densities may not be located in a front or side yard on tracts less than five (5) acres.
3. The outdoor or indoor enclosure for a commercial or private kennel must be set back from all property lines a distance of 100 feet from any R-district, or a distance of 25 feet from any other district.

F. Exotic Animals

1. A maximum of two (2) exotic animals may be allowed for a dwelling unit with an approved home occupation permit.
2. Additional exotic animals shall require a Conditional Use Permit.
3. The outdoor enclosure of any exotic animal must be setback from all property lines a distance of 50 feet.

G. Dangerous Animals

1. A Conditional Use Permit is required for the keeping of dangerous animals.
2. The outdoor enclosure for any dangerous animal must be set back from all property lines a distance of 100 feet.

H. Home Occupation Permits for Animals

1. An approved Home Occupation Permit is required for the keeping of any exotic animals.
2. An approved Home Occupation Permit is required for the commercial raising or keeping of animals. All Home Occupations regulations do apply.
3. An approved Home Occupation Permit is required for the keeping of a private kennel.

I. Grandfathered Animals

1. Any tract with a number or type of animal which was in compliance before the adoption of this revision to the zoning regulations on November 5, 2007, shall be considered to be grandfathered.
2. Proof of grandfathering shall be provided upon request to the Planning and Zoning Department.
3. Proof of grandfathering shall include the following:
 - a. Receipts of purchase of the animals or feed bills prior to the enacting of the regulations, and
 - b. Written affidavits from neighbors.
 - c. Failure to provide adequate proof of grandfathering shall result in the revocation of grandfathered status.

J. Animal Waste and Odor Standards

1. 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 breed of flies and to control odors.
2. Manure piles shall be set back a minimum distance of one hundred (100) feet from any lot line, well, stream, or waterbody.
3. Animals shall not be allowed to create excessive odor problems or present a health hazard to surrounding lands.
4. 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.

Section 24. Dangerous Animals

Any animal designated as dangerous (predators, carnivores, venomous, oversized, etc.,) must have a conditional use permit to be allowed as a pet in any district; provided, however, no retail or wholesale business will be conducted in conjunction with the keeping of such animals in any district lower than "C-2" General Commercial District. The keeping of such animals must conform to the Department of Conservation regulations.

Section 25. 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, etc., permeability and the time of concentration are significantly decreased, resulting in an increase in both the rate and volume of runoff.
2. These modifications may create harmful effects on properties downstream. Therefore, to minimize these effects storm water detention requirements have been established as set forth in the Greene County Design Standards for Public Improvements. All new non-agricultural construction is required to provide storm water detention facilities except where:
 - a. It can be demonstrated by engineering computations that such a facility would, due to timing of outflows, have an adverse effect on downstream properties by increasing peak rates of runoff, as demonstrated by engineering computations approved by the County;
 - b. The developer agrees with the County and affected property owners to provide storm drainage improvements downstream of the development in lieu of constructing on-site detention facilities; or
 - c. Due to the small size of the development, it can be demonstrated that the detention facility would result in no beneficial effect on downstream properties, and where there are no existing flooding problems downstream.

B. Obstruction of Water Courses Prohibited

1. It shall be unlawful for any persons to block, obstruct, destroy, cover, fill or alter in any way a watercourse or any part thereof so as to cause damage to the property of other persons from surface water.
2. Whenever a person has blocked, obstructed, destroyed, covered, filled or altered in any way a watercourse so as to cause surface water damage to the property of others, the Director is authorized to proceed in accordance with Article XXII Section 6 of these regulations to abate the violation.
3. Nothing contained herein shall be construed to prohibit the altering of a watercourse so long as it is done pursuant to a permit and provided the change does not cause damage to others to create a condition which could cause damage to others in the opinion of the Director. The permit may be conditioned upon compliance with standards established so as to protect the public health, safety and welfare so as to ensure that the project will not interfere with the use of the watercourse and that adequate provisions are made to protect the watercourse from any work being performed pursuant to the building permit.

C. Illicit Discharge Detection and Elimination

1. Purpose: This ordinance is adopted pursuant to the authority granted in 64.907, 64.825 – 64.885, Revised Statutes of Missouri and are intended to regulate non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:
 - a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
 - b. To prohibit Illicit Connections and Discharges to the MS4
 - c. To establish legal authority to carry out all inspection, and monitoring procedures necessary to ensure compliance with this ordinance
2. Applicability: This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted.
3. Ultimate Responsibility: The standards set forth in this article and promulgated pursuant to this article are minimum standards. Compliance with this article does not insure that there will be no contamination, pollution or unauthorized discharge of pollutants into the waters of the United States. This article shall not create liability on the part of the County or any agent or employee of the County for any damages that result from any discharges, reliance on this article or any administrative decision made under this article.

4. **Illegal Discharges:** It shall be unlawful for any person to discharge or cause to be discharged into the municipal separate storm sewer system or into any watercourse any material other than stormwater. The following discharges are exempt from the prohibitions established by this article:
 - a. Waterline flushing or other potable water sources;
 - b. Landscape irrigation or lawn watering;
 - c. Diverted stream flows;
 - d. Rising groundwater;
 - e. Groundwater infiltration;
 - f. Uncontaminated pumped groundwater;
 - g. Foundation or footing drains excluding active groundwater de-watering systems;
 - h. Crawlspace pumps, air conditioning condensation;
 - i. Springs;
 - j. Non-commercial washing of vehicles;
 - k. Natural riparian habitat or wetland flows;
 - l. Swimming pools if de-chlorinated to less than 1 ppm chlorine;
 - m. Firefighting activities;
 - n. Other water not containing pollutants;
 - o. Discharges specified by the County as necessary to protect public health and safety;
 - p. Dye testing if notification is given to the County before the test; and
 - q. Any non-storm water discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal separate storm sewer system.
5. **Illicit connections:** It shall be unlawful for any person to construct, use, maintain or have an illicit connection.
6. **Waste disposal prohibitions:** It shall be unlawful for any person to place, deposit or dump or to cause or allow the placing, depositing or dumping any refuse, rubbish, yard waste, paper litter or other discarded or abandoned objects, articles and accumulations containing pollutants into the municipal separate storm sewer system or into any waterway.
7. **Connection of sanitary sewer prohibited:** It shall be unlawful for any person to connect a line conveying sewage to the municipal separate storm sewer system or to allow such a connection to continue.
8. **Industrial or construction activity discharges:** It shall be unlawful for any person subject to an industrial activity or construction NPDES storm water discharge permit to fail to comply with all provisions of such permit.

9. Notification of Spills:

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the County in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the County within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 26. Garage and Yard Sales

It shall be unlawful for any person to advertise, conduct, carry on or permit more than two (2) garage, patio, yard, or other similar sales within any twelve month period, nor shall such sale be held or be scheduled for more than two (2) calendar days.

Section 27. Sediment and Erosion Control Regulation

Statement of intent: The purpose of this regulation 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 Greene 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. The provisions in this regulation are intended to provide a natural community environment, to prevent soil erosion and to reduce costly repairs to gullies, washed out fills, water conveyance systems, roads and embankments. Application of these regulations will effectively control soil erosion and sedimentation.

A. Scope of Authority:

1. Any person, firm, corporation or business proposing to develop land within Greene County shall apply to the Resource Management Department for approval of his/her erosion control plan and issuance of a grading permit as specified in this Regulation.
 - a. No land shall be graded except upon the issuance of such a permit.

B. Bond Requirement:

1. Upon approval of the erosion control plan and prior to issuance of a grading permit, the Resource Management Department shall require the developer to post a performance bond, escrow agreement, lender's agreement, cash bond, cash or certified check of not less than the value of all work to be done under the grading, sediment and erosion control plan.
 - a. This may be a part of other bond/escrow funds, subject to the County's discretion.
2. For grading permits which do not include the construction of public improvements related to subdividing land under jurisdiction of the Subdivision Regulations, or construction of permanent buildings or structures, under jurisdiction of the Building Regulations, (i.e. where only grading work is included, such as for a borrow pit or pond) the only type of security which will be accepted will be a cash bond.

C. Regulations:

1. Erosion and Sedimentation Control Plan Content:

Grading plans for grading operations, site plans, preliminary plat of subdivision, or the subdivision improvement plan shall include the following additional information.

- a. Erosion and sediment control plans submitted to the Resource Management Department shall include two (2) sets of maps and plans with specifications showing proposed excavation, grading or filling, and will include the following:
- 1) Full name and address of property owner;
 - 2) Designation of property address;
 - 3) Portion of the property that is to be excavated, graded or filled with excavated material;
 - 4) Location of any sewerage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading or fill area and the location of any gas transmission pipeline operated at a maximum service pressure in excess of two hundred (200) p.s.i.g., any part of which is within one hundred (100) feet of the proposed grading or filling area;
 - 5) Existing grade and topography of the premises and the proposed finish grade and final contour elevation at a contour interval of not more than two (2) feet;
 - 6) Location and present status of any grading operation on the property;
 - 7) Details of any drainage system proposed to be installed and maintained by the applicant and a comprehensive drainage plan designed to safely handle surface water, streams, or other natural drains (including sinkholes) following heavy rains during grading operations;
 - 8) Details of any proposed water impoundment structures, embankments, debris basins, grass or lined waterways, and diversions with the details and locations of proposed stable outlets;
 - 9) Details of soil preparation and re-vegetation of the finished grade and of other methods of erosion control;
 - 10) Proposed truck and equipment access ways to the work site;
 - 11) Delineation of the one hundred (100) year flood plain;
 - 12) A statement from the property owner or his agent assuming full responsibility for the performance of the operation as stated in the application. The statement shall contain assurance that all county roads will be adequately protected and/or repaired, if damaged.

2. The proposed phasing of development of the site, including clearing, rough grading and construction, and final grading and landscaping should identify
 - a.. the expected date on which clearing will begin,
 - b. the estimated duration of exposure of cleared areas, and
 - c. the sequence of clearing,
 - d. installation of temporary sediment control measures,
 - e. establishment of storm drainage,
 - f. paving streets and parking areas, and
 - g. establishment of temporary and permanent vegetative cover.
3. The Resource Management Department may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objective and principles of this regulation.

D. Plan Approval:

1. No nonagricultural grading operations or no final plat of subdivision shall be recommended for approval by the Resource Management Department unless the preliminary plat and erosion and sediment control plans indicate that measures to be taken will meet erosion control standards. Permit approval/disapproval will be indicated within thirty (30) days of erosion and sediment control plan submission.
2. Conservation District Comments:
 - a. When a plan is submitted by the Resource Management Department to the Soil and Water Conservation District, the District may make comments and recommendations.
 - b. All such comments and recommendations shall be made within fifteen (15) days of receipt by the District.
 - c. Such comments may pertain but need not be limited to:
 - 1) erosion and sediment control
 - 2) soil use limitations
 - 3) environmental considerations
 - 4) drainage and flooding.

E. Principles and Standards:

1. All excavations, grading, or filling shall have a finished grade not to exceed a 3:1 slope (33%).
 - a. Steeper grades may be approved by the Resource Management Department if the excavation is through rock or the excavation or fill is protected (a designed head wall or toe wall may be required).
 - b. Retaining walls that exceed a height of four (4) feet shall require the construction of safety guards as identified in the 1987 BOCA Codes (Section 1223.5).
 - c. Permanent safety guards will be constructed in accordance with Section 827.0 of the 1987 BOCA Codes.
2. Grading plans for sites shall provide for sediment or debris basins, silt traps or filters, staked straw bales, or a combination of these measures to remove sediment from runoff waters.
 - a. Temporary siltation control measures shall be designed to assure that sediment is not transported from the site by a storm event of a ten (10) year frequency. (5.7 inches in 24 hours.)
 - b. The design shall be approved by the Resource Management Department.
 - c. Temporary siltation control measures (structural) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site.
3. Where natural vegetation is removed during grading, vegetation shall be reestablished in such a density as to prevent erosion.
 - a. Permanent type grasses shall be established as soon as possible or during the next seeding period after grading has been completed. (Refer to Appendix A.)
4. When grading operations are completed or suspended for more than thirty (30) days between permanent grass seeding periods, temporary cover shall be provided according to the Resource Management Department recommendation. (Refer to Appendix A.)
 - a. All finished grades (areas not to be disturbed by future improvement) in excess of 20% slopes (5:1) shall be mulched at the rate of one hundred (100) pounds per one thousand (1,000) square feet when seeded.
5. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after grading.
 - a. Un-vegetated open channels shall be designed so that gradients result in velocities of two (2) fps (feet per second) or less.
 - b. Velocities in permanently vegetated open channels shall not exceed five (5) fps.
 - c. Un-vegetated open channels with velocities more than two (2) fps and less than five (5) fps shall be established in permanent vegetation by use of commercial erosion control blankets or lined with rock riprap or concrete or other suitable materials as approved by the Resource Management Department.
 - d. Detention basins, diversions, or other appropriate structures shall be constructed to prevent velocities above five (5) fps.

6. The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion.
 - a. Runoff water from developed areas (parking lots, paved sites, and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems.
 - b. Sufficiently anchored straw bales may be substituted with the approval of the Resource Management Department.
7. Development along natural watercourses shall have residential building lines, commercial or industrial improvements, parking areas or driveways set back a minimum of twenty-five (25) feet from the top of the existing stream bank.
 - a. The watercourse shall be maintained and made the responsibility of the appropriate legal entity.
 - b. Permanent vegetation should be left intact.
 - c. Variances will include designated stream bank erosion control measures and shall be approved by the Resource Management Department.
 - d. FEMA guidelines shall be followed where applicable regarding site development in flood plains.
8. All lots shall be seeded and mulched or sodded before an occupancy permit is issued except that a temporary occupancy permit may be issued by the Resource Management Department in cases of undue hardship because of unfavorable ground conditions.

F. Inspection and Violation:

1. Inspections: By applying for a grading permit, the applicant consents to the County inspecting the proposed development site and all work in progress.
2. Corrections: All violations shall be corrected within the time limit set forth by the Resource Management Department specified in the issuance of a written notice to correct. All persons failing to comply with such notice shall be deemed in violation of this regulation.
3. Violations: In the event of a regulation violation, the bond requirement proceeds shall be used by the County to complete the planned sediment and erosion control practices.
4. Penalties and Civil Enforcement:
 - a. Conduct declared unlawful.

The following conduct is hereby declared to be unlawful.

- 1) Violation of any provision of this regulation or of any regulation adopted pursuant to authority conferred by it;
- 2) Failure to comply with the provisions, requirements, conditions or standards contained in any approved site plan, grading plan, excavation plan or clearing plan or in any special permit, building permit, occupancy permit, variance or certificate of appropriateness;
- 3) Procurement of any amendment or any required permit, certificate or approval through misrepresentation of any material fact.

b. Penalties.

Any person, firm or corporation who willfully engages in any conduct made unlawful by this regulation shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than ten (10) dollars nor more than one thousand (1,000) dollars for each such offense. Each day such violation continues shall constitute a separate offense.

c. Civil enforcement.

In case any land, building, or improvement is or is proposed to be used, altered, or maintained in violation of the regulations or if any person, firm or corporation is engaging in conduct declared unlawful by subsection (a) above, the County Counselor, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violator or unlawful conduct, in addition to the penalties and 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.

d. Stop order; suspension and revocation of plans, permits, certificates, approvals and variance.

1) Except as otherwise specifically provided in this Regulation, the Zoning Administrator shall, upon finding that any person is or has been engaging in conduct declared unlawful by subsection

a) issue an order directing such person to stop engaging in such conduct.

2) The issuance of a stop order shall suspend the effect of any approval, permit, plan, variance, or certificate previously issued that relates to the property or premises subject to the stop order until such time as the stop order is withdrawn by the zoning administrator or is stayed by an appeal to the Board of Zoning Adjustment.

3) The Zoning Administrator may, if he/she so specifies in the stop order, revoke any permit or certificate previously issued by him/her.

5. **Appeals:** Any person denied a grading permit as herein stated shall have the right to appeal such denial to the board established by the Greene County Commission within thirty (30) days of the date of such denial.

6. **Regulation to become effective** on _____, (date of adoption).

a. Any work, grading or shaping in progress on or before the above date shall not be affected by this regulation unless designated as a nuisance or hazard by the Resource Management Department.

b. Certification for developers must be obtained through the Resource Management Department of Greene County.

1) This certification may be obtained at the same time as renewal of underground storage tank operators are renewed.

G. Glossary

For the purpose of this regulation, the following words and phrases shall have the meanings respectively ascribed to them by this section:

1. **BOCA** - refers to the BOCA National Building Code, 1987; please note this model regulation is designed to be used with BOCA/1987 as a reference for minimum performance standards.
2. **DEBRIS OR SEDIMENT BASIN** - A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, sediment, gravel, silt, or other materials.
3. **DIVERSION** - A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.
4. **EROSION** - The wearing away of the land surface by the action of wind, water, or gravity.
5. **EXCAVATION OR CUT** - The removal, stripping or disturbance of soil, earth, sand, rock, gravel, or other substance from the surface of the earth.
6. **EXISTING GRADE** - The vertical location of the existing ground surface prior to excavation or filling.
7. **FEMA** - Federal Emergency Management Agency.
8. **FILL OR FILLING** - The placing of any soil, earth, sand, rock, gravel or other substance on the ground.
9. **FINISHED GRADE** - The final grade or elevation of the ground surface conforming to the proposed design.
10. **GRADING** - Any excavation or filling or combination thereof.
11. **NATURAL WATERCOURSE** - A channel formed in the existing surface topography of the earth prior to changes made by unnatural conditions.
12. **OPEN CHANNEL** - A constructed ditch or channel designed to remove water.
13. **SEDIMENT** - Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.
14. **SILT TRAPS OR FILTERS** - Staked bales of straw or silt fencing systems that function as a filter and a velocity check to trap fine-grained sediment while allowing satisfactory passage of storm water runoff.
15. **SITE** - A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.
16. **SITE DEVELOPMENT** - Altering terrain and/or vegetation and constructing improvements.
17. **SOIL AND WATER CONSERVATION DISTRICT** - (SWCD) - RSMo chapter 278, Section .070, paragraph 4 defines a soil and water conservation district as a locally organized and operated unit of government, functioning under Missouri law, to promote protection, maintenance, improvement, and wise use of the soil and water within the County.
18. **STREAM BANK, TOP OF EXISTING** - The usual boundaries, not the flood boundaries, of a stream channel. The top of the natural incline bordering a stream.
19. **WATERSHED** - All that area drained by a waterway, drainage ditch, stream or other water course.

H. Sediment and Erosion Control Regulation:

APPENDIX A

Vegetative Establishment Requirements:

| <u>Seeding Rates</u> | <u>Broadcast</u> | <u>Drilled Sodded</u> |
|-----------------------------|-------------------------|------------------------------|
| Tall Fescue | 30 lbs./ac. | 25 lbs./ac. Solid |
| Kentucky Bluegrass | 3 lbs./ac. | 2 lbs./ac. Solid |
| Red Fescue | 10 lbs./ac. | 7 lbs./ac. |
| Wheat or Rye | 120 lbs./ac. | 100 lbs./ac. |
| Annual Ryegrass | 100 lbs./ac. | 100 lbs./ac. |

Seeding Dates:

| | |
|-------------------|--|
| Perennial Grasses | March 1 to May 15 or August 15 to October 15 |
| Temporary Cover | May 15 to November 15 |
| Mulch Rates | Wheat Straw 100 lbs per 1000 square feet (4,500 lbs/ac.) |

Fertilizer Rates

| | |
|-----------|--------------------|
| Nitrogen | 90 lbs./ac. |
| Phosphate | 90 lbs./ac. |
| Potassium | 90 lbs./ac. |
| Lime | 1500 lbs./ac. ENM* |

*ENM - effective neutralizing material as per State evaluation of quarried rock.

Section 28 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 building 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 Greene County Resource Management Department and Stormwater Engineer.
2. A sinkhole evaluation which addresses geologic and engineering factors, with professional seal, is filed with the Planning 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 Greene County Resource Management Department and the County Stormwater Engineer.
2. Drainage to sinkholes shall not exceed pre-development conditions unless approved by the Greene County Resource Management Department and County Stormwater Engineer.
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 Greene County Resource Management Department.

Section 29 Residential Group Homes

- A. Residential group homes as defined in Article I, Section 3, are permitted in the R-1, R-2, R-3, R-4, and MH zoning districts provided that the following requirements and limitations are adhered to.
1. The exterior appearance of the home and property, size of the facility, occupancy limitation, signage and other standards applicable to a single family residence shall apply equally to group homes.
 2. In order to promote deinstitutionalization and disbursal of group homes, no group home may be located within five hundred (500) feet of another group home, measured by the straight line distance between the nearest points of the exterior walls (exclusive of overhangs) of the buildings within which the relevant facilities or uses are located; or (a) adjoin any lot upon which another group home already exists or (b) is separated from any lot upon which an existing group home already exists only by a street or roadway.
 3. The facility must meet all County, State, and Federal requirements regarding each individual group home.
 4. In order to achieve the deinstitutionalization and disbursal goals referenced herein, the owners and operators of group homes must register the facility with the Planning and Zoning Department on forms provided for that purpose and certify compliance with all applicable zoning regulations of the County. Owners and operators of group homes must also notify the Department of any change of use, transfer or termination of the group home use and revise the facility registration as appropriate.
 5. Notwithstanding any other provision of this Section to the contrary, any individual, group or entity may make a request for reasonable accommodation from the provisions of this Section pursuant to the procedures set forth in Article IV, Section 29 (A) (B) of the Zoning Regulations.

B. Reasonable Accommodation Policy and Procedure

1. *Purpose.* This Section implements the policy of Greene County on requests for reasonable accommodation in its rules, policies and procedures for persons with disabilities as required by the Fair Housing Act, as amended, 42 U.S.C. Section 3604(f)(3)(B) and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12132. The policy of Greene County is to comply fully with the provisions of the Fair Housing Act and Title II of the Americans with Disabilities Act.

Any person with disabilities and eligible under the Fair Housing Act or Title II of the Americans with Disabilities Act may request a reasonable accommodation with respect to the various land use or zoning laws, rules, policies, practices and/or procedures of the County as provided by the Fair Housing Act and Title II of the Americans with Disabilities Act pursuant to the procedures set out in this Section.

Nothing in this Section requires persons with disabilities or operators of group homes for persons with disabilities acting or operating in accordance with applicable zoning, licensing or land use laws or practices to seek reasonable accommodation under this Section.

2. *Definitions.* For the purposes of this Section, certain terms and words are hereby defined as follows:

ACTS. Collectively, the FHA and the ADA.

ADA. Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131, *et seq.*, and its implementing regulations, 28 C.F.R. Part 35.

APPLICANT. An individual, group or entity making a request for reasonable accommodation pursuant to this Section.

DEPARTMENT. The Planning and Zoning Department of Greene County.

FHA. The Fair Housing Act, Title III of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.*, as may be amended.

DISABLED PERSON. Any person who is “handicapped” within the meaning of 42 U.S.C. § 3602(h) or a “qualified individual with a disability” within the meaning of 42 U.S.C. § 12131(2).

DWELLING. A “dwelling” as defined in 42 U.S.C. § 3602(b).

ZONING REGULATIONS: The Greene County Zoning Regulations.

3. *Notice to the public of availability of accommodation process.* The Department shall prominently display a notice at the counter in the Department advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this Section.

4. *Requesting reasonable accommodation.*
In order to make specific housing available to one or more individuals with disabilities, a disabled person or a person acting on his or her behalf at his or her request (collectively, the “Applicant”) may request a reasonable accommodation relating to the various land use or zoning rules, policies, practices and/or procedure of the County applicable to such housing.

- a. A request by an Applicant for reasonable accommodation relating to land use or zoning rules, policies, practices and/or procedures shall be made orally or in writing on a reasonable accommodation request form provided by the Department. The form shall contain:

- i. the current zoning for the property;
- ii. the name, phone number and address of the owner of the fee interest of the property (if other than the Applicant);
- iii. the nature of the disability that requires the reasonable accommodation. In the event that the specific individuals who are expected to reside at the property are not known to the Applicant in advance of making the application, the Applicant shall not be precluded from filing the application, but shall submit details describing the range of disabilities that prospective residents are expected to have to qualify for the housing. The Applicant shall notify the Department, in the event the residents at the location are not within the range described. The Department shall then determine if an amended application and subsequent determination of reasonable accommodation is appropriate;
- iv. the specific type of accommodation requested by the Applicant. To the extent practicable, this portion should include information concerning the impact of the reasonable accommodation on the adjoining properties and area, the number of people who are expected to be availing themselves of the reasonable accommodation, the estimated number of people in an average week who will be necessary to provide services to the person(s) with disabilities at the property on an on-going basis, whether or not this type of reasonable accommodation is required to obtain a license from any state or county authority to operate, and any other information the Applicant thinks would assist in determining the reasonableness of the accommodation;

- v. the Applicant should also note, if known, whether this accommodation requires any additional licensure from the County (e.g., business license); and
- vi. whether the accommodation requested may be necessary to afford one or more disabled persons equal opportunity to use and enjoy a specific dwelling.

The Department will assist the Applicant with furnishing the Department all information necessary for processing the reasonable accommodation request, including that information which the Department deems necessary to complete a reasonable accommodation request form. Upon the County's receipt of the necessary information to process the Applicant's request for reasonable accommodation, the Department shall use the information to complete a reasonable accommodation request form.

- b. The Department will provide the assistance necessary to an Applicant in making a request for reasonable accommodation. The Department will provide the assistance necessary to any Applicant wishing to appeal a denial of a request for reasonable accommodation to ensure the process is accessible to the Applicant. The Applicant is entitled to be represented at all stages of the proceedings identified in this Section by a person designated by the Applicant.
- c. Should the information provided by the Applicant to the Department include medical information or records of the Applicant, including records indicating the medical condition, diagnosis or medical history of the Applicant, the Applicant may, at the time of submitting such medical information, request that the Department to the extent allowed by law, treat such medical information as confidential information of the Applicant.
- d. The Department shall provide written notice to the Applicant, and any person designated by the Applicant to represent the Applicant in the application proceeding, of any request received by the Department for disclosure of the medical information or documentation which the Applicant has previously requested be treated as confidential by the Department. The Department will cooperate with the Applicant, to the extent allowed by law, in actions initiated by the Applicant to oppose the disclosure of such medical information or documentation.

5. *Jurisdiction*

- a. Director/Designee. The Director of the Department, or his/her designee ("Director/Designee"), shall have the authority to consider and act on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the Department, it will be referred to the Director/Designee for review and consideration. The Director/Designee shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may (1) grant the accommodation request, or (2) deny the request, in accordance with federal law. Any such denial shall be in writing and shall state the grounds therefore. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation in the appeals process. The notice of determination shall be sent to the Applicant by certified mail, return receipt requested and by regular mail.
- b. If reasonably necessary to reach a determination on the request for reasonable accommodation, the Director/Designee may, prior to the end of said thirty (30) day period, request additional information from the Applicant, specifying in detail what information is required. The Applicant shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the thirty (30) day period to issue a written determination shall be stayed. The Director shall issue a written determination within thirty (30) days after receipt of the additional information. If the Applicant fails to provide the requested additional information within said fifteen (15) day period, the Director shall issue a written determination within thirty (30) days after expiration of said fifteen (15) day period.

6. *Findings for Reasonable Accommodation.*

The following findings, while not exhaustive of all considerations and findings that may be relevant, must be made before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record relating to such approval or denial:

- a. whether the accommodation requested may be necessary to afford one or more persons with disabilities equal opportunity to use and enjoy a specific dwelling;
- b. whether the requested accommodation would require a fundamental alteration to the County's zoning scheme; and
- c. whether the requested accommodation would impose undue financial or administrative burdens on the County.

A request for a reasonable accommodation shall not be denied for reasons which violate the provisions of the Acts. This order does not obligate the County to grant any accommodation request unless required by the provisions of the Acts or applicable Missouri State law.

7. *Appeals.*

- a. Within thirty (30) days after the date the Director/Designee mails a written adverse determination, under subsection 5 of this Section, to the Applicant, the Applicant requesting reasonable accommodation may appeal the adverse determination.
- b. All appeals shall contain a statement of the grounds for the appeal.
- c. If an individual Applicant needs assistance in appealing a determination, the Department will provide the assistance necessary to ensure that the appeal process is accessible to the Applicant. All Applicants are entitled to be represented at all stages of the appeal proceeding by a person designated by the Applicant.
- d. Appeals shall be to the Board of Adjustment who shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than forty-five (45) days after an appeal has been filed. All determinations on appeal shall address and be based upon the findings identified in subsection F of this Section and shall be consistent with the Acts.
- e. An Applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

8. *Fee.* The County shall not impose any additional fees or costs in connection with a request for reasonable accommodation under the provisions of this Section or an appeal of a denial of such request by the Director/Designee. Nothing in this ordinance obligates the City to pay an Applicant's attorney fees.

9. *Stay of Enforcement.* While an application for reasonable accommodation or appeal of a denial of said application is pending before the County, the County will not enforce the subject zoning ordinance against the Applicant.

10. *Record-keeping.* The County shall maintain records of all oral and written requests submitted under the provisions of this Section, and the County's responses thereto, as required by State law.

Section 30 Public Utilities and Essential Services

- A. Public utility transmission and distribution lines, poles and other accessories; county or municipally owned sewer trunk lines, sewer lines, water supply and distribution lines; publicly regulated telephone lines, poles and other accessories; public or privately owned gas supply or distribution lines; public or privately owned cable television lines including fiber optic cables or lines, poles, and other accessories; and public utility structures or uses required for public convenience including highways and railroads, may be permitted upon approval of the Greene County Resource Management Department provided that no use permit shall be granted by the Greene County Resource Management Department unless the use:
 - 1. is necessary for the public convenience at that location;
 - 2. is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; and
 - 3. will not cause substantial injury to the value of other property in the neighborhood in which it is located; except as may be otherwise specified herein, or recommended by the Planning Board.

- B. Notwithstanding the foregoing, when a utility proposes a main inter-city transmission facility, notice shall be given to the Greene County Resource Management Department of such intention and of the date of hearing for the Missouri Public Service Commission.
 - 1. Before beginning construction of a specific route, said utility shall file with the Greene County Resource Management Department plans for the construction of said route.
 - 2. The Greene County Resource Management Department shall within thirty (30) days report to the applicant the appropriateness of the planned transmission facility in relationship to the intent of the general plan in preserving the character of the district.

- C. Furthermore, any plans and designs for improvements must meet Greene County Design Standards. Any work or routings proposed to be located in County right-of-way will require an additional submittal of plans to the Greene County Highway Department for approval. Any land disturbance required by the location of the above utilities or services will require a grading permit to be issued by the Greene County Resource Management Department.

Section 31 Concentrated Animal Feeding Operations (CAFO)

A. Concentrated Animal Feeding Operations (CAFO) as defined by Article I, may be permitted in A-1, M-1, or M-2 district with a conditional use permit approved by the Board of Zoning Adjustment. A feeding operation shall not be considered a CAFO unless the operation is expected to meet or exceed the following animal population(s):

| ANIMAL TYPE | NUMBER OF ANIMALS |
|---|--------------------------|
| Mature Dairy Cattle (Milkers or Dry Cows) | 150 |
| Dry Cows and Heifers | 500 |
| Slaughter and Feeder Cattle | 500 |
| Horses | 500 |
| Swine (weighing over 55 pounds) | 500 |
| Sheep, Lambs and Goats | 1,000 |
| Chickens | 10,000 |
| Turkeys | 10,000 |

B. Tracts less than twenty (20) acres will not be considered for CAFO approval.

1. Further, any confinement of animals in population(s) which exceed the maximum populations outlined herein above, or any division of that maximum for smaller tracts, in the absence of a conditional use permit, is prohibited.
2. The owner(s) of a tract of land in A-1, M-1, or M-2 district containing a minimum of twenty (20) acres may apply for Concentrated Animal Feeding Operations (CAFO) approval.

C. Animal confinement areas and buildings, including waste treatment lagoons, separators, waste storage areas/buildings, composting facilities, and feed storage

1. shall be located a minimum of one thousand three hundred twenty (1320) feet from any residential development or zoning district developed or permitting a density at or greater than one (1) dwelling unit per three (3) acres;
2. a minimum of six hundred (600) feet from any dwelling unit existing on adjacent property at a density of less than one (1) dwelling unit per three (3) acres; and
3. a minimum of two hundred (200) feet from all property lines.
4. The Board (of Zoning Adjustment) is empowered to increase setback requirements based on the nature of operations associated with the Concentrated Animal Feeding Operations (CAFO).

D. Reasonable assurance shall be provided to the Board (of Zoning Adjustment) that good management practices shall be exercised to discourage undesirable odors, insects and excessive noise.

1. The Board (of Zoning Adjustment) shall have the power to require additional mitigative measures to protect adjacent properties and generally safeguard the health, safety, and general welfare of the citizens of Greene County.

- E. An application for said conditional use permit shall be made on forms provided by the Greene County Planning Department. The following information shall supplement the customary conditional use permit submittals:
1. A full written description of the Concentrated Animal Feeding Operation (CAFO) including a complete site plan (18 x 24"). The site plan shall include, but not be limited to
 - a. location of all structures,
 - b. feed storage areas,
 - c. animal confinement areas,
 - d. waste storage areas,
 - e. water wells,
 - f. septic systems,
 - g. canals,
 - h. ditches,
 - i. significant natural features,
 - j. sinkholes,
 - k. interior traffic circulation,
 - l. lighting,
 - m. adjoining residences, and
 - n. dimensions of all property line setback measurements.
 2. A topographical map and soils map of the Concentrated Animal Feeding Operation (CAFO) site.
 3. A waste disposal plan for both solid and liquid wastes approved by the Missouri Department of Natural Resources.
 4. Written comment on and, if appropriate, approval letters from
 - a. Missouri State Highway Department,
 - b. Greene County Health Department,
 - c. and/or other agencies.

Section 32 Telecommunication Regulation

A. Purpose:

The purpose of this regulation is to find practical solutions to the siting of telecommunications facilities and their functionally equivalent services.

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

B. Definitions:

1. **Antenna**

The surface from which wireless radio signals are sent and received by a personal wireless service facility.

- a. "Antenna" should not be used as a synonym for "cell site".

2. **Cell Site**

A generic term for a personal wireless service facility.

3. **Co-Location**

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

4. **Equipment shelter**

An enclosed structure, cabinet, shed or box at the base of the mount used to contain batteries and electrical equipment.

- a. Also known as base transceiver stations.

5. **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.

- a. Cellular
- b. Personal Communications Services (PCS)
- c. Enhanced Specialized Mobile Radio
- d. Specialized Mobile Radio, and
- e. Paging

6. **Guyed tower**

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

7. **Lattice Tower**

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

8. **Licensed Carrier**

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

9. **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.

10. **Mount**

The structure or surface upon which antennas are mounted.

a. Types of mounts include roof-mount, side-mount, ground-mount (tower) and structure-mount.

11. **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.

12. **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:

a. Towers located in an area zoned for commercial or manufacturing use able to meet the setback requirements set forth within this regulation.

1) Such tower may be accessory to the principal use.

b. Any antenna one (1) meter or less in diameter located in any zone.

c. Any antenna in excess of one (1) meter in diameter which is utilized for the reception of broadcast television, video, or radio signals which may be accessory to the primary use on the premises of the holder of the broadcast license.

d. Communication towers and antennas used for non-commercial purposes, such as ham radio operation or receive only antennas do not require a Conditional Use Permit as long as the above mentioned setback requirements are adhered to.

e. Public utility owned poles, which shall include municipal utility owned poles, to which antenna facilities are attached; said utility poles are subject to the requirements of Section 32, Q.

C. Conditional Use Permits:

Except for public utility owned poles or similar structures to which antennas are attached in accordance with the requirements of subparagraph Q of Section 32, a Conditional Use Permit is required for the location of all telecommunications facilities in the unincorporated areas of Greene County, Missouri, which includes:

1. Ground-mount telecommunications facility located within any Agricultural or Residential District;
2. Any existing telecommunication facility located within any Agricultural or Residential District;
 - a. Where mounting of additional antennas add more than twenty (20) feet to the height of the existing tower; or
 - b. Where the placement of additional supporting structures or equipment increase the square footage of the existing telecommunication facility compound by more than twenty-five (25) percent while still meeting all other Greene County Zoning requirements.
3. A ground-mount telecommunication facility or functionally equivalent service shall be considered a principal use and may be located within any Commercial or Manufacturing District so long as the facility can maintain the setback requirements set forth within this regulation.
4. In granting a Conditional Use Permit the Board of Zoning Adjustment may require conditions mitigating the impact of the tower location on surrounding properties.
 - a. These conditions may include in part:
 - 1) Screening of the compound surrounding the equipment shelter and tower;
 - 2) Lighting;
 - 3) Tower height;
 - 4) Landscaping of the site including building materials architectural requirements when located within or adjoining a residential district;
 - 5) Co-location and abandonment of the site.
5. Communication towers and antennas used as part of a home occupation must adhere to all conditions set forth within this regulation.
 - a. Any tower associated with a home occupation and exceeding one hundred (100) feet in height requires a Conditional Use Permit.

6. The application requesting the Conditional Use Permit must include the following information:
 - a. A scale site plan showing
 - 1) property lines,
 - 2) existing land use and zoning,
 - 3) surrounding land use and zoning,
 - 4) access roads,
 - 5) proposed structures,
 - 6) setbacks of proposed structures from property lines,
 - 7) type of proposed mount,
 - 8) proposed landscaping,
 - 9) screening or fencing,
 - 10) parking areas,
 - 11) proposed signage, and
 - 12) proposed lighting of the facility.
 - b. A written report describing
 - 1) tower height and design,
 - 2) engineering specification detailing the tower construction,
 - 3) information on painting
 - 4) lighting of the tower
 - 5) tower's capacity,
 - a) including the number and type of antennas that it can accommodate as a co-location site.
 - c. A statement in writing that other existing towers or structures do not provide a suitable location for the proposed tower.
 - 1) Evidence submitted may cite the geographic location of other structures,
 - 2) insufficient height or structural strength to meet engineering requirements,
 - 3) unreasonable costs,
 - 4) contractual provisions required for co-location,
 - 5) or other significant factors making co-location an unreasonable option.

7. In granting a Conditional Use Permit the Board (of Zoning Adjustment) will consider, but is not limited to, the following factors:
 - a. Height of the proposed tower
 - b. Proximity of the tower to residential structures and boundaries
 - c. Nature of uses on adjacent and nearby properties
 - d. Surrounding topography
 - e. Surrounding tree and vegetative cover
 - f. Design of the tower, including characteristics that reduce visual obtrusiveness.
 - g. Availability of existing towers and other structures suitable for co-location
 8. A Conditional Use Permit is required for the installation of an antenna on
 - a. an existing structure other than a tower,
 - 1) such as a building,
 - 2) water tower,
 - 3) light pole
 - 4) other non-residential structure,
 - b. provided that the antenna (including the supporting masts, etc.) meet all other Greene County Zoning Regulations.
 9. In the above mentioned cases, when approved, the mount shall be considered to be an accessory use to the principal use.
- D. All towers must meet or exceed current Federal standards and regulations of the FAA, the FCC, and any other agency of the federal or state government regulating the construction and specifications of towers and antennas.
1. If such standards change, the tower and antenna owners governed by this ordinance shall bring such tower or antenna in compliance with the revised standards within the time mandated by the controlling agency.
- E. Each applicant agrees to cooperate with the County and other Applicants by designing towers such that other users may co-locate upon the same tower.
1. Specifically, unless otherwise authorized by the Board of Zoning Adjustment, 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. One (1) amateur antenna can be considered in satisfying the secondary co-location criteria for commercial towers.
 - b. Towers less than sixty (60) feet in height are not required to meet the above mentioned co-location criteria.
 - c. Applicants must notify the Greene County Director of Planning and Zoning in writing of the name and address of any and all co-users of a tower or antenna.

- F. Any proposal to lease space on County owned property or structures must be approved by the Greene County Board of Zoning Adjustment.
- G. All towers governed by this ordinance constructed within Greene County must be permitted by and adhere to all Greene County Building Regulations.
- H. All towers greater than two-hundred (200) feet in height shall be inspected before a final permit is issued and a copy of the inspection approval as well as certificate of insurance must be on file with the Greene County Planning and Zoning Department office.
 - 1. A copy of all required subsequent inspections must be filed with the Planning Office.
 - 2. All other towers must provide a certificate of insurance before any building permits shall be issued.
- I. All ground-mount telecommunication facilities shall be secured with a minimum six (6) foot security fencing, the towers equipped with appropriate anti-climbing devices, and clearly marked "No Trespassing".
- J. No accessory equipment or vehicles will be allowed to be stored on site unless used in direct support of the communication facility, unless repairs to the tower are then currently in progress.
- K. Setbacks:
 - 1. Towers located within a residential district must be set back from the property line a distance equal to the overall height of the tower constructed, or a minimum setback for the zoning district, whichever is greater.
 - 2. Towers located adjacent to any residential district must be set back a minimum distance equal to the height of the tower.
 - 3. Towers located within or adjacent to any agricultural district must have a setback from the property line equal to the height of the tower.
 - 4. Guy wires and other support structures shall maintain a minimum of twenty (20) feet from the property line in any district.
 - 5. All towers and accessory buildings must adhere to the minimum setback requirements within the zoning district in which they are located.

- L. Landscaping:
1. The street frontage or front yard of any tower located within any residential district shall maintain the yard in a manner consistent with the residential character of the surrounding neighborhood.
 2. The perimeter of the telecommunications facility site shall be screened, at a minimum, with a course of coniferous trees, at least six (6) feet in height at the time of planting, ten (10) feet on center.
 3. The applicant shall, upon application for a Conditional Use Permit, submit a landscape/site plan detailing the plantings and/or other features such as privacy fencing, earthen berm, or natural vegetation buffering the proposed site to be approved.
 4. Existing mature tree growth and natural land forms on or surrounding the communication facility should be preserved to the maximum extent possible.
 - a. In some cases natural growth around the property perimeter may be a sufficient buffer to waive the above mentioned landscape requirements.
 5. Towers located within any agricultural district must have the perimeter of the communication facility screened with a single course of coniferous trees, which at the time of planting, shall be at least six (6) feet in height, fifteen (15) feet on center.
 6. 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.
- M. Towers will be artificially illuminated if required by a FAA or other governing authority.
1. The lighting shall be designed with the required guidelines, yet should cause the least impact on surrounding or nearby properties.
 2. Security lighting around the base of the tower must have direct rays confined to the property and may be required to be incandescent in nature.
- N. The tower shall be maintained with a galvanized steel finish or, subject to FAA standards, painted a neutral color to lessen visual impact or camouflaged to harmonize with the surrounding environment.
- O. The support buildings within a telecommunication facility shall, to the extent possible, be designed to blend into the surrounding setting in which they are being sited. This may include, in addition to landscaping and screening, residential style architecture with pitched roof, siding, and color.
- P. Any tower no longer in use for the original purpose granted by the Conditional Use Permit or serving as an approved co-location site must be dismantled and removed within one hundred and eighty (180) days of the cessation of operations.
1. The owner of the tower must notify the Greene County Planning and Zoning Department with a copy of any notice given to the FCC relating to its intent to cease operations.
 2. Upon removal, the tower owners will reclaim the site by obtaining the property grading permits from the Greene County Planning and Zoning Department and reclaiming the disturbed area according to Article IV, Section 27 of the Greene County Zoning Regulations.
 3. Article IV, Section 19 (Weeds and Other Rank Vegetation) shall apply to all sites.
 4. An extension to the one hundred and eighty (180) day period may be granted by the Planning Director of the Greene County Planning and Zoning Department if good faith effort is made to resolve the situation.

Q. Antenna facility attachments may be located on public utility owned poles used for the distribution of electrical service, located within a road right-of-way, utility easement or private property in any zoning district as permitted use, subject to the following standards and conditions:

1. The public utility owned pole shall not exceed one hundred and twenty (120) feet in height above the original grade at the site of the installation.
2. The public utility owned pole shall be designed to withstand applicable wind load requirements as prescribed by the State of Missouri.
3. The public utility owned pole shall not have fixed or attached to it, in any way, any lights, reflectors, flashers, daytime strobes, or steady nighttime light or other illuminating devices except in the case of a street light structure being utilized or as may be required by the Federal Aviation Administration.
4. If at a later date the utility pole is not used for an antenna facility attachment, said antenna facility attachment shall be removed within one (1) year of non use.
5. The public utility, as the owner of the utility pole shall ensure that the public utility pole meets all Federal Aviation Administration requirements, if necessary.
6. Changes Required for Public Improvements.

If any of the following shall take place any time while the public utility owned pole, being used as an antenna facility attachment the public utility shall, at its own cost and expense and upon reasonable notice by County, promptly protect or promptly alter or relocate the public utility owned pole, so as to conform with such new grades or lines or as necessary to not interfere with the County project or work in accordance with a schedule approved by the Greene County Highway Administrator or his designee:

- a. To prevent interference with a present or future County use of the rights-of-way;
- b. To prevent interference with a public improvement undertaken by the County including but not limited to a change in grade or lines of the rights-of-way or infrastructure therein;
- c. When necessary because of traffic congestion, street vacations, freeway grading, sewer, drain, or tract installations or to otherwise prevent interference with the safety and convenience of ordinary travel over the rights-of-way;
- d. When required to protect the public health, safety and welfare.

In the event that the public utility unreasonably refuses or neglects to so protect, alter or relocate the public utility owned pole, the County shall have the right to break through, remove, alter or relocate such public utility owned pole without any liability to the public utility. The public utility subject to the terms of this ordinance shall pay to the County the costs including overhead incurred in connection with such breaking through, removal, alteration or relocation and indemnify and hold the County harmless for any claims arising out of County breaking through, removing, altering or relocating said public utility owned pole.

7. County's Emergency Authority to Move Public Utility Owned Pole.

The County may, at any time, in case of fire, disaster or other emergency, as determined by County's officials, in their reasonable discretion, move the public utility owned pole, on, over or under the rights-of-way of the County, in which event the County shall not be liable therefore to the public utility. County shall notify the public utility of such public utility owned pole to be moved, in writing prior to, if practicable, but in any event as soon as possible and in no case later than three (3) business days, following any action taken under this Section.

8. Protect Structures.

In connection with the construction, operation, maintenance, repair, upgrade or removal of the public utility owned pole, the public utility shall, at its own cost and expense, protect any and all existing structures or drainage facilities belonging to County and all designated landmarks, as well as all other structures within any designated landmark district. Any such alteration shall be made by the public utility at its own cost and expense. The public utility agrees that it shall be liable, at its own cost and expense, to replace or repair and restore to its prior condition in a manner as may be reasonably specified by County, any county structure or any other rights-of-way of County involved in the construction, operation, maintenance, repair, upgrade or removal of the public utility owned pole that may become disturbed or damaged as a result of any work thereon by or on behalf of the public utility. Further, the public utility subject to the terms of this ordinance shall compensate the County for all damages to any real or personal property of any kind whatsoever under the County's management or control resulting from work done by the public utility.

R. Building Permit for Antenna Facility Attachment to Public Utility Owned Poles.

1. No person or entity shall place, construct, or attach an antenna to a public utility owned pole without first having obtained a written statement of approval from the public utility owner, a building permit from the Greene County Resource Management Department, pay the necessary fees, and comply with all County zoning regulations. All antenna facilities to be mounted to public utility owned poles are subject to plan review and inspection by Greene County to determine compliance with the State of Missouri Uniform Building Code Construction Standards and the requirements of Section 32 of Greene County Zoning Regulations. The applicant shall provide to the County all information as required by this and any other applicable regulations of the County at the time of the application for a building permit.

In addition to any other requirements of this or any other section of these regulations, the building permit application for the antenna facility to be mounted on a public utility owned pole shall include the following:

- a. A report and plan from a qualified or registered engineer or firm that specifies the following:
 - 1) The height of the public utility owned pole and design including cross section and elevations;
 - 2) The height above grade of the desired mounting position for the antenna;
 - 3) The minimum separation distances between antenna facilities utilizing public utility owned poles, the distance from any adjoining front or side yard in a residentially zoned district from a freestanding public utility owned pole and the setback distance of a freestanding public utility owned pole from a structure or sensitive feature;
 - 4) Structural mounting designs and materials list;
 - 5) The design capacity of the public utility owned pole and as applicable, an engineer's stamp and number.
 - 6) Drawings or photographic prospective showing the public utility owned pole and antenna facility.
- b. Structural and electrical plans showing how the public utility owned pole will accommodate the co-location of the applicant's antenna facility.
- c. Copies of approvals from the Federal Communications Commission (FCC) and a statement that the antenna facility complies with the limits of radio frequency emission standards set by the Federal Communications Commission. The statement shall list the particular FCC measured permitted emissions (MPE) limit and the tested or design limit for the proposed antenna facility.
- d. Plans and specifications showing how the proposed antenna facility will be maintained in keeping with Uniform Building Codes adopted by the County.

- e. Plan details reflecting the following requirements:
 - 1) The antenna facility shall be constructed of or treated with corrosive resistant material.
 - 2) Equipment shall be housed in an enclosure mounted to the public utility pole, if approved by the public utility or may be ground mounted on a concrete pad. In either approach, the equipment and or enclosure shall not obstruct a public sidewalk, public street, or public alley.
 - 3) Antennas are limited to panel antennas or omnidirectional antennas.
 - 4) Antennas shall not exceed the height of the public utility pole.
 - 5) Freestanding public utility owned poles that are located in residentially zoned districts in the County shall not be located in an adjoining front or side yard within 200 feet of any residential dwelling, subject to the requirements of subsection R(1)(e)(7) hereof.
 - 6) Antenna facilities utilizing public utility owned poles located in residentially zoned districts in the County shall maintain minimum spacing of one-quarter (1/4) mile between such antenna facilities unless it can be demonstrated to the satisfaction of the Greene County Resource Management Department that physical limitations, such as topography, terrain, tree cover or location of buildings, in the immediate service area prohibits adequate service of the applicant.
 - 7) Freestanding public utility owned poles shall be setback one (1) times the public utility pole, plus ten (10) feet from the nearest residential structure, commercial or retail building, water supply, sinkhole or any historic feature.
 - 8) Ground mounted equipment shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment or the installation of a privacy fence.
2. The County may, annually, inspect any antenna facility installed to insure its structural integrity and the applicant shall pay the County an inspection fee. If upon such inspection, the County's duly designated inspector determines that the antenna facility fails to comply with such applicable codes or regulations and that such failure constitutes a danger to persons or property, then upon notice being provided to the owner of the antenna facility, the owner shall have thirty (30) days to bring the antenna facility into compliance with the applicable codes and standards. Failure to bring the antenna facility into compliance within the said thirty (30) days shall constitute grounds for the removal of the antenna facility by the County at the owner's expense.

3. Changes Required for Public Improvements:

If any of the following shall take place any time while an applicant's antenna facility is within the County's rights-of-way or on private property, then the applicant or any other Person holding a leasehold or other ownership interest shall, at its own cost and expense and upon reasonable notice by County, promptly protect or promptly alter or relocate the antenna facility or any part thereof, so as to conform with such new grades or lines or as necessary to not interfere with the County project or work in accordance with a schedule approved by the Greene County Highway Administrator or his designee:

- a. To prevent interference with a present or future County use of the rights-of-way;
- b. To prevent interference with a public improvement undertaken by the County including but not limited to a change in grade or lines of the rights-of-way or infrastructure therein;
- c. When necessary because of traffic congestion, street vacations, freeway grading, sewer, drain, or tract installations or to otherwise prevent interference with the safety and convenience of ordinary travel over the rights-of-way;
- d. If Applicant's property has not been removed following abandonment thereof under this ordinance;
- e. When required to protect the public health, safety and welfare.

In the event that an Applicant or such other Person unreasonably refuses or neglects to so protect, alter or relocate all or part of the antenna facility, the County shall have the right to break through, remove, alter or relocate such part of the antenna facility without any liability to an Owner, Applicant or other Person, or customers of the Applicant or other Person or others. The Applicant or other Persons subject to the terms of this ordinance shall pay to the County the costs including overhead incurred in connection with such breaking through, removal, alteration or relocation and indemnify and hold the County harmless for any claims arising out of County breaking through, removing, altering or relocating said antenna facility or part thereof.

4. County's Emergency Authority to Move Antenna Facility.

The County may, at any time, in case of fire, disaster or other emergency, as determined by County's officials in their reasonable discretion, cut or move any part or parts of the antenna facility on, over or under the Rights-of-way of the County, in which event the County shall not be liable therefore to an Owner, Applicant or other Person, its service area or customers. County shall notify an Owner, Applicant, or other Person owning an interest in the antenna facility to be moved, if such Person has provided the County with a local agent for this purpose, in writing prior to, if practicable, but in any event as soon as possible and in no case later than three (3) business days, following any action take under this Section.

5. Applicants and Owners Required to Move Antenna Facility.

An Owner, or Applicant, upon prior written notice by the County or any Person holding a permit to move any structure, shall temporarily move any part of its antenna facility to permit the moving of said structure. Such movement of Owner's or Applicant's antenna facility shall be undertaken within a reasonable time period under the circumstances. An Owner or Applicant may impose a reasonable charge on any person other than County, or its contractors performing County work, for any such movement of its antenna facility.

6. Protect Structures.

In connection with the construction, operation, maintenance, repair, upgrade or removal of the antenna facility, an Applicant shall, at its own cost and expense, protect any and all existing structures or drainage facilities belonging to County and all designated landmarks, as well as all other structures within any designated landmark district. Applicant shall obtain the prior written approval of County before altering any power facility, sewerage or drainage facility, or any other county structure on, over or under the rights-of-way of the County required because of the presence of the antenna facility. Any such alteration shall be made by the Applicant at its own cost and expense and in a manner prescribed by County. An Applicant agrees that it shall be liable, at its own cost and expense, to replace or repair and restore to its prior condition in any manner as may be reasonably specified by County, any county structure or any other rights-of-way of County involved in the construction, operation, maintenance, repair, upgrade or removal of the antenna facility that may become disturbed or damaged as a result of any work thereon by or on behalf of an Applicant. Further, Applicant or any other Person who is subject to the terms of this ordinance shall compensate the County for all damages to any real or personal property of any kind whatsoever under the County's management or control resulting from work done by or on behalf of such person or applicant.

7. Safety Precautions.

Applicant shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by law or industry standards, custom and practice, if applicable. An Applicant shall comply with all applicable federal, state and local requirements including but not limited to the National Electric Safety Code.

8. Repair of Rights-of-way and Property.

Any and all roads or public property or private property, which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the antenna facility shall be promptly repaired by Applicant, at its expense, to a condition as good as that prevailing prior to construction. If Applicant fails to repair or replace or otherwise correct a road or property, County may draw on its Performance Bond and complete any repair, replacement or other correction. If no Performance Bond is available, Applicant shall pay within twenty (20) days of receipt of the invoice for County's actual costs in repairing the rights-of-way to a condition as good as that prevailing prior to construction. Repair work, whether performed by Applicant or any other Person, shall be to the specifications and requirements of the Director of the Resource Management Department as amended from time to time and on file with the County Commission. Changes in the specifications for repair to the Rights-of-way shall be approved by the County Commission by way of an order.

9. Antenna Facility Maintenance.

An applicant shall:

- a. Put, keep and maintain all parts of its antenna facility on the County's rights-of-way in good condition so as not to create the possibility of injury to any Person, or property, including the rights-of-way itself.
- b. Install and maintain its antenna facility in accordance with standard good engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations. Failure to install and maintain antenna facility in accordance with the foregoing specifications shall relieve any party, including the County, from liability for cutting, damaging or otherwise injuring the antenna facility.
- c. At all reasonable times, permit examination by any duly authorized representative of County of the antenna facility, together with any appurtenant property of an Applicant situated within or on County rights-of-way or other property.

10. Damages and Defense.

- a. Any Applicants and any Persons subject to the terms of this regulations who has an antenna facility on a public utility pole located in County right-of-way or on County property under this regulation shall indemnify, defend, and hold harmless the County for all damages and penalties, at all times said antenna facility is located on County property or right-of-way, as a result of the procedures for granting or denial of the Building Permit, Applicant's conduct or performance under this regulation, or a Permit. These damages and penalties shall include, but shall not be limited to, damages arising out of Personal injury, death, property damage, copyright infringement, defamation, antitrust, errors and omission, theft, fire, and all other damages arising out of Applicant or any other Person's exercise of the privileges extended under this regulation, whether or not any act or omission complained of it authorized, allowed or prohibited by this regulation of the County; such indemnification shall include, but not be limited to, reasonable attorney's fees and costs and shall cover all manner of litigation regardless of who the parties are.
- b. In order for the County to assert its rights to be indemnified, defended, or held harmless, the County must:
 - 1) Notify applicant of any claim or legal proceeding which gives rise to such right;
 - 2) Afford Applicant or any Excepted Person the opportunity to participate in and fully control any compromise, settlement or other resolution or disposition of such claim or proceeding, unless, however, the County, in its sole discretion, determines that its interests cannot be represented in good faith by Applicant; and
 - 3) Fully cooperate with the reasonable requests of Applicant, at Applicant's expense, in its participation in, and control, compromise, settlement or resolution or other disposition of such claim or proceeding subject to paragraph (2) above.
 - 4) Act reasonably under all circumstances so as to protect the indemnitor against liability and refrain from compromising any of indemnitor's rights. However, no claim shall be settled or compromised without prior notice to the County and without the consent of County.
- c. In the event the County, in its sole discretion, determines that its interest cannot be represented in good faith by Applicant, the Applicant shall pay all expenses incurred by the County in defending itself with regard to all damages and penalties mentioned in paragraph A above. County shall inform Applicant of the reasons for such action. These expenses shall include all out-of-pocket expenses, such as attorney's fees and costs.

11. Liability Insurance.

a. Applicant shall maintain, throughout the term any antenna facility is located on County property or its right-of-way, liability insurance with a company licensed to do business in the State of Missouri with a rating by Best of not less than "A", or a certificate of self-insurance acceptable to the County Counselor, insuring Applicant and the County with regard to all damages mentioned in paragraph A of Section 10 hereof, in the minimum amounts of:

- 1) One Million Dollars (\$1,000,000.00) for bodily injury or death to any one (1) person.
- 2) Three Million Dollars (\$3,000,000.00) for bodily injury or death resulting from any one accident;
- 3) Three Million Dollars (\$3,000,000.00) for all other types of liability.

The privilege of self-insurance may be withheld from any company with a net worth of less than five million dollars (\$5,000,000.00).

b. All amounts shown in paragraph "a" shall be adjusted annually by five percent (5%) or increased to an amount equal to any change in the limits of the County's liability for conditions of its property under State or Federal law.

c. If Applicant sells or transfers its interests in the use or ownership of the antenna the event of termination or revocation of this Permit, an insurance tail, reasonably acceptable to the County, shall be purchased and filed with County for the then applicable amounts, providing coverage for the time periods according to applicable statutes of limitation, insurance for any issues attributable to the period Applicant held the Permit.

d. At the time of acceptance, Applicant shall furnish to the County a certificate evidencing that a satisfactory insurance policy has been obtained. Said certificate shall be approved by the County and such insurance policy shall require that the County be notified thirty (30) days prior to any expiration or cancellation.

e. All insurance policies maintained pursuant to this Section shall contain the following endorsement:

"It is hereby understood and agreed that this insurance policy may not be canceled by the surety, nor may the intention not to renew be stated by the surety until thirty (30) days after receipt by the County, by registered mail, of a written notice of such intention to cancel or not to renew.

In addition, it shall be the obligation of the Applicant promptly to notify the County of any pending or threatened litigation that would be likely to affect its insurance coverage.

12. Maintain Records.

Applicant shall at all times maintain and make available to the Greene County Resource Management Department Administrator, or his designee, upon request:

- a. A full and complete set of plans, records and “as-built” hard copy maps or provide in electronic format compatible with County’s existing GIS system, or a successor system, of all existing antenna facility on public utility owned poles, locations to property lines and depth or height of same, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all rights-of-way where work will be undertaken.

Applicant need not disclose the components contained within the antenna facility to County or other information deemed proprietary provided such information is deemed not necessary by the Greene County Resource Management Department for purposes of managing the use of the rights-of-way or ensuring the safety of the public or the rights-of-way themselves.

The electronic format to be submitted shall be to State Plane Coordinates using 1983 datum in one of the following formats:

- 1) arc/info export file;
- 2) arch/info coverage file;
- 3) AutoCAD drawing file; or
- 4) a dxf.file

The Greene County Resource Management Department Administrator may specify a different electronic format as needed for the Greene County Resource Management Department or such other County Department assigned the responsibility to maintain an electronic database of information relative to the County’s rights-of-way, to evaluate and maintain an adequate database of infrastructure information in his sole discretion. However, nothing herein shall be construed to require any Applicant to create maps or records of facilities existing as of the date of the passage of this regulation which do not already exist.

13. Additional Information and Reports.

Upon the request of County, an Applicant shall, within a reasonable time, submit to County any information or report reasonably related to an Applicant’s obligations under the regulation and any permit, its business and operations, or those of any Affiliated Person, with respect to the antenna facility or its operation, in such form and containing such information as County shall specify. Such information or report shall be accurate and complete and supplied within ten (10) business days or at a time mutually agreed to by County and Applicant.

14. Confidentiality.

If the information required to be submitted in any report, map, data compilation or other writing, is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a Applicant such information shall be treated as confidential, making it available only to those Persons who must have access to perform their duties on behalf of County, including but not limited to the Department of Finance, the Office of the County Counselor, and the County Commission, provided that an Applicant notifies County, and clearly labels the information which a Applicant deems to be confidential or proprietary information. Such notification and labeling shall be the sole responsibility of the Applicant. To the extent that Government Records Management Access Act (“GRMAA”), Missouri Sunshine Law or any other federal requirement for privacy applies to the information to be submitted, such law shall control.

15. Applicant’s Expense.

All reports and records required under this regulation shall be furnished at the sole expense of an Owner or Applicant, except as otherwise provided in this regulation or permit.

Section 33 The Urban Service Area

A. Introduction:

1. The provision of urban services (water, sewer, energy, and transportation) is a fundamental responsibility of government and its operating agencies.
2. The availability and capacity of such services strongly influences the intensity, distribution, and timing of urban development and, in a broader context, the growth potentials and patterns of the community as a whole.
3. In consideration of the enormous public investment these services represent and the limited fiscal resources available to maintain and expand these services, a clear articulation of the extension of major urban services is fundamental to sound fiscal management and a vital economy.
4. Greene County is committed to a “guided growth” concept: one that accommodates future growth but does so in a manner that is sensitive to environmental, community, and fiscal resources.
5. The basic foundation of the “Urban Service Area Policy” and a “guided growth” concept is the Comprehensive Plan for Greene County.
6. The Comprehensive Plan identifies future growth patterns, land use, and transportation policies and provides the framework for the “Urban Service Area Policy.”

B. Background

1. Generally, the major prerequisites for urban development are water, sewer, energy, and transportation.
 - a. These are the primary urban services; the services needed in the first phase of the urbanization process. While water is an important urban service, urban development cannot occur without sanitary sewer.
 - b. The provision of water services will be covered under the Urban Service Area Policy but the provision will vary by Community.
 - c. There are also secondary or support services that become necessary as the population of an area increases.
 - 1) These services may not be prerequisite for urban development but are usually the result of the urbanization process.
 - 2) The support services are law enforcement, fire protection, libraries, schools, parks and recreation.
2. Although energy is considered a primary urban service (primarily when combined with water and sewer systems), non-urban or rural development also requires energy for meeting basic living requirements.
 - a. Due to the diverse energy needs of all residents, urban and rural, within Greene County policies for the provision of electricity, natural gas, or propane are not considered part of the Urban Service Area Policy.

C. Philosophy

1. The overall philosophy of the Urban Service Areas is to allow for the continued growth and development of the Greene County urbanized area by maximizing the use of existing resources (land, water and sewer systems, streets or roads, and other major capital investments) while minimizing the cost to our citizens.
2. The delineation and designation of the Urban Service Areas is aimed at encouraging the most efficient use of municipal services.
 - a. Within the Urban Service Area, public investment has been made, or is planned, for sewer services, streets and highways, and in some cases water service.
 - b. Policies within Urban Service Areas are designed to promote urban development within such an area, and a commitment has been made to provide sanitary sewer and urban level of transportation services and water supply as available resources permit.
 - c. Outside an Urban Service Area, the economic feasibility of providing these services is questionable. No commitment is made to public investment outside an Urban Service Area, and participation by government in providing these urban services should not be anticipated.
3. The Urban Service Area Policy applies to sewer services and transportation facilities planned and coordinated by participating Cities and Greene County. This policy may also include water service for the Urban Service Area depending upon the City.
4. The purpose of the Urban Service Area/Primary Services Concept regarding the provision of urban services is:
 - a. To promote the coordination of urban services between Greene County and participating Cities within Greene County.
 - b. To establish a foundation and procedure for the planned provision of urban services to the urbanizing portions of Greene County.
 - c. To protect existing and programmed capital investments in sanitary sewage collection and treatment systems, water supply and major streets and highways, and
 - d. To protect sensitive areas such as the public drinking water supply.
5. It is not the purpose of this policy to curtail services or to reverse prior service commitments but rather to provide guidelines for future decisions.

D. Within the Urban Service Area

1. The "Urban Service Area" delineated on the "Urban Service Area Map" represents land where public investment has been made or is planned for sanitary sewer services or major transportation facilities.
2. Generally, the boundaries are defined by a combination of ridge lines and drainage basins.
 - a. Within the urban service area, sewer services will be provided as available resources permit and streets and highways will be planned to handle urban populations.
3. All plans and programs will be designed to promote urban development within this area.

E. Outside the Urban Service Area

1. No commitment is made to public investment in urban services for land located outside the urban service area, and participation by any City and Greene County in providing urban service should not be anticipated.
2. Urban densities are discouraged outside the urban service area.
3. Services would be provided only after careful consideration of their impact on public resources and investment and in conformance with the Comprehensive Plan for Greene County and the participating City.

F. Amendments and Exceptions to the Urban Service Area

1. The Urban Service Area Policy should remain flexible enough to allow service extension when it is of benefit to the community to go beyond the present service area.
2. Provisions are made for amendments and exceptions to the urban service area.
3. Amendments would actually change the boundaries of the urban service area or modify the policy for providing services within or outside the urban service area.
4. Exceptions would allow for provision of urban services:
 - a. to land contiguous to the Urban Service Area when that land is transitioning from rural to urban levels of development, or
 - b. to land that is not contiguous when provision of services would alleviate environmental or health concerns.
5. Exceptions may or may not modify the urban service area boundary, depending on whether the area is contiguous to the current urban service area.

G. Amendments

1. An amendment to the Urban Service Area Policy must be handled in the same manner as the establishment of the original policy for provision of urban services; i.e., any amendment must be reviewed by the participating City and Greene County.
2. The participating City or Greene County Commission may initiate a request for an amendment.
3. Amendments must have the consent of the participating City and Greene County.
4. An amendment requires a two-thirds (2/3) majority vote of City Council or Aldermen and the Commission for approval.
5. The conditions under which an amendment is approved will vary depending on the Service Area amended and the adopted policies of the participating City.
6. The amendment must be consistent with the urban development pattern set forth in the "Comprehensive Plan."

H. Exceptions

1. An exception to the urban service area policy must be handled in the same manner as an amendment except that a request for an exception may be made by any owner of land located outside, but contiguous to, the urban service area or by a participating City or Greene County. The conditions under which an exception is granted to an area contiguous to the urban service area are:
 - a. There is adequate capacity in the water and sewer system to handle the projected population and development within the proposed transition area;
 - b. The provision of sanitary sewer or urban transportation services into the proposed transition area must be undertaken without any expenditures of public funds, unless that expenditure is consistent with a Long-Range Plan, Capital Improvements Program, or the Comprehensive Plans of the participating City and Greene County.
 - c. The provision of sanitary sewer, water service or urban transportation services proposed transition area must be undertaken without any major alteration of the existing system unless approved by the service provider(s) and
 - d. The provision of sanitary sewer, water service or urban transportation services into the proposed transition area must be consistent with the stated purpose of the urban service area policy and those standards and criteria agreed upon by the participating City and Greene County.

Section 34 Adult Entertainment Facilities

A. Intent:

1. It is not the intent of the regulations codified in this section to suppress any speech activities protected by the First Amendment, but to enact a content-neutral regulation which addresses the adverse secondary effects of sexually-oriented businesses (adult entertainment establishments).
2. Based upon a wide range of evidence presented to the Greene County Commission, including, but not limited to, the testimony of law enforcement officers and members of the public, and on other evidence, information, publication, articles, studies, documents, case law, and other materials, the county finds sexually-oriented businesses (adult entertainment establishments) creates or enhances undesirable secondary effects which include a wide range of criminal and other unlawful activities that have regularly and historically occurred, including prostitution, narcotics, breaches of the peace, assaults and sexual conduct involving contact between the patrons. Secondary land use effects also include impacts to both residential and commercial property, including a change of character, de-stabilization of neighborhoods, and depressed property values that are destructive to residential areas and certain commercial zones. These secondary effects are inconsistent with goals of the Greene County Comprehensive Plan and its Zoning and Subdivision Regulations. Therefore, it is the intent of this section to mitigate these secondary impacts from adult entertainment establishments.
3. It is well documented that certain businesses providing live adult entertainment in Springfield are increasingly associated with prostitution, disruptive conduct, and other criminal activity and constitute a threat to the public peace, health, and safety. Undercover information provided to our police officers document such occurrences. This section is intended to address these secondary impacts.
4. The County Commission has reviewed studies from other jurisdictions, including the City of Olympia Adult Business Regulation Study, 1996, and City of Federal Way Legislative Record regarding Adult Retail Uses, 1995. These studies have documented an increase in the crime rate generally, and specifically in the rate of sexually related crime, in areas which are close to adult businesses. These studies provide convincing evidence that adult oriented businesses provide an atmosphere supporting an increase in crimes such as assault, theft, robbery, prostitution, drug use and other serious offenses. This section is intended to address this concern.
5. Many cities, including surrounding metropolitan areas, have experienced negative secondary land use impacts from adult entertainment activities. The skid row effect described in case studies of Detroit is one of these secondary effects, and is evident in certain parts of Seattle and Tacoma. Such an effect could be significantly magnified in the unincorporated areas of Greene County due to the difference of size and characteristics of the urban growth area. This section is intended to address this concern.
6. Secondary land use impacts to residential uses are expected when adult entertainment land uses are located adjacent or in close proximity to residential zones. At a minimum, adult entertainment uses located in close proximity to residential neighborhoods are perceived by residents to have a detrimental impact to the residential character and, therefore, an impact on the suitability of their area for residential use. This can cause a de-stabilization of the residential area, depressed property values, and have significant detrimental impacts to the health and vitality of the neighborhood. These impacts have been documented by studies in other jurisdictions. This section is intended to address these secondary land use impacts.
7. Recent experience in Greene County with a proposed adult entertainment use demonstrates the concern of both residential neighbors and commercial landlords and tenants over the secondary effects of location of adult uses in the immediate vicinity of residential and commercial uses. In Greene County, nearby residents feared that the proposed adult entertainment facility would be a significant distraction to their residential quality of life and expected significant adverse impacts to their neighborhood character and property values as a result. This section is intended to address these residential and commercial neighborhood concerns.
8. By land use regulation of adult entertainment land uses it is the intent of this section to prevent deterioration and/or degradation of the vitality of the community.

9. The Greene County Master Plan and zoning regulations require that adjacent land uses be compatible. It is the intent of this section to require such compatibility when siting adult entertainment uses.
10. 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 section to implement separation and buffering strategies protecting uses that are incompatible with adult entertainment uses.
11. In order to avoid the skid row effect, adult entertainment uses need to be separated from one another. It is the intent of this section to implement a strategy to separate adult entertainment uses and avoid skid row effects in Greene County's land use zones.
12. Careful siting of adult entertainment uses is necessary to properly integrate such uses into compatible land use zones. It is the intent of this section to carefully select certain zones providing for the needs of adult entertainment uses that will minimize impacts to other land uses in the selected zones.
13. Careful site planning of adult entertainment uses is necessary to properly integrate adult uses 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 section to develop and require implementation of siting techniques to minimize land use impacts from adult entertainment uses upon surrounding land uses.

B. Adult Entertainment Definitions:

The following words and phrases shall have the meanings set forth below when used in reference to provisions for adult entertainment businesses and uses within this section.

1. Adult entertainer

Means any person who provides live adult entertainment within an adult entertainment dance studio as defined in this section whether or not a fee is charged or accepted for entertainment.

2. Adult entertainment

Means any exhibition, performance or medium which is distinguished or characterized by:

- a. Acts of masturbation, sexual intercourse or sodomy; or
- b. Fondling or other touching of the human genitals, pubic region, buttocks or female breast; or
- c. Human genitals in a state of sexual stimulation or arousal; or
- d. Displays of less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola; or
- e. Human male genitals in a discernibly turgid state even if completely covered; or
- f. Any exhibition, performance or dance conducted in a premises where such exhibition, performance or dance is performed within the view of one or more members of the public and is intended or is likely to sexually stimulate any member of the public;
- g. Adult entertainment shall not include the following:
 - 1) Plays, operas, musicals or other dramatic works which are not obscene;
 - 2) Classes, seminars and lectures which are held for serious scientific or educational purposes;
 - 3) Exhibitions or dances which are not obscene.
- h.. For this section, any exhibition, performance, dance or other medium is obscene:
 - 1) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
 - 2) Which explicitly depicts or describes patently offensive representations or descriptions, applying contemporary community standards of sexual conduct as described in RCW 7.48A.010(2)(b); and
 - 3) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

3. Adult arcade

Means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projections, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, video disks or other photographic reproductions which are characterized by the depiction or description of specific sexual activities or specific anatomical areas.

4. Adult bookstore, adult novelty store, or adult video store

Means a commercial establishment which has as one of its principal business purposes the offering for sale or rental for some form of consideration, books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, video disks or other visual representations which are characterized by the depiction or description of specific sexual activities or specific anatomical areas; provided, however, that video stores that sell and/or rent only video tapes or other graphic reproductions and associated equipment shall only come within the definition set forth in this section if twenty-five percent or more of its stock in trade or revenue comes from the rental or sale of video tapes or other photographic reproductions or associated equipment which are characterized by the depiction or description of specific sexual activities or specific anatomical areas.

5. Adult entertainment facility

Means and includes all adult-oriented businesses including adult arcades, adult bookstores, adult novelty stores, adult video stores, similar adult uses and adult live entertainment facilities.

6. Adult live entertainment center

Means a cabaret or business having as part of its trade, live dancers or entertainers who depict specific sexual activities or display specific anatomical areas as defined herein, including, but not limited to topless dance centers, so-called exotic dance centers and body painting studios.

7. Business area

Means any zoning district designated for office, government and institutional, commercial and industrial use.

8. Cabaret

Means an establishment which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or specified anatomical areas.

9. Commercial

Means relating to the sale of goods or services.

10. Commercial vehicle

Means any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

11. Compensation

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

12. Entertainment

Means any exhibition or dance of any type, removal of articles of clothing, pantomime, modeling or any other performance.

13. Establishment

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

14. Member of the public

Is defined as any customer, patron or person, other than an employee, who is invited or admitted to an adult entertainment premises.

15. Non-business area

Means any area within a residential zoning district, including areas therein where legal non-residential uses are present.

16. Nude or state of nudity

Means displays of less than completely and opaquely covered human genitals, pubic area, anus, buttocks, or female breast below the top of the areola.

17. Premise

Means any tract of land, consisting of one (1) or more lots, under single or multiple ownership, which operates as a functional unit. When developed, a premise shall also possess one (1) or more of the following criteria:

- a. shares parking;
- b. common management;
- c. common identification;
- d. common access; or
- e. shared circulation.

18. Principle use

Means the primary or predominant use of any lot.

19. Restaurant

Means 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, for the establishment to be classified as a restaurant.

20. Specific anatomical areas

Means:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola;
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

21. Specific sexual activities

Means:

- a. Human genitals in a state of sexual stimulation; and/or
- b. Acts of human masturbation, sexual intercourse or sodomy; and/or
- c. Fondling or other erotic touching of human genitals, pubic region, buttocks or the female breasts.

22. Stock in trade

Means the greater of:

- a. The retail value of all prerecorded video tapes, books, magazines or similar material readily available for purchase, rental, viewing, or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or
- b. The total number of titles of all prerecorded video tapes, discs, books, magazines, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

23. Tavern

Means an establishment where fifty (50) percent 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.

24. Tea Room

Means 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 premise is accessory to the primary use.

25. Wholesale Trade

Means an establishment or places of business 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.

26. Youth oriented facility

Means facilities owned or operated by non-profit organizations for the purpose of providing recreational or educational opportunities for youth including, but not limited to, Boys and Girls Clubs, YMCAs, YWCAs, Little League and other youth sports associations.

C. Adult entertainment facilities permitted in certain land use zones subject to certain restrictions and standards.

1. Adult arcades, adult live entertainment facilities, cabarets and any adult entertainment facility falling under the definitions of adult bookstores, adult novelty stores, adult video stores or other similar adult uses may be permitted in the following zones subject to the standards and requirements of Section 34-D and spacing requirements identified below:

a. Land use zones permitted:

C-2, M-1, or M-2 zoning district

b. Spacing and buffering requirements.

1) No adult entertainment facility shall be located closer than one thousand (1,000) feet from another adult entertainment facility, whether such other facility is located within or outside the unincorporated area of Greene County.

2) No adult entertainment facility shall be located, operated or maintained within one thousand (1,000) feet of any sensitive land uses, property which includes property used for:

a) Public and private schools;

b) Public parks;

c) Public libraries;

d) State-certified daycare;

e) Public community centers;

f) Churches, cemeteries or other religious facilities or institutions;

g) Residential and lodging uses and property zoned primarily for residential uses, including A-R Agricultural Residence District, R-1 Suburban Residence District, R-2 One and Two-Family Residence District, R-3 Multi-Family Residence District, and R-4 Multi-Family Residence District zones.

c. General Standards:

All the standards of Section 34-D shall apply.

d. Measuring required distances:

The distances between adult entertainment facilities and sensitive land uses identified in Section 34-C 1b(2) 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 zone classification boundary line described herein from which the proposed adult entertainment use is to be separated.

D. General standards for adult entertainment facilities.

Adult entertainment facilities shall conform to the following general standards.

1. All on-site parking areas and premise entries of adult entertainment uses shall be illuminated from dusk until one (1) hour past closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on the parking strips and/or walkways. An on-premise exterior lighting plan shall be presented to and approved by the Building Regulations Department prior to the operation of any such use;
2. 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 as approved by the Building Regulations Department;
3. In addition to all on-premise sign requirements of Article III, Section 5, and Article IV, Section 6 the following signing provisions shall be followed:
 - a. There shall be no electronic reader boards or changing message center signs.
 - b. 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.
4. 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 premises during hours when nude entertainment is being presented;
5. Nude entertainment shall only be available at adult entertainment establishments from the hours of 4:00 p.m. to 12:00 midnight, Monday through Saturday of each week;
6. Any adult entertainment facility operating at the effective date of this regulation in violation of Section 34-C above shall be allowed to continue operating without compliance herewith for an amortization period of six (6) months. Six (6) months after this regulation becomes effective, all adult entertainment facilities must fully comply with this regulation, including Section 34-C above or be subject to the penalty provisions set forth herein;
7. No landowner or lessee shall knowingly permit an adult entertainment establishment to be operated or maintained upon their property in violation of Section 34-C-1 above;
8. All standards of the underlying zoning district;
9. All adult entertainment facilities shall be required to comply with the requirements of the County's Comprehensive Plan to promote compatibility with surrounding land uses in both commercial and manufacturing zones;
10. Except for the amortization period set forth in subparagraph 6 above, each day of operation in violation of any provision of this regulation shall constitute a separate violation;
11. Any adult entertainment establishment which engages in repeated or continuing violations of these regulations shall constitute a public nuisance. For purposes of these regulations "repeated violations" shall mean three (3) or more violations of any provision set out herein within a one (1) year period dating from the time of any violation, and a "continuing violation" shall mean a violation of any provision set out herein lasting for three (3) or more consecutive days;

12. If any provision of this regulation is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate this regulation in its entirety, and to this end the provisions of this regulation are declared to be severable;
13. Any adult entertainment establishment operating before the effective date of this regulation shall comply with every provision of this regulation on the effective date except as set forth in item 6 above.

E. Waiver of distance requirements

The following procedures and criteria shall be adhered to with regard to a request for waiver of distance requirements:

1. Distance Waiver Required.

Any party proposing to locate an adult facility within less than the required distances from uses or zones as specified in this chapter may do so only after obtaining a waiver therefore from the Board of Zoning Adjustment through a special use permit process.

2. Waiver Notice Requirements.

In addition to the notice requirements for special use permits, first class mailing notice shall be made to all parties within the distance set forth in Section 34-C.

3. Criteria for Decision.

The final decision on the request for waiver of distance shall be made by the Board of Zoning Adjustment based on consideration of the following:

- a. The extent to which the physical features would result in an effective separation in terms of visibility and access;
- b. Compatibility with adjacent and surrounding land uses;
- c. The availability or lack of alternative locations for the proposed use; and
- d. The ability to avoid the adult facility by alternative vehicular and pedestrian routes.

F. Intervening uses.

Sensitive land uses specified in Section 34-C 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 distance waiver pursuant to the provisions of Section 34-E of these regulations regarding waiver of distance requirements.

Section 35 - Nuisance

A. Statement of Intent:

1. The intent of this regulation is to exercise the police power in relation to public nuisances and the abatement of such nuisances, to protect the public health, safety and welfare, and to promote the economic development of the County.
2. It is also the purpose of this Regulation to prevent and prohibit those conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create or constitute fire and other safety and health hazards, and generally create a menace to the health and welfare of the public and contribute to the degradation of the character of neighborhoods and depreciation of property values.
3. However, nothing contained herein shall be construed as a prohibition, limitation or denial of the right to engage in permitted use activities conducted in a normal and customary manner, provided that such activities do not create a public health or safety hazard.
4. It is necessary for the public health, safety and welfare to regulate, prevent and prohibit conditions which may constitute disorderly, disturbing, unsafe, unsanitary, fly-producing, rat-harboring, and/or disease-causing places, conditions or objects.
5. It is also necessary for the public social and economic welfare to regulate, prevent, and prohibit conditions which degrade the scenic attractiveness, livability and economic development of the unincorporated areas of the County.

B. It shall be unlawful and a nuisance for any person who is the owner, agent, tenant, or occupant of any premises in any zoning district to allow or cause any of the following to remain on such premises:

1. Any condition, substance or thing on public or private property that is injurious or dangerous to public health or safety.
2. Any condition or thing defined as a nuisance in this Article or by the Revised Statutes and decisions of the State of Missouri.

3. **Building Materials** –

The keeping or storage of building materials outside on private property six (6) months after an occupancy permit is issued by the County, unless the building materials are kept or stored in an orderly manner and intended to be used on site.

- a. Any storage of material to be used in a different location or multiple properties will be considered a commercial use and must cease unless in a commercially zoned area in compliance with district guidelines.
- b. Types of building materials shall not be intermingled and must be stored in a manner customary for that type of building material.

4. **Dangerous Structure -**

A structure which is potentially hazardous to persons or property including, but not limited to:

- a. A structure which is in danger of partial or complete collapse;
- b. A structure with any exterior parts which are loose or in danger of falling;
- c. A structure with any parts such as floors, porches, decks, railings, stairs, ramps, balconies, roofs which are accessible and which are either collapsed, in danger of collapsing, or unable to support the weight of normally imposed loads;
- d. A structure which consists of a fence, wall or enclosure device which is in danger of falling, collapse, or which does not function as a security device or a barrier around potentially dangerous conditions, including but not limited to swimming pools.

5. **Dumped snow -**

Accumulated snow and ice that is brought in from another location and dumped, kept or stored in such a condition that litter, gravel or melting snow/ice create a dangerous or unhealthy condition.

6. **Fire hazard -**

Any thing or condition on the property which creates a fire hazard or which is a violation of the fire code.

7. **Garbage -** Any accumulation or deposits of garbage, trash or debris other than that which is temporarily stored for lawful disposal provided that it is temporarily stored in a leak proof container designed for the storage of garbage, trash or debris.

8. **Graffiti -**

Any initials, marks, symbols, designs, inscriptions or other drawings, scratched, painted, inscribed or otherwise affixed upon any structure without the permission of the owner.

9. **Hazards -**

Any thing or condition on a property which, may contribute to injury of any person present on the property.

- a. Hazards shall include, but not be limited to, open holes, open foundations, open wells, unfenced, or unsecured swimming pools, dangerous trees or limbs, abandoned refrigerators, trapping devices
- b. or safety hazards obstructing the line of sight of a motor vehicle driver at a street, intersection or interferes with the passage of motor vehicles or pedestrians upon any public right-of-way.

10. **Health hazards -**

Any thing or condition on the property which creates a health hazard or which is in violation of any health or sanitation law.

11. **Insects, rodents and pest harborage -**

Conditions which are conducive to the presence, harborage or breeding of insects, rodents or other pests.

12. **Nuisance building -**

- a. A vacant building or portion of a vacant building which has multiple housing code or building code violations,
- b. or has been ordered vacated, and which has conditions constituting material endangerment,
- c. or which has a documented and confirmed history as a blighting influence on the community.

13. **Obstructions over public sidewalks -**

Shrubs, bushes, trees, vines, or other uncontrolled vegetation which has grown over the public sidewalk and which obstructs, interferes or renders dangerous for passage any public sidewalk.

14. **Odors -**

Any substance that emits, generates or causes noxious or toxic odor, dust, vapor, fumes or mist in the neighborhood where they exist.

15. **Open sewer lines and connections -**

Any broken sewer line or defective connection to an underground sewer system which is open, broken, disconnected or which has not been properly sealed and which could allow the egress of rodents from the sewer.

16. **Pests -**

Pests shall include, but not be limited to, pigeons, grackles, starlings, snakes, bats, skunks, raccoons, opossums, armadillos and squirrels.

17. **Pest feeding -**

- a. The intentional feeding of pests where such feeding reasonably can be determined to cause or contribute to the harborage, breeding or pest infestation in that area or neighborhood.
- b. The enforcement officer may take into account
 - 1) the numbers of pests which are fed,
 - 2) the overall population of pests in the area,
 - 3) the danger and/or risk to the public health and welfare,
 - 4) and the increased difficulty of control of the pests in the area in making a determination.

18. **Rank plant growth -**

Overgrown, uncontrolled grass, weeds, vegetation, shrubs, trees, vines that are conducive to the accumulation of refuse, debris or the harborage of vermin.

19. **Refuse, noxious substances, hazardous wastes -**

Refuse, noxious substances or hazardous wastes laying, pooled, accumulated, piled, left, deposited, buried or discharged upon, in, being discharged or flowing from any property, structure or vehicle.

20. **Sanitary structures -**

- a. Structures for sanitation such as privies, vaults, sewers, private drains, septic tanks, cesspools, drain fields which have failed or do not function properly or which are overflowing, leaking or emanating odors.
- b. Septic tanks, cesspools or cisterns which are abandoned or no longer in use unless they are emptied and filled with clean fill.

21. **Sewage -**

Any malfunctioning private sewage disposal system that allows polluted, raw or partially treated waste water or effluent to be deposited or stand upon any premises.

22. **Stagnant water -**

Stagnant water standing on any property. Any property, container or material kept in such a condition that water can accumulate and stagnate, other than a pond, lake, detention basin or naturally occurring conditions.

23. **Unsecured, unoccupied buildings -**

Unoccupied buildings or unoccupied portions of buildings which are unsecured.

24. **Vehicles** – Stationary and immobilized vehicles as regulated in Article IV, Section 20, large commercial vehicles, large commercial trailers and commercial vehicles as regulated under Article IV, Section 2 Off-Street Parking Space.

25. **Vermin harborage -**

Conditions which are conducive to the harborage or breeding of vermin.

26. **Vermin infestations -**

Infestations of vermin include but are not limited to such as rats, mice, squirrels, skunks, snakes, bats, grackles, starlings, pigeons, bees, wasps, cockroaches, mosquitoes or flies; except for animals kept as part of an agriculture or commercial operation.

C. Nuisances on property zoned and used for residential purposes.

In addition to the Nuisances prohibited above, it shall be unlawful and a nuisance for any person who is the owner, agent, tenant or occupant of any premises zoned R-1, R-2, R-3, R-4 or located within a platted subdivision in the unincorporated areas of the County to:

1. Allow or cause to remain on the premises any vehicle that is dismantled, inoperable, immobilized, or junked except:
 - a. Such vehicles stored within an enclosed building or a location which cannot be viewed from a ground location off the premises, so long as the vehicles do not create a harborage for mice, rats, or snakes; or
 - b. One such vehicle may be dismantled, repaired, stripped, stored or serviced if the work is completed within seven (7) days by the owner, tenant or occupant of the property and the vehicle is titled to an owner, tenant or occupant of the property.
2. Allow or cause to remain on the premises any vehicle that is unlicensed, unless the vehicle is stored within an enclosed building or a location, which cannot be viewed from a ground location off the premises.
3. Allow or cause any vehicle to be parked on the premises, except that portion that is constructed and surfaced for parking and driveway purposes.

4. Allow or cause any portion of residential premises and/or vacant residential lots
 - a. to be maintained in an unclean manner
 - b. or used for the open storage of items or materials
 - 1) other than yard furniture,
 - 2) neatly stacked firewood,
 - 3) garden or yard tools,
 - 4) toys,
 - 5) or usable building materials.
 - c. The open storage of usable building materials is permitted and will not be considered to constitute a nuisance
 - 1) if the open storage is temporary,
 - 2) the building materials are to be used on the premises,
 - 3) the building materials are neatly stacked at least eighteen (18) inches off the ground and
 - 4) the building materials are not stored against the side of a structure.
 5. Allow or cause to remain on the premises any accumulation of grass clippings, leaves, chipped brush, weeds, chipped foliage or shrub cuttings or clippings, or vegetable waste
 - a. unless organized in a composting bin located within the backyard (defined as the area between the back property line and the rear wall of the dwelling and extending to the side property lines) and at least ten (10) feet from any property line.
 - b. No composting bin shall be constructed or maintained in such a manner or condition as to emit noxious odor, provide bedding or shelter for rats, or other pests, or be in violation of other provisions of the Code.
 6. Allow or cause any of the following items to remain on such premises, for longer than forty-eight (48) hours, in any outside area which can be viewed from a ground location off the premises:

Any appliance manufactured for indoor use only, bedding, bottles, boxes, broken glass, cans, cardboard, cartons, furniture manufactured for indoor use only, jars, machine parts, motor vehicle parts, pallets, paper, plumbing fixtures, rags, scrap metal, tires, tire rims, water heaters.
 7. Firewood - Piles of wood cut for fuel which are detrimental to the health, safety and welfare of the public because of conditions including, but not limited to, improper or unsafe storage, unelevated piles of wood or excessive quantities, conducive to vermin harborage.
 8. Nuisance on property zoned and used for other than residential purposes.
- D. In addition to the Nuisances prohibited above, it shall be unlawful and a nuisance for any person who is the owner, agent, tenant or occupant of any premises used for other than residential purposes or zoned residential in the unincorporated areas of the County to:
1. Allow or cause to remain on the premises any vehicle, other than tractors, that are un-licensed, immobilized, dismantled, inoperable, or junked, provided:

- a. Such vehicles may be stored within an enclosed building or a location which cannot be viewed from a ground location off the premises; or
 - b. The premises is validly zoned, licensed and permitted by the County for a business of dismantling, repairing, stripping, salvaging, storing or servicing of vehicles and the dismantling, repairing, stripping, storing or servicing is completed within thirty (30) days.
2. Allow or cause any of the following items to remain on such premises, for longer than forty-eight (48) hours, in any outside area which can be viewed from a ground location off the premises: Any appliance manufactured for indoor use only, bedding, bottles, boxes, broken glass, cans, cardboard, cartons, furniture manufactured for indoor use only, jars, machine parts, motor vehicle parts, pallets, paper, plumbing fixtures, rags, scrap metal, scrap lumber, and water heaters.
 3. Allow or cause new, used and/or waste tires to remain on such premises for longer than forty-eight (48) hours, in any outside area which can be viewed from a ground location off the premises, except:
 - a. If the premises is legally zoned, permitted and licensed by the County for the sale of tires, or the sale of tires incidental to an automobile sale or repair facility,
 - 1) fifty (50) or fewer new are permitted to be stored in an outside are which can be viewed from a ground location off the premises at any time and
 - 2) more than fifty (50) may be stored in an outside area which can be viewed from a ground location off the premises for sales purposes during regular business hours.
 - b. If the premises is legally zoned, permitted and licensed by the County for the sale or repair of tires, including the sale or repair of tires incidental to an automobile sale or repair facility twenty-five (25) used tires may be stored in an outside area which can be viewed from a ground location off the premises at any time.
 - c. All tires must be stored in a manner that complies with all applicable safety codes, including the building and fire codes, and in a manner that does not permit the accumulation of water in the tires.

E. Nuisance Abatement

1. No person shall, directly or indirectly or by omission, create a nuisance. No owner or responsible party shall allow a nuisance to remain upon or in any property or structure under his or her control.
2. The Greene County Building Administrator or his authorized representative, appointed by the County Commission shall be the enforcement officer or zoning inspector. From time to time the authorized representative may be any official or public employee of Greene County and shall include but not be limited to employees from the
 - a. Health Department;
 - b. Resource Management Department, and the
 - c. Greene County Highway Department
3. Any nuisance as defined by this regulation shall not if it existed prior to the adoption of these nuisance regulations be considered a “non-conforming use” or “grand fathered” and must comply with these regulations with abatement procedures following guidelines found in Article XXIII Enforcement, Section 6 Violations - Remedies.

Section 36 Access Management

The purpose of this ordinance is to regulate the location and design of both private and public access to the county roadway network, and to ensure convenient access while promoting safe movement on public roads, at reasonable speeds, and maintaining the capacity of travel of the roadway.

A. DEFINITIONS

1. **Access Point**
An entrance, driveway, street, private drive, turnout or other means of providing for the movement of vehicles to or from the public roadway network.
2. **Corner Clearance**
The distance from an intersection to the nearest access connection. Measured from the nearest edge of the intersecting roadways to the nearest edge of the access.
3. **Sight Distance**
The distance visible to the driver of a stopped vehicle along the center line, measured forty-two inches above grade of the roadway, 12 feet (12') from the edge of pavement.
4. **Private Driveway**
A single driveway serving a single use on one property or multiple uses on more than one property.
5. **Private Lane**
A single driveway serving two (2) or more residential properties.
6. **Private Street**
Streets designated as private by the County Commission, whether gated or un-gated and any other street not accepted by the County Commission as a public street or built to county design standards shall be considered a private street.

B. Greene County Access Management Criteria:

1. Access Points Regulated according to the Greene County Major Thoroughfare Plan: It is the intent of this ordinance to limit street access within the roadway classification system to the category immediately below in the hierarchy to the fullest extent possible. (i.e. primary arterial accesses expressway, secondary arterial accesses primary arterial, collector accesses secondary arterial). See Article I, Section 3(B) (127) of the *Greene County Zoning Regulations* for Roadway Classification Definitions.
2. Design of Access Points: The width, grade, curb radii and other design aspects of access points shall conform to the *Greene County Design Standards for Public Road Improvements*.
3. Private Access Points: Private access points for any use, commercial, industrial or residential, shall not be allowed on roadways classified as a Freeway or Expressway on the Major Thoroughfare Plan. Driveways for single family or duplex lots shall not directly access collector or higher classification streets and, when fronting on more than one roadway of different classification, must access the lesser classified roadway. The driveways for corner lot access can be from either or both streets so long as both streets are classified as local residential. Driveways are not allowed to be continuous from one residential street on one side of the lot, across the lot to the other residential street. Single family uses located outside the Urban Service Areas, Industrial, commercial and multi-family uses shall have limited access points onto collector and arterial streets and may be required to locate on a common property line to maintain safe spacing as future development occurs.

A Private lane can serve two or more properties. As many as three (3) tracts under ten (10) acres can be served with a single lane through the administrative subdivision process. Private lanes are exempt from public street design standards but must have a sign meeting Emergency Management requirements. The developer is responsible for the cost of the sign and it shall be installed by the Greene County Highway Department. See Article V, (Streets) of the *Greene County Subdivision Regulations*.

4. **Number of Access Points:** Each legal tract of land is entitled to one direct or indirect access point to the public roadway provided that its location and design fulfill the Minimum Corner Clearance and Minimum Sight Distance requirements of this regulation. Development sites under the same ownership, consolidated for the purpose of development and comprised by more than one building site shall not be considered separate properties under the requirements of this ordinance. An additional access point may be granted for tracts of land with a minimum 500' of frontage as determined by the Highway Administrator. A traffic study may be required by the Highway Administrator to determine the location, spacing and size of the access point(s) for a property.
5. **Coordination of Access Points:** Major access points on opposite sides of a Primary or Secondary Arterial shall be located opposite each other. If not so located, turning movement restrictions may be imposed as determined necessary by the Highway Administrator. Private driveways should also be lined up from each other across the public roadway whenever possible. Access drives shall be designed, located and constructed to provide access between adjacent properties.
6. **Median Breaks:** On roadways where a raised median exists, no median breaks shall be allowed for private residential drives. Drive access shall be right in/right out only. Requests for median breaks for private commercial drives shall be determined by the Highway Administrator when accompanied by a traffic study justifying the need for the break. Median breaks for public and private streets must adhere to spacing requirements within Article V, Section 2 (Streets) of the *Greene County Subdivision Regulations*.
7. **Improvements to Public Roadways:** All existing and proposed development access points may be evaluated by the Greene County Highway Department and/or the agency having jurisdiction over the roadway as to the need for improvements. The Greene County Highway Department may request the developer perform a traffic study to quantify the impact the development will have on the transportation system. When Greene County determines that an access point will negatively impact the capacity or the safety of the roadway, it may require the developer to dedicate sufficient right of way and construct the necessary improvements to mitigate the impact to the roadway.
8. **Minimum Corner Clearance of Access Points from Intersecting Streets:** The minimum corner clearance for access points adjacent to intersecting streets shall conform to Table 2.
9. **Spacing of Access Points:** Private access points, for any use or zoning district, shall not be located within a turn lane to a public street and must be located on the property to provide adequate corner clearance and minimum sight distance as mentioned in Tables 2 and 3. Minimum spacing between commercial and residential access points must conform to the minimum requirements in Table 2. A shared access on a common property line or a cross access easement with an adjacent property shall be required for lots with inadequate corner clearance or lot frontage as defined in the *Greene County Zoning Regulations*. A minimum 150' of spacing is required for drives located on adjoining properties and on secondary drives on lots that exceed 500' of frontage. The cross access easement for commercial uses must be approved by the Board of Adjustment and properly recorded along with a maintenance agreement. Access points for public and private streets must adhere to Article V, Section 2 (Streets) of the *Greene County Subdivision Regulations*.

Table 2 - Minimum Spacing Requirements

| Street Class | Freeway | Expressway | Primary Art. | Secondary Art. | Collector | Res./Ind. Collector | Local |
|--|--------------------|----------------------------------|----------------------------------|----------------------------------|---------------------------------|--|--|
| Interchange | 1-3 miles | N/A | N/A | N/A | N/A | N/A | N/A |
| Signalized Intersection | Prohibited | ½ to 1 mile (2640' to 5280') | ¼ to ½ mile (1320' to 2640') | ¼ to ½ mile (1320' to 2640') | ¼ to ½ mile (1320' to 2640') | N/A | N/A |
| Non-Signalized Intersections | Prohibited | ½ to 1 mile (2640' to 5280') | 1/8 to ¼ mile (660' to 1320') | 1/8 to ¼ mile (660' to 1320') | 330' | 150' | 150' |
| Restricted Median Break | Prohibited | 1/8 to ¼ mile (660' to 1320') | 1/8 mile (660') | N/A | N/A | N/A | N/A |
| Right-in/ Right-out | Prohibited | 220' to 330' | 150' | N/A | N/A | N/A | N/A |
| Commercial/ Multi-Family Drive | Prohibited | Prohibited | *See Note Below | *See Note Below | *See Note Below | *See Note Below | *See Note Below |
| Residential/ Farm/Utility Drive | Prohibited | Prohibited | +See Note Below | +See Note Below | +See Note Below | See <i>Greene County Subdivision Regulations</i> | See <i>Greene County Subdivision Regulations</i> |
| Minimum Corner Clearance – Collector and above | N/A | 440' to 660' | 220' to 330' | 220' to 330' | 220' | 100' | 100' |
| Minimum Corner Clearance – Local Streets/Private Drives* | N/A | 440' to 660' | 220' to 330' | 220' to 330' | 150' | 150' | 50' |
| Facility Spacing | 5 mi. +/- 1 mi. | 4 mi. +/- 1 mi. | 1 ½ mi. +/- ½ mi. | ¾ mi. +/- ¼ mi. | 3/8 mi. +/- ¼ mi. | 3/8 mi. +/- ¼ mi. | 150' |

*Minimum one direct or indirect access per lot. Apply most appropriate spacing from above, in possible.
+For platted lots, access is prohibited. For unplatted lots, access is prohibited unless lot does not front a lower classification roadway.

10. Minimum Sight Distance: The minimum sight distance for all access points shall conform to Table 3.

Table #3 - Minimum Sight Distance.

| <u>Speed Limit</u> | <u>Current requirement</u> |
|--------------------|----------------------------|
| 50 mph | 375 feet |
| 45 mph | 325 feet |
| 40 mph | 275 feet |
| 35 mph | 225 feet |
| 30 mph | 200 feet |
| 25 mph | none |

11. Non-Conforming Access Points: Any access existing prior to the date of adoption of this ordinance that does not conform with the standards herein is non-conforming and will be allowed to continue as long as the access remains in service and the property and land use it serves does not change. If the non-conforming access is modified, or the land use served by the non-conforming access is modified, the access must either be eliminated or brought into conformance with the standards within this ordinance. If the non-conforming access or the use or structures of the property served by the non-conforming access are discontinued for more than one (1) year, use of the access must not be re-established unless approved by the Board of Adjustment.

12. Consolidation of Existing Access Points: Whenever the use of a parcel of land changes is subdivided or two or more parcels are assembled under one purpose, plan or use, the existing driveways may be required to consolidate, close or relocate. The preexisting drives shall be removed after the consolidated drive is established.
13. Approval of Access Points Along State Maintained Routes: A copy of the plans for all access points to be constructed along a state maintained route shall be submitted to the Missouri Department of Transportation for review and approval.
14. Waiver of Requirements: The Highway Administrator may waive or modify the requirements if it is determined that such action is warranted after all of the above sections of the ordinance have been addressed.
15. **Private Street design and maintenance:** Private streets include streets designated as private by the County Commission, whether gated or un-gated and any other street not accepted by the County Commission as a public street or built to county design standards. Any new private street must be designated so as part of a Plot Assignment District and must be constructed to *Greene County Design Standards for Public Improvements*. Once designated and constructed, private streets will not be accepted by the county as public streets.

For public safety purposes, private streets must meet the requirements of Article IV, Section 36(II) (Special Provisions) (Access Management Criteria) of the *Greene County Zoning Regulations*. Circular drives or secondary drives on a single lot located on private streets shall be approved on a case by case basis. Approval will be granted based on the Access Management Criteria referenced above. Only local streets may be designated as private streets and are required, at a minimum, to have a sidewalk on one side of the street which meets ADA design requirements. Gated entrances to private streets shall be constructed according to current standards accepted by the Greene County Highway Department.

Maintenance of a private street is the responsibility of the developer or property owner's association and shall be enforced according to Article XXIV (Common Open Space and Common Improvement Regulation) of the *Greene County Zoning Regulations*.