

Montgomery County, Missouri
Infrastructure Development and Funding Agreement

THIS INFRASTRUCTURE DEVELOPMENT AND FUNDING AGREEMENT (this “Agreement”) is made as of February 5th, 2026 (the “Effective Date”), by and between NORTHPOINT DEVELOPMENT, LLC, a Missouri limited liability company, and its successors and assigns (collectively, the “Developer”), and MONTGOMERY COUNTY, MISSOURI, a third-class county of the State of Missouri (the “County”).

RECITALS

WHEREAS, the County is authorized and empowered pursuant to the provisions of Article VI, Section 27(b) of the Missouri Constitution and Sections 100.010 through 100.200, inclusive, of the Revised Statutes of Missouri, as amended (collectively, the “Act”), to purchase, construct, extend and improve certain projects (as defined in the Act) and to issue industrial development revenue bonds for the purpose of providing funds to pay the costs of such projects and to lease or otherwise dispose of such projects to private persons or corporations for manufacturing, commercial, warehousing, office industry and industrial development purposes upon such terms and conditions as the County deems advisable; and

WHEREAS, the Developer has acquired or has contracts to acquire approximately 890 acres of land in the County as shown on a concept site plan approved by the County (the “Project Site”); and

WHEREAS, in accordance with the Act, the County Commission adopted a Resolution on December 18, 2025 (the “Plan Resolution”), which approved a Plan for an Industrial Development Project (the “Plan”) that contemplates the issuance of taxable industrial revenue bonds (the “Chapter 100 Bonds”) in connection with the provision of partial abatement of personal property taxes for certain personal property of the proposed end-user (the “Company”) to be located in the County (the “County Incentives”); and

WHEREAS, Developer, in conjunction with the Company, proposes to undertake the necessary financing, zoning, subdivision, construction, permitting and development of the Project Site and related infrastructure as contemplated in the Plan to facilitate the investment of such personal property by the Company (collectively, the “Project”); and

WHEREAS, the County Commission adopted an order on December 29, 2025 (the “County Incentives Order”), which approved certain agreements and documents necessary to facilitate the County Incentives, including issuance of the Chapter 100 Bonds, to describe the terms upon which the County Incentives will be granted to the Company, and to enter into development and funding agreements necessary for the orderly development of the Project (the “Chapter 100 Documents”); and

WHEREAS, as part of the Project, the Developer anticipates a number of other matters related to the zoning, subdivision, construction, permitting and development of the Project and related infrastructure that will require the participation of the County; and

WHEREAS, subject to the terms of this Agreement, the County desires the Developer to

advance funds to enable the County to pay certain costs in connection with the Project, and the Developer has agreed to advance such funds in accordance with this Agreement; and

WHEREAS, upon the final approval and implementation of the Project and consistent with the County Approval Orders, the County, the Developer and the Company will cooperate to prepare and negotiate the Chapter 100 Documents, including this Agreement, and any other documents related to Project Site development and all other matters necessary to facilitate the Project (the "Project Documents"); and

WHEREAS, the Project will serve a public purpose by supporting the purposes of the Act, promoting economic development, creating jobs, serving as a catalyst for further investment and enhancing the local community with a variety of direct and indirect benefits. Additionally, the County, on behalf of and for the benefit of the residents of the County, desires to enter into this Agreement to directly address the priorities of its residents and to provide additional direct benefits to the residents of the County through development of needed infrastructure, as such development can reasonably be undertaken during the term of the Chapter 100 Bonds and the Project Documents; and

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties to this Agreement hereby agree as follows:

I. Obligations of the Developer. If the Project is undertaken, and for so long as the Chapter 100 Bonds remain in effect, the Developer agrees to undertake the following actions to benefit the residents of the County:

A. Construction of Public Improvements. The Developer and the County will cooperate in good faith to pursue the necessary, documented rights-of-way needed for all public improvements described herein (the "Rights-of-Way"), and, to the extent such Rights-of-Way are secured and any other conditions in this Agreement are otherwise met, the Developer agrees to undertake the following public improvements supporting the Project (collectively, the "Public Improvements") on the following terms:

1. Railway Crossing at Ellis Road. The Developer will construct, or cause to be constructed, a new, elevated crossing over the Norfolk Southern Railway line at Ellis Road to replace the existing at-grade crossing. The new rail crossing will include a bridge with two 12' wide lanes and two 2' wide shoulders. The crossing will be constructed in accordance with Norfolk Southern requirements and such other engineering and design requirements as the Developer may deem reasonable. The Developer and the County shall cooperate to enable the County to abandon the at-grade crossing and dedicate right-of-way for the new bridge crossing as and when necessary.

2. Improvement of Ellis Road - Booneslick Road to Hudson Road. The Developer will improve this portion of public road to County Standards (as defined below).

3. Improvement of Hudson Road - Ellis Road to the existing location of the asphalt-to-gravel transition on the west end of Hudson Road. The Developer will

improve this portion of public road to County Standards. In addition, the Developer will improve the transition of Hudson Road to raise the surface elevation of the roadway above the 100-year floodplain to the appropriate standards, subject to approval by the City of New Florence.

4. Intentionally omitted.

5. Improvement of Booneslick Road – From Highway F to Ellis Rd. The Developer will improve this portion of public road to the appropriate standards, subject to approval by the City of High Hill and the Missouri Department of Transportation, respectively.

6. Intersection Improvements. The Developer will improve non-signalized intersections at (i) Hudson Road and Ellis Road, (ii) Ellis Road and Fairview Road, and (iii) Ellis Road and Booneslick Road. The improvements will be designed to improve turning radii and provide for the safe flow of vehicles of these non-signalized intersections.

B. Payment of Costs.

1. Public Improvement Costs. The Developer shall be responsible for all costs of designing and constructing the Public Improvements, including all costs for administrative, legal, and engineering, including for the rail crossing. The Public Improvements shall be designed and constructed in a method, manner and timeframe as reasonably determined by the Developer, but in all cases in accordance with applicable laws, rules and regulations, including, but not limited to, (1) the County's minimum specifications and requirements as stated in that certain "Specifications and Requirements Streets and Roads in Montgomery County, Missouri" in effect as of the Effective Date ("County Standards"), (2) design specifications of Missouri Department of Transportation ("MoDot") with respect to any portion of the road and intersection improvements affecting roadways within MoDot's jurisdiction and (3) design specifications of the District for the Utility Public Improvements (defined below).

2. County Costs. Developer agrees to pay or reimburse the County (or cause to be paid or reimbursed to the County) reasonable, out of pocket fees and costs incurred by the County (the "County Costs") related to the consideration, negotiation, preparation, approval and implementation of the Project, the Project Documents, any Applications and Applicable Regulations and all other necessary or appropriate activities and documentation related to the foregoing (collectively, the "Project Activities"), it being understood that the Developer's reimbursement of the County Costs in connection with the Project Activities shall not obligate the County to implement or approve any of the foregoing. The County Costs shall include, but not be limited to, the following:

- a) Legal fees and costs payable to (i) the County's bond counsel, the law firm of Gilmore & Bell, P.C. ("Bond Counsel"), (ii) the County's counsel, Ellis, Ellis, Hammons & Johnson, P.C. (the "County Attorney"), (iii) and other attorneys who the County may engage with respect to the Project;
- b) Fees and costs for other professional services;
- c) Fees and costs related to the Applications and Applicable Regulations (defined below); and
- d) Other fees and costs necessary or appropriate for the County's completion of the Project Activities, related to the consideration, negotiation, preparation, approval and implementation of the Project, the Project Documents, and all other necessary or appropriate activities and documentation related to the foregoing, all in the County's sole discretion (collectively, the "Project Activities", the cost thereof collectively, "County Costs"), such as costs of publication of notices or overnight delivery fees.

3. Preliminary Funds. Within ten (10) business days following the execution and delivery of this Agreement by all parties, the Developer will deliver to the County a check payable to the County in the amount of Fifty Thousand Dollars (\$50,000.00) ("Preliminary Funds"), to be used in accordance with this Agreement.

4. Additional Funds. In the event the County Costs related to the Project Activities exhaust or exceed the Preliminary Funds, then upon receipt of a written request from the County detailing the actual out-of-pocket expenses necessary to perform the Project Activities hereunder or for any additional obligations or expenditures incurred by the County, the Developer shall pay the County the amounts set forth on such statements (the "Additional Funds") within thirty (30) days of receipt thereof.

5. Issuance Fees. The Developer will not be responsible for, and the County shall look to the Company or other party for payment of applicable fees, including the bond closing fee, trustee fee, and recording fee, as well as any legal fees of Bond Counsel or County Attorney fees not already paid by the Developer as Preliminary Funds or Additional Funds, with respect to the Chapter 100 Bonds (collectively, the "Issuance Fees"). Developer will cooperate with County regarding the payment of such Issuance Fees from the Company. The Developer shall directly pay, or cause to be paid, applicable fees related to applications made by the Developer or the Company to other parties with respect to the Project.

6. Community Contribution. In addition to any Issuance Fees or other amounts payable upon issuance of the Chapter 100 Bonds, the Developer agrees to pay or cause to be paid to the County an amount equal to Three Million and 00/100 Dollars (\$3,000,000) (the "Community Contribution"). The Community Contribution shall be paid within sixty (60) days of the issuance of the Chapter 100

Bonds and is not intended to be used as Preliminary Funds or Additional Funds under this Agreement, rather, the Community Contribution may be used for any lawful purpose at the sole and absolute discretion of the County.

C. Public Improvement Construction Timeline. The estimated completion of the Public Improvements shall be as follows:

1. Railway Crossing at Ellis Road – End of calendar year 2028.
2. Improvement of Ellis Road - Booneslick Road to Hudson Road – Upon completion and operation of the first building.
3. Improvement of Hudson Road - Ellis Road to the existing location of the asphalt-to-gravel transition on the west end of Hudson Road – Upon completion and operation of the first building, but subject to the necessary approvals of the City of New Florence.
4. Intentionally omitted.
5. Improvement of Booneslick Road – From Highway F to Ellis Rd. - Upon completion and operation of the first building, but subject to the necessary approvals of the City of High Hill and the Missouri Department of Transportation.
6. Intersection Improvements – Upon completion and operation of the first building.

These completion dates are estimates only, and the Developer shall not have any liability hereunder for any delay or failure to meet these target dates, irrespective of whether the Developer may have liability for the same under other agreements related to the Project.

D. Acquisition of Rights-of-Way. Developer, at its sole cost and expense, shall be solely responsible for acquiring by dedication, purchase, or otherwise, all Rights-of-Way, easements and other real property interests necessary or required for the construction, installation, and maintenance of the Public Improvements contemplated in connection with the Project. The County and the Developer acknowledge that such property rights for the Rights-of-Way are expected to be acquired via Developer's purchase (and subsequent dedication to the County) of perpetual, non-exclusive, right of way easements, except with respect to Rights-of-Way needed for the elevated crossing over the Norfolk Southern Railway line at Ellis Road, for which Developer expects to acquire fee interests for such Rights-of-Way. Developer shall secure such Rights-of-Way and interests in a manner and form acceptable to the County and shall deliver to the County recordable instruments conveying or dedicating such Rights-of-Way and interests to the County or to the appropriate public entity. Developer further agrees to convey or dedicate such Rights-of-Way and interests free and clear of all liens and encumbrances except those identified and approved by the County or appropriate public entity within the instrument of conveyance or dedication. If the Developer is unable to acquire any necessary Rights-of-Way or interests by agreement with the affected property owner(s), the County shall not use the power of eminent domain to acquire such interests.

E. Work on Rights-of-Way and Public Improvements. Developer shall indemnify, defend (with counsel reasonably acceptable to the County), and hold harmless the County, its officers, officials, employees, agents, and representatives from and against any and all claims, demands, actions, suits, losses, damages, liabilities, costs, and expenses (including reasonable attorneys' fees and court costs) of any kind or nature whatsoever, whether arising at law or in equity, that arise out of or relate in any way to:

1. the acquisition (by purchase, dedication, condemnation, or otherwise) of any Rights-of-Way or other property interests for the Public Improvements;
2. the construction, installation, maintenance, or existence of the Public Improvements; or
3. any claim, action, or proceeding alleging condemnation, eminent domain, inverse condemnation, temporary taking, regulatory taking, or any other deprivation of property rights in connection with the acquisition of such Rights-of-Way or interests or the construction or operation of the Public Improvements.

This indemnification obligation shall apply (i) only with respect to matters that occurred prior to the date of conveyance or dedication of the applicable Public Improvement to the County or appropriate public entity, (ii) regardless of whether the claim is asserted by a third-party property owner, a tenant, or any other person or entity, and (iii) regardless of any alleged negligence or fault on the part of the County, except to the extent such claims are finally determined by a court of competent jurisdiction to have been caused solely by the gross negligence or willful misconduct of the County.

F. Workforce. The Developer shall use commercially reasonable efforts to contract for and utilize in-state workers and skilled workers and/or union labor in the construction and development of the Project and perform the Public Improvements contemplated by this Agreement. Where commercially reasonable, the Developer will give preference to firms, corporations, or individuals doing business as Missouri firms, corporations or individuals in the construction and development of the Project and Public Improvements.

G. Utility Public Improvements. The Developer shall construct a well field system consisting of potable water wells, non-potable water wells and monitoring wells, a water treatment system, waste water treatment systems (potable and non-contract cooling water) and any utility connections needed between the well field system and the water treatment system in accordance with plans and specifications approved by Public Water Supply District No. 2 of Montgomery County, Missouri (the "District") (the "Utility Public Improvements"). The Developer shall be responsible for all costs of designing and construction of the Utility Public Improvements. The Utility Public Improvements shall be designed and constructed in a method, manner and timeframe as reasonably determined by the Developer, and in accordance with the design specifications of the District. Such systems and related improvements are intended to be dedicated to the District upon the completion and acceptance thereof by the District. The District may, in its discretion, use the Utility Public Improvements for other areas of the community at the District's cost. The County agrees to cooperate with the Developer, the Company and the District with respect to the development of such Utility Public Improvements.

II. County Support Obligations

A. In light of the Developer's commitments set forth in this Agreement and the obligations of the Developer and/or the Company under the Project Documents, the County shall use good faith efforts to support the Project in all respects.

B. The County will provide the necessary staff and legal, financial and planning assistance to prepare and negotiate all required documents related to the final approval and implementation of the proposed Project, inclusive of Project Documents, and to prepare and present required resolutions, ordinances or other required documentation necessary for approval of the Project Documents pursuant to the Act and applicable County codes along with the financing, zoning, subdivision, construction, permitting and development of the proposed Project.

C. The County will also cooperate and support the Developer and the Company with respect to any applications made by the Developer or the Company to other parties with respect to the Project, including but not limited to application to the State of Missouri for state roadway approvals, application(s) to Norfolk Southern Railroad necessary to obtain permission to improve the rail crossing at Ellis Road, or application(s) to the Army Corps of Engineers for a 404 Permit regarding discharge of dredged or fill material (collectively, the "Applications").

D. The County acknowledges and confirms that, as of the Effective Date of this Agreement, the entirety of the Project Site is zoned "M" Industrial/Manufacturing (the "Current Zoning") under Chapter 19 and other related provisions of the currently existing Montgomery County, Missouri Zoning Order (the "Zoning Order"). The County further acknowledges and confirms that the proposed development of the Project Site and use of the Project Site for the Project is permitted under, and in conformance with, the Site Plan Approval Letter, Approved Site Plan and the Applicable Regulations (as defined below). The County and the Developer expressly intend that the Developer and any Permitted Transferee shall have the ongoing right to develop, construct, and operate the Project on the Project Site in accordance with (i) the Current Zoning, (ii) the Data Center Site Plan Administrative Review dated November 18, 2025 attached hereto as Exhibit A (the "Site Plan Approval Letter"), (iii) the site plan entitled "Project Green" prepared by Stock & Associates Consulting Engineers, Inc., and dated November 14, 2025, referenced in and approved by the Site Plan Approval Letter and attached hereto as Exhibit B (the "Approved Site Plan"), and (iii) the County land use, zoning, subdivision, permitting, building, sound, road, and related development standards and regulations, or the lack of any such standards, applicable to the Project Site and the Project, including the Zoning Order as of the First Permit Date (collectively, the "Applicable Regulations"). A copy of the Zoning Order in effect as of the First Permit Date and included as part of the Applicable Regulations (the "Zoning Order") is attached hereto as Exhibit C. For purposes of this Agreement, the date on which the County approves and issues the first construction permit for the Project shall be deemed the "First Permit Date".

1. After the First Permit Date, any amendment, repeal, or new enactment of the Applicable Regulations (collectively, "Subsequent Changes") that would in any respect prohibit, materially delay, materially burden, or otherwise materially impair the ability to proceed with, construct, or operate the Project as contemplated in the Site Plan Approval Letter, the Approved Site Plan, and permitted by the Applicable Regulations, shall not apply to the Project or the Project Site, and the Developer

and any Permitted Transferee shall have the right to proceed in accordance with the Applicable Regulations notwithstanding any such Subsequent Changes, except as provided in sub-section 3 below.

2. Any construction permit application (and supporting documents) submitted for the Project after the First Permit Date (a “New Construction Permit Application”) shall be submitted to the County in conformity with the Applicable Regulations. The County agrees to review such New Construction Permit Application and make a determination with respect to the same in accordance with the Applicable Regulations irrespective of Subsequent Changes, unless the construction work described in said New Construction Permit Application would effectuate a substantial change to building locations, ingress/egress or utility configurations from the Approved Site Plan or as otherwise contemplated by the Zoning Order and Applicable Regulations (a “Substantial Deviation”).

3. Should the County determine that a New Construction Permit Application contains a Substantial Deviation, the County shall notify the applicant of the basis for such determination and such applicant shall be entitled to revise such application to correct the Substantial Deviation or to withdraw the application without prejudice. Alternatively, the determination of a Substantial Deviation may be appealed by the applicant in accordance with Chapter 8 of the Zoning Code made part of the Applicable Regulations.

4. To the extent that the Zoning Enforcement Officer issues any construction permits for the Project, the parties acknowledge and agree that each permit shall be valid for one (1) year from the date of issuance as provided in Article 5 of Chapter 9 and Article 7 of Chapter 13 of the Zoning Order made part of the Applicable Regulations. As permitted in Article 5 of Chapter 9 and Article 7 of Chapter 13 of the Zoning Order made part of the Applicable Regulations, the Developer may request an extension of the validity of the permit with evidence of the Developer’s diligent efforts to complete the Project.

5. These support obligations of the County are intended to preserve rights to develop and operate the Project under the Applicable Regulations as of the First Permit Date, however, nothing in this Agreement constitutes a waiver of the County’s police powers or discretion with respect to matters not inconsistent with this Agreement. Except as expressly provided herein, the Project remains subject to: (i) uniformly applicable building and fire code updates required by state or federal law for health and safety that do not materially change the permitted uses, density, height, or fundamental design parameters of the Project; (ii) fee adjustments of general applicability adopted after the First Permit Date that do not function as a prohibition on the Project; and (iii) laws mandated by state or federal preemption that the County is legally required to enforce after the First Permit Date. Any such application shall not be used to frustrate the rights granted herein.

E. The County shall timely process, in the ordinary course and consistent with the Applicable Regulations, all other permits, approvals, and inspections necessary for the Project

once requested or submitted by Developer.

F. The County acknowledges and agrees that (i) Developer is entering into this Agreement, and proceeding with the Project, in material reliance upon the County's representations, covenants, approvals, obligations, and other commitments set forth herein (the "County Commitments"), and the County further acknowledges that Developer would not have entered into this Agreement, incurred related costs, or undertaken related obligations but for its reasonable reliance on the County Commitments. The County agrees that it will not take or omit to take any action that would materially and adversely impair the justified reliance on the County Commitments by the Developer or any Permitted Transferees. This acknowledgment and agreement is intended to be given full effect under Missouri law.

G. The County shall use Preliminary Funds, any Additional Funds and other funds required under this Agreement (collectively, the "Funds") paid by the Developer only to apply to the Developer's obligations hereunder to pay (either directly or by reimbursement to the County) for the County Costs incurred by the County in connection with Project Activities. The parties acknowledge and agree that charges for professional services fees and expenses will be based on rates established in current engagements between such professionals, including Bond Counsel and the County Attorney, in effect as of the date hereof, or, if not currently in effect, such reasonable rates to which the County may subsequently agree.

H. Notwithstanding anything to the contrary herein, neither the County, nor any party paid from the Funds, shall have any obligation to refund any Funds or other County Costs to Developer, except as provided in Article III hereof to the extent of any excess funds remaining after the payment of expenses of the County.

III. Termination.

A. If the County rejects or otherwise elects to terminate further consideration of or implementation of the Project, does not issue the Chapter 100 Bonds, cancels the Chapter 100 Bonds or terminates any of the Project Documents on the terms therein (a "Project Termination"), which the County shall have and retain the absolute right to do in its sole and absolute discretion, the County shall have the right to terminate this Agreement.

B. The Developer shall have the right to terminate this Agreement upon giving the County fifteen (15) days written notice following a Project Termination; whereupon fifteen (15) days following Developer's delivery of said notice, this Agreement shall be deemed terminated.

C. Notwithstanding anything to the contrary stated in this Agreement, in the event of a termination of this Agreement under this Section, or in the event all Project Activities have been concluded and the County has not expended all of the Funds or other County Costs advanced to County by Developer, the County shall refund to Developer the unexpended balance of the Funds within ten (10) days after ascertainment and payment by the County of all fees and expenses incurred by the County in connection with Project Activities, which ascertainment and payment shall occur within sixty (60) days after the County's receipt or giving of notice of termination of this Agreement or the conclusion of all Project Activities.

IV. General Provisions

A. The parties agree that the Developer will perform or cause to have performed the provisions set forth herein at its expense and agrees to hold the County and its officers, elected officials, employees, and agents harmless from any expenses incurred by the Developer with respect to the above-referenced provisions.

B. The Developer shall at its sole cost and expense maintain or cause to be maintained at all times during construction of the Public Improvements commercial general liability insurance in an amount not less than the limits of liability set by Section 537.610 of the Revised Statutes of Missouri (subject to reasonable loss deductible clauses not to exceed the amounts normally or generally carried by the Developer) and worker's compensation coverage required by the laws of the State of Missouri. The policies and endorsements of said insurance shall contain a provision that such insurance may not be canceled by the issuer thereof without at least 30 days' advance written notice to the County and the Developer. The Developer shall deliver certificates of insurance evidencing such policies and any endorsements to the County from and after the date on which construction of the Public Improvements commences, and shall make commercially reasonable efforts to provide additional certificates not less than 30 days before the expiration date of each insurance policy and endorsement but in any event no later than the expiration date thereof. The Developer may satisfy any of the insurance requirements set forth in this Agreement by using blanket policies of insurance, provided such insurance complies each and all of the requirements and specifications of this section respecting insurance.

C. It shall be a default under and breach of this Agreement if either party shall fail to perform or observe any term, condition, covenant or obligation required to be performed or observed by it under this Agreement for a period of thirty (30) days after notice thereof from the non-defaulting party; provided, however, that if the term, condition, covenant or obligation to be performed by the defaulting party is of such nature that the same cannot reasonably be performed within such 30-day period, such default shall be deemed to have been cured if the defaulting party commences such performance within said 30-day period and thereafter diligently undertakes to complete the same.

D. This Agreement shall be governed by the laws of the State of Missouri. If any provision(s) of this Agreement is illegal or unenforceable, then the remainder of this Agreement shall not be affected thereby and shall be enforced as if such provision were not contained herein. Failure of either party to enforce its rights hereunder at any time shall not be deemed a waiver of any such rights. This Agreement shall be binding upon the parties hereto and their heirs, successors and permitted assigns. The parties hereby represent and warrant that they have full right and authority to execute and deliver this Agreement; and that this Agreement has been duly executed by them or on their behalf, as the case may be, pursuant to due authorization, and is not in violation of any such party's governing documents, charter or ordinances, as the case may be. The parties further represent and warrant that no consents are necessary for the execution, delivery, and performance of this Agreement by such party, and that this Agreement is valid, binding and enforceable against such party in accordance with its terms.

E. The Developer may assign, transfer, encumber or dispose of ("Transfer") this Agreement, or any interest herein or part hereof, for any lawful purpose, but only with the prior

written consent (not to be unreasonably withheld) of the County before any such Transfer. Notwithstanding the foregoing, the prior written consent of the County shall not be required for any Transfer (a "Permitted Transfer") if such Transfer is (i) to an entity controlled by or under common control with or controlling the NorthPoint Development, LLC, (ii) to the Company, or (iii) to any party to whom the Company has transferred or may transfer any of the Chapter 100 Documents (each a "Permitted Transferee").

With respect to any Permitted Transfer, the Developer shall comply with the following conditions:

1. A duplicate original of the instrument memorializing any Permitted Transfer shall be delivered to the County promptly upon the execution thereof, duly executed and acknowledged by the Permitted Transferee and in proper form for recording (if appropriate), by which the assignee shall assume the terms, covenants and conditions of this Agreement on the part of the Developer to be performed and observed by the Permitted Transferee (the "Assumed Obligations").
2. Should only a portion of the Assumed Obligations be transferred by the Developer and assumed by the Permitted Transferee, then (i) the transfer instrument must state with specificity the portion of the Assumed Obligations being transferred to and assumed by the Permitted Transferee, and (ii) the Developer shall be released from and have no further obligations under this Agreement with respect to the identified portion of the Assumed Obligations transferred to and assumed by the Permitted Transferee, only so long as the either the Developer or the Permitted Transferee remains fully obligated to perform all of the obligations pursuant to this Agreement.
3. Upon transfer of all of the Assumed Obligations by the Developer and agreement by the Permitted Transferee to be bound by all of the Assumed Obligations, the Developer shall be released from and have no further obligations under this Agreement with respect to all of the Assumed Obligations.

Notwithstanding anything to the contrary, the Developer or a Permitted Transferee may, in its ordinary course of business, lease, sublease or otherwise dispose of all or portions of the Project Site to (i) tenants, (ii) secured lenders, or (iii) the County or other political subdivisions, without notice to, or the prior consent of, the County so long as the Developer and/or Permitted Transferees remain obligated to perform all of its obligations under this Agreement and the Developer provides at least 30 days' advance written notice to the County.

F. If for any reason any provision of this Agreement is determined to be invalid or unenforceable, the validity and enforceability of the other provisions hereof shall not be affected thereby.

G. This Agreement may be executed in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument.

H. The parties agree that the transaction described herein may be conducted and related documents may be sent, received or stored by electronic means. Copies, telecopies, facsimiles, electronic files and other reproductions of original executed documents shall be deemed

to be authentic and valid counterparts of such original documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law. Notwithstanding anything in this Section to the contrary and with respect to the recording of any electronic documents, the parties shall comply with the requirements of Section 59.569 of the Revised Statutes of Missouri.

I. The Presiding Commissioner of the County is authorized to execute all documents on behalf of the County, including this Agreement and any approvals, consents or other ancillary instruments as may be required to carry out and comply with the intent of this Agreement.

J. Pursuant to Section 34.600 of the Revised Statutes of Missouri, the Developer certifies it is not currently engaged in and will not, for the duration of this Agreement, engage in a boycott of goods or services from (a) the State of Israel, (b) companies doing business in or with the State of Israel or authorized by, licensed by, or organized under the laws of the State of Israel, or (c) persons or entities doing business in the State of Israel.

K. All notices or other communications required or desired to be given hereunder shall be in writing and shall be deemed duly given when (a) mailed by registered or certified mail, postage prepaid, (b) sent by overnight delivery or other delivery service which requires written acknowledgment of receipt by the addressee, or (c) transmitted electronically and receipt confirmed by telephone or electronic read receipt on the same day, in each case addressed as follows:

1. To the County:

Montgomery County
211 East Third Street
Montgomery City, Missouri 63361
Attn: Presiding Commissioner
ryanp@mcmo.us

with copies to:

MarksNelson
6800 W. 115th Street, Suite 3511
Overland Park, Kansas 66211
Attn: Steve Etcher
setcher@mnadvisors.com

and:

Gilmore & Bell, P.C.
One Metropolitan Square
211 North Broadway, Suite 2000
St. Louis, Missouri 63102
Attn: Mark D. Grimm
mgrimm@gilmorebell.com

and:

Ellis, Ellis, Hammons & Johnson, P.C.
2808 S. Ingram Mill Rd, A104
Springfield, Missouri 65084
Attn: Travis A. Elliott
telliott@eehjfirm.com

2. To the Developer:

NorthPoint Development, LLC
3315 N. Oak Trafficway
Kansas City, Missouri 64116
Attn: Nathaniel Hagedorn

With copy to:

Husch Blackwell LLP
8001 Forsyth Blvd
Suite 1500
St. Louis, Missouri 63105
Attn: Ernesto R. Segura
ernesto.segura@huschblackwell.com

All notices given by certified or registered mail as aforesaid shall be deemed fully given as of the date they are so mailed. The parties may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

L. The rights and obligations of this Agreement shall run with the land and shall inure to the benefit of, and be binding upon, the Developer, the Company, and the County and their respective successors and assigns.

M. Limitation of Liability. Notwithstanding any provision herein to the contrary, the County, its officials, agents, employees, attorneys, and representatives, the County Attorney and Bond Counsel shall not be liable to the Developer for damages or otherwise if this Agreement is declared invalid or unconstitutional in whole or in part by the final judgment of any court of competent jurisdiction (as to which all rights of appeal have expired or have been exhausted), and by reason thereof the County is prevented from performing any of the covenants and agreements herein or the Developer is prevented from enjoying the rights and privileges contemplated hereunder.

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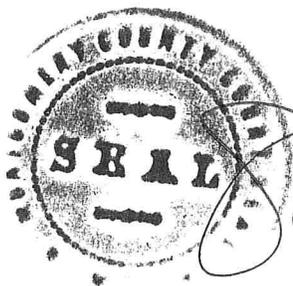
IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

MONTGOMERY COUNTY, MISSOURI

By: *Ryan D. Poston* Presiding Commissioner
Montgomery County

Name: Ryan D. Poston

Title: Presiding Commissioner



Carole L. Weeks
County Clerk

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

NORTHPOINT DEVELOPMENT, LLC

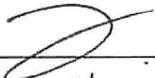
By: 
Name: Nathaniel Hagedorn
Title: Manager

Exhibit A
Site Plan Approval Letter

[To be attached prior to execution]

Exhibit B
Approved Site Plan

[To be attached prior to execution]

Exhibit C
Zoning Order

[To be attached prior to execution]

Exhibit A
Site Plan Approval Letter

P&Z

Montgomery County Planning and Zoning

310 Salisbury St., Ste. D
Montgomery City, Mo 63361
573-564-2142
planningzoning@mcmo.us

November 18, 2025

NorthPoint Development, LLC
3315 North Oak Trafficway
Kansas City, Mo 64116
%George Stock, duly appointed agent

Re: Data Center Site Plan Administrative Review

Dear Mr. Stock:

Thank you for agreeing to participate in the Administrative Review process for the proposed Project Green Data Center. This Administrative Review was completed in two parts: an In-Person Site Plan Review, conducted on November 14, 2025, with a representative from the development team, George Stock, Stock & Associates Consulting Engineers, Inc., Planning and Zoning Board Member, Randy Overkamp and Donna Viehmann, Planning and Zoning Administrator; and Paper Review, conducted by the Planning and Zoning Office following receipt of the site plan and corresponding attachments on November 14, 2025.

In-Person Discussion Summary:

- The current phase of development includes four primary structures, each with approximately 220,000 square feet under roof. The site plan also identifies a second phase containing approximately thirteen additional buildings of similar size. This administrative review includes approval of the overall campus layout.
- Multiple stormwater management ponds are proposed within the project.
- Three wells will be located on-site.
- Wastewater treatment plant and water treatment plant will be constructed on site.
- Property closing is anticipated first quarter of 2026.

After review of the documents submitted, the Planning and Zoning Office provides the following summary of findings:

- Project Green is located in the northeast quadrant of the I-70 and Highway 19 interchange, consisting of approximately 1000 acres in unincorporated Montgomery County.
- The applicant entity has been verified as NorthPoint Development, LLC.
- Parcels in the unincorporated area of the project have been confirmed to be zoned Industrial/Manufacturing.
- Lot area meets the minimum requirements of the Industrial/Manufacturing zoning district standards of the Montgomery County Zoning Order.
- Setbacks for all proposed structures comply with Industrial/Manufacturing zoning district standards of the Montgomery County Zoning Order.

- Maximum building height for all proposed structures comply with Industrial/Manufacturing zoning district standards of the Montgomery County Zoning Order.
- A written statement has been submitted documenting how the project will mitigate noise, vibration, smoke, dust, toxic materials, odors, fire, glare, explosion, and similar by-products.
- Employee parking spaces are identified on the site plan.
- The project provides multiple ingress and egress points.
- The site will be fully fenced and include both an Ameren owned substation and an applicant owned substation.
- The applicant supplied Real Estate Sales Contracts for all proposed purchase areas as a demonstration of site control for the project.

All on-site support facilities, including substations, water systems, and utility components, fall within the definition of a data center as clarified by the Planning & Zoning Board on July 8, 2025; therefore, no conditional use permit is required. The required affidavit confirming that all support structures function exclusively as components of the data center has been submitted and accepted.

Data Centers are a permitted-by-right use within the Industrial/Manufacturing Zoning District under the Montgomery County Zoning Order. Based upon the information and documentation submitted to this office, the proposed development appears to comply with the applicable zoning and administrative requirements. This Administrative Review therefore constitutes approval of land use under the Zoning Order.

This Administrative Review includes approval of the overall campus layout; however, substantial changes to building locations, ingress/egress, or utility configuration will require resubmittal to the Planning & Zoning Office.

Building permits have not yet been procured or issued. The next step in the development process will be the purchase of the land, and submission of building permit applications for review and approval prior to any construction activity.

Sincerely,



Donna Viehmann
Zoning Administrator

cc: file

Exhibit B
Approved Site Plan

Exhibit C
Zoning Order

APPLICATION FOR SUBDIVISION

PROPOSED SUBDIVISION NAME: _____

APPLICANT INFORMATION:

A. Owner of Record:

Name: _____

Address: _____

Phone #: _____

B. Developer/Subdivider (if other than owner)

Name: _____

Address: _____

Phone #: _____

C. Engineer/Surveyor/architect:

Name: _____

Address: _____

Phone #: _____

D. Contact Person:

Name: _____

Address: _____

Phone #: _____

Description of Property:

A. Section _____ **Township** _____ **Range** _____

B. General street location: _____

C. Total amount of acres of proposed subdivision _____

D. Total number of lots in proposed subdivision _____

E. Subdivision Classification: (See Grid Chart) _____

Please continue application on reverse side --- >

F. Zoning classification of proposed subdivision _____

Sewer plan (check one):

_____ **Individual septic system per approval of Montgomery County**

_____ **Public sewer system which is DNR Permit #** _____

Water Plan (check one):

_____ **Individual water system (well, spring, etc.)**

_____ **Public water system which is part of Rural Water Dist. Permit #** _____

or DNR Water Permit # _____

Signature of Applicant:

Date:

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PLANNING & ZONING FEE SCHEDULE

CONSTRUCTION PERMIT	FEE	CERTIFICATE OF OCCUPANCY**
Residential	10 cents per sq. ft. of living area including attached garage - \$15.00 minimum	Included
Non-residential/ Commercial	10 cents per sq. ft. - \$15.00 minimum	Included
Accessory Building	5 cents per sq. ft.- \$15.00 minimum (as of August 14, 2001)	
Tower	Application Fee: \$250.00 plus \$10.00 per foot height (rev. Jan. 2008) fee not to exceed \$1500 for application of construction (8/28/14) MoStateStatue Included	
Billboards	Application Fee: \$500.00 (rev. June 2009) County license per face: \$100.00	
Subdivision/ Mobile Home Park	\$25.00 per lot	
Wind Turbine/ Small Wind Energy System	\$250.00 Application Fee plus \$10.00 per foot of Total Height (rev. Nov. 2010)	
Private Landing Strip	\$150.00	
Temporary Vending Stand	\$25.00 -60 days only	
Certificate of Occupancy required for:		
	<ul style="list-style-type: none"> • All new residences • All new businesses • All business title or lease transfers • Conditional uses 	
Conditional Use Permit	\$50.00 Application fee plus cost	
Variance Request	\$50.00 Application fee plus cost	

Certificate of Occupancy of Non-Conforming use- **Free** but must be obtained within twelve (12) months after acceptance of Zoning Order or use becomes null and void.

Subdivision - \$200.00 Application fee plus costs (see above) (rev. June 2001)

Fee is doubled if permit/permission is not obtained before any project is started.

Rezoning Request - \$500.00 Application Fee plus costs per acre charge as follows:

\$75.00-less than 1 acre	\$350.00- 100 to 199.99 acres
\$100.00 1 to 4.99 acres	\$400.00 – 200 to 299.99 acres
\$150.00 -5 to 9.99 acres	\$450.00 – 300 to 399.99 acres
\$200.00 -10 to 19.99 acres	\$500.00 – 400 to 499.99 acres
\$250.00- 20 to 49.99 acres	\$550.00 – 500 or more acres
\$300.00- 50 to 99.99 acres	

Amendment to Zoning Order \$50.00 Application Fee plus costs

Petition of Appeal \$50.00 Application Fee plus costs

Zoning Materials

- Zoning Order -\$30.00
- Copies of individual pages/capters-25 cents per page

Extension of Construction Permit \$10.00

Solar Farm Operating Permit Fee- \$10,000.00 per project
Annual Contribution Payment - \$2,500.00 per maximum rated AC
production capacity (effective July 3, 2022)

Solar Garden Operating Permit Fee-\$500.00 (effective July 3, 2022)

**Montgomery County
Planning & Zoning Commission**

BYLAWS

MEMBERSHIP

The P & Z Commission shall be composed of seven (7) members, all of whom must reside in the unincorporated parts of the county.

These members shall be appointed by the County Commission as follows:

- Six (6) Township P & Z Commissioners, one (1) from each of the six (6) Townships in Montgomery County, and
- The highway/road supervisor employed by the County

TERMS OF APPOINTMENT

The term of each member shall be four (4) years. These terms shall be staggered so that the terms of no more than one-third (1/3) of the P & Z Commission will expire at the same time.

REPLACEMENT AND REMOVAL OF MEMBERS

Should any vacancy occur in the P&Z Commission, the County Commission shall take immediate action to appoint a replacement for the unexpired term in order to maintain a full panel of seven(7) members.

Vacancies may occur under the following circumstances:

- When a member resigns, dies, or becomes too disabled to continue serving.
- If any member misses three (3) consecutive meetings and/or hearings or a total of four (4) meetings and/or hearings (based upon one (1) meeting per month; absences to be prorated for more frequent meetings) within one (1) calendar year, and the County Commission and the P & Z Commission determine that removal is justified.
- If the P & Z Commission calls for the removal of any member for nonperformance of duty or misconduct in office, and the County Commission and the P & Z Commission determine that removal is justified.

MEETINGS

The P & Z Commission shall meet at the call of its Chairman to carry out its duties and responsibilities. All meetings of the P & Z Commission shall comply with R.S. Mo. Ch. 610, "Governmental Bodies and Records," commonly referred to as the Missouri Open Meeting Law or the Missouri Sunshine Law.

Working meetings may be held without a quorum present as long as no Zoning Order changes are made.

All public hearings must comply with Section 6.3 of the Zoning Order.

QUORUM

Four (4) members shall constitute a quorum when a full panel is in place. In case of temporary vacancies on the P & Z Commission, one (1) more than one-half (1/2) of the total current membership shall constitute a quorum.

OFFICERS

The P & Z Commission shall elect, from within its membership, a Chairperson, a Vice-Chairperson, and a Secretary who shall service for a period of one (1) year. Elections shall take place during the first meeting of each calendar year.

VOTING PROCEDURES

Each member shall have one (1) vote. The Chairperson shall vote in the cases.

Election of Officers:

- A quorum must be present
- The position shall be filled by the person receiving the most votes

Changes in the Zoning Order:

- A quorum must be present
- The change must be approved by a vote of sixty-five (65) percent of current P&Z Commission members present at meeting.

*1

¹ Rev. 1/15/08

* Rev. 7/27/12

ZONING ORDER

**Prepared by:
Montgomery County
Planning & Zoning Commission**

April, 1997

CHAPTER 1 - TITLE OF THIS DOCUMENT

ARTICLE 1. TITLE

- A. The rules and regulations stated within this document, including all zoning maps, graphs, charts, diagrams, and all supporting documents, shall hereby be referred to as the "MONTGOMERY COUNTY ZONING ORDER", hereafter also referred to as "Zoning Order", "Order", and/or "MCZO".

ARTICLE 2. DISCLAIMER OF LIABILITY

- A. This Zoning Order shall not create a liability on the part of the Montgomery County Planning and Zoning Commission, the Zoning Enforcement Officer, or any agent or employee thereof, for any damages that may result from reliance on this Order or any administrative decision lawfully made thereunder.

CHAPTER 2 - AUTHORITY AND APPLICABILITY

ARTICLE 1. AUTHORITY

- A. The regulations set forth in this Zoning Order are adopted under authority established by the state of Missouri, and as amended: R.S.Mo. 64.510 through 64.695; and in accordance with the adopted Master Plan of Montgomery County, Missouri.**

ARTICLE 2. NONDISCRIMINATION POLICY

- A. The Montgomery County Planning & Zoning Commission and/or the Zoning Enforcement Officer, in making any decisions regarding zoning issues, variances, and/or employment, shall not discriminate on the basis of race, color, religion, sex, national origin, age, or disability.**

ARTICLE 3. IMPLEMENTATION

- A. This Zoning Order, any part thereof, and any subsequent amendment or revision shall go into effect immediately after being submitted to, and accepted by order of, the County Commission after a proper Public Hearing on this matter has been conducted.**

ARTICLE 4. JURISDICTION

- A. This Zoning Order shall apply to all the unincorporated areas of Montgomery County, including the unincorporated towns and villages of the county.**

ARTICLE 5. SCOPE

- A. This Zoning Order shall apply, but not be limited, to the following:**

- 1. Use of land.**
- 2. Use of buildings/structures.**
- 3. Construction of new buildings/structures, in regards to height, bulk area, setbacks or other provisions as provided by in R.S.Mo. 64.620.**
- 4. Alteration of existing buildings/structures, in regards to height, bulk area, setbacks or other provisions as provided by in R.S.Mo. 64.620.**

ARTICLE 6. INTERPRETATION

A. This Zoning Order shall serve as the sole regulatory authority for all lands and buildings/structures within the unincorporated areas of Montgomery County.

1. The rules and regulations contained herein shall be considered the minimum requirements.
2. There may be certain instances where the Zoning Order may have been preceded or nearly duplicated by the rules and regulations of other agencies (local, state, and/or federal). In those instances where such other orders differ from the MCZO, those rules and regulations which are more restrictive and/or impose higher standards shall govern.

ARTICLE 7. LEGAL RELIEF

A. After seeking and obtaining approval from the County Commission, the ZEO shall have the authority to petition the Circuit Court for injunctive relief against repeated and continued violations of any provision contained in this Zoning Order.

1. Such action may be a Criminal Action, as defined by law, leading to a fine.
2. Such action may be a Civil Action, as defined by law, leading to an order by the Court restraining the violator against further violation.

CHAPTER 3 - PLANNING AND ZONING COMMISSION

ARTICLE 1. ESTABLISHMENT OF THE PLANNING & ZONING COMMISSION

- A. The Montgomery County Commission hereby establishes the Montgomery County Planning & Zoning Commission, hereafter also referred to as the "P&Z Commission" and/or the "MPZC", pursuant to the laws of the state of Missouri, and as amended, R.S.Mo. 64.510 through 64.695, "Planning and Zoning - Second and Third Class Counties", and in accordance with the adopted Master Plan of Montgomery County, Missouri, and the rules and regulations of this Zoning Order.

ARTICLE 2. MEMBERS

- A. The P&Z Commission shall be composed of seven (7) members, all of whom must reside in the unincorporated areas of the county.
- B. These members shall be appointed by the County Commission as follows:
1. Six (6) Township P&Z Commissioners: one (1) from each of the six (6) townships in Montgomery County, and
 2. The highway/road supervisor employed by the County.

ARTICLE 3. TERMS OF APPOINTMENT

- A. The term of each member shall be four (4) years.
- B. These terms shall be staggered so that the terms of no more than one-third (a) of the P&Z Commission will expire at the same time.
- C. The term of the highway/road supervisor shall be only for the duration of the supervisors' tenure of official position. [(64.520 R.S.Mo(2012)]

ARTICLE 4. REPLACEMENT AND REMOVAL OF MEMBERS

- A. Should any vacancy occur in the P&Z Commission, the County Commission shall take immediate action to appoint a replacement for the unexpired term in order to maintain a full panel of seven (7) members.

B. Vacancies may occur under the following circumstances

1. When a member resigns, dies, or becomes too disabled to continue serving.
2. If any member misses three (3) consecutive meetings and/or hearings or a total of four (4) meetings and/or hearings without just cause within any one (1) calendar year, and the County Commission and the P&Z Commission determine that removal is justified.
3. If the P&Z Commission call for the removal of any member for nonperformance of duty or misconduct in the office, and recommends to the County Commission that removal is justified.

ARTICLE 5. MEETINGS

- A. The P&Z Commission shall meet at the call of its Chairman or as its Bylaws or Procedural Rules might specify to carry out its duties and responsibilities.
- B. All meetings of the P&Z Commission shall comply with R.S.Mo. Ch. 610, "Governmental Bodies and Records", commonly referred to as the Missouri Sunshine Law or the Missouri Open Meetings and Records Law.

ARTICLE 6. HEARINGS

- A. The P&Z Commission shall meet as necessary:
 1. To hear any request for a Conditional Use Permit.
 2. To hear any request for a Rezoning/Land Use Change.
 3. To hear any request to amend this Zoning Order.
 4. To carry out its duties and responsibilities.
- B. All hearings of the P&Z Commission shall comply with Chapter 6, "Public Hearings", of this Zoning Order.

ARTICLE 7. ATTENDANCE FEE

- A. All members of the P&Z Commission shall serve without compensation.
- B. However, the County Commission may establish an attendance fee as reimbursement for expenses to attend hearings and administrative meetings.

1. Such reimbursement shall not exceed twenty-five dollars (\$25.00) per member per hearing or administrative meeting. [64.520 R.S.Mo(2012)]
2. Reimbursement shall be limited to two (2) administrative meetings per month.

ARTICLE 8. ADVISORY CAPACITY

- A. The P&Z Commission shall work cohesively, in an advisory capacity, with the Zoning Enforcement Officer (ZEO), the Board of Appeals (BOA), the County Commission, and other officials to ensure that the goals of the Master Plan are met and that the rules and regulations of this Zoning Order are properly interpreted and enforced.

ARTICLE 9. DUTIES, RESPONSIBILITIES AND POWERS

- A. The duties, responsibilities and powers of the P&Z Commission shall include, but not be limited to, the following:
 1. Develop and write a Master Plan for the unincorporated areas of Montgomery County.
 2. Develop and write a Zoning Order, with accompanying zoning maps, charts, graphs, and supporting documents, for the unincorporated areas of Montgomery County.
 3. Amend, revise, or make additions to the Zoning Order as necessary to meet the goals and objectives of the Master Plan.
 4. Review current and future statutes, laws, policies, or other official actions of state, federal or other governmental agencies as they pertain to this Zoning Order, and revise or amend the Order as necessary.
 5. Accept all applications for any Conditional Use Permit from the Zoning Enforcement Officer (ZEO), review same, conduct Public Hearings, and make the final determination to approve or disapprove the application, with or without additional conditions and/or restrictions.
 6. Accept all applications for any Rezoning/Land Use Change from the ZEO, review same, conduct Public Hearings, and make recommendations to the County Commission which will make the final determination on the approval or disapproval of any rezoning or land use change, with or without additional conditions and/or restrictions.
 7. Accept all applications for any Amendment to the Zoning Order from the ZEO, review same, conduct Public Hearings, and make recommendations to the County

Commission which will make the final determination on the approval or disapproval of any amendment to the Order.

8. Help the ZEO to develop an efficient set of record-keeping and administrative forms to facilitate the interpretation and enforcement of this Order.

9. Establish appropriate administrative fees to be charged and collected by the ZEO for zoning materials, permits, certificates, and/or services rendered.

ARTICLE 10. ADDITIONAL POWERS, DUTIES AND RESPONSIBILITIES

A. The P&Z Commission shall have such other powers as may be necessary and proper to enable it to perform the duties imposed upon it by law.

B. Additional duties and responsibilities of the P&Z Commission may include, but not be limited to:

1. Subdivision of land.
2. Approval of planned unit developments.

ARTICLE 11. BYLAWS AND PROCEDURAL RULES

A. The P&Z Commission shall adopt a set of Bylaws and/or Procedural Rules as necessary to govern the process of its administrative meetings, public hearings, and other organizational matters.

1. Such Bylaws and/or Procedural Rules shall be a matter of Public Record and available at the office of the Zoning Enforcement Officer.

ARTICLE 12. RECORDS AND FORMS

A. The P&Z Commission shall develop a system of financial and administrative records and forms for the conduction of its business.

1. Such records and forms shall enable the P&Z Commission to keep a Public Record of all its meetings, hearings, findings and determinations.
2. Such records and forms shall be a matter of Public Record and available at the office of the Zoning Enforcement Officer.

B. The P&Z Commission shall develop a system of financial and administrative records and forms for the Zoning Enforcement Officer to enable the ZEO to carry out the duties of the office.

1. Such records and forms are detailed in Chapter 4, "Zoning Enforcement Officer", of this Zoning Order.

*updated 7/24/12

CHAPTER 4 - ZONING ENFORCEMENT OFFICER

ARTICLE 1. APPOINTMENT OF ZONING ENFORCEMENT OFFICER

- A. A Zoning Enforcement Officer, sometimes also referred to as the Zoning Administrator, and hereafter also referred to as the "ZEO", shall be appointed by the County Commission to administer, interpret, execute and enforce this Zoning Order.**

ARTICLE 2. DUTIES, RESPONSIBILITIES AND POWERS

- A. The duties, responsibilities and powers of the Zoning Enforcement Officer shall include, but not be limited to, the following:**

- 1. Work closely with the P&Z Commission, the Board of Appeals, the County Commission and other officials and agencies, as necessary, to administer, interpret, execute and enforce the rules and regulations of this Zoning Order.**
- 2. Keep such records as set forth in MCZO, Chapter 4, Article 3, which are necessary:**
 - a. to perform the duties of the office,**
 - b. for public information,**
 - c. to serve as a basis for making decisions and determinations, and**
 - d. to have information and evidence for any hearing or litigation.**
- 3. Work with the P&Z Commission to develop such forms as set forth in MCZO, Chapter 4, Article 4, which are necessary to facilitate record-keeping and accomplish the duties of the office.**
- 4. Work with the P&Z Commission to establish appropriate fees to be charged and collected by the ZEO for zoning materials, Permits and Certificates, and services rendered to accomplish the duties of the office.**
- 5. Accept and review all applications for any Permits and Certificates as required by law and/or this Zoning Order, and collect appropriate fees for same.**
- 6. Inspect all land use, building/structure use, new construction, and remodeling/alterations of existing buildings/structures to assure that same conforms to the terms of its appropriate Permit and/or Certificate and is in full compliance with this Order.**
- 7. Issue the proper Permit and/or Certificate, if the application for same is valid and the requested use is in compliance with this Order, and collect appropriate fees for same.**

8. Revoke any Permit and/or Certificate for fraud, deceit or misrepresentation in the application.
9. Declare null and void any Permit and/or Certificate for failure to fulfill, or make substantial progress to fulfill, the purpose of said Permit and/or Certificate.
10. Process any application for a Conditional Use Permit, a request for a Rezoning/Land Use Change, or a request for an amendment to the Zoning Order as follows:
 - a. Accept the application and all supporting documents and review for validity.
 - b. Forward valid application and all supporting documents to the P&Z Commission.
 - c. Publish proper public notice of Public Hearings on the matter.
 - d. Present the recommendations of the P&Z Commission to the County Commission for a final determination.
 - e. Notify all concerned parties of the final determination of the County Commission.
 - f. Charge and collect all appropriate fees as established for this administrative action.
11. Process any application for a Variance or any Petition of Appeal as follows:
 - a. Accept the application and all supporting documents and review for validity.
 - b. Forward valid application and all supporting documents to the Board of Appeals.
 - c. Publish proper public notice of Public Hearings on the matter.
 - d. Notify all concerned parties of the final determination of the Board of Appeals.
 - e. Charge and collect all appropriate fees as established for this administrative action.
12. Maintain current copies of the Zoning Order, zoning map(s) and other supporting documents, and copies of the Bylaws and/or Procedural Rules of the P&Z Commission and the Board of Appeals for dissemination to the public.

ARTICLE 3. RECORDS

- A. The ZEO shall keep permanent, accurate and well-organized records as necessary to provide a complete history of all zoning actions relative to the unincorporated areas of Montgomery County.
- B. Such records shall include, but not be limited to, the following:
 1. All current zoning regulations and amendments.

B. Such records shall include, but not be limited to, the following:

1. All current zoning regulations and amendments.
2. All current Zoning Maps and Land Use Maps.
3. All applications for Permits, Certificates of Occupancy, and Certificates of Occupancy for Non-Conforming Use.
4. Permits and Certificates issued, refused, or revoked.
5. All applications or request for Conditional Use, Variance, Rezoning/Land Use Change, and Amendments to the Zoning Order.
6. All Conditional Uses, Variances Rezoning/Land Use changes, and Amendments granted, refused or revoked.
7. Records of all actions of the P&Z Commission, the Board of Appeals, and the County Commission regarding any of the above zoning items.

ARTICLE 4. NECESSARY FORMS

A. The ZEO shall work with the P&Z Commission to develop an efficient set of record-keeping and administrative forms, which shall include, but not be limited to, the following:

1. Application for Construction Permit and Construction Permit.
2. Construction Permit Sign to be posted on the construction site.
3. Application for Certificate of Occupancy and the Certificate of Occupancy.
4. Application for Certificate of Occupancy for Non-Conforming Use and the Certificate of Occupancy for Non-Conforming Use.
5. Application for Conditional Use Permit and the Conditional Use Permit.
6. Application for a Variance and the Permit for Variance.
7. Application for Rezoning/Land Use Change Request.
8. Application for Request to Amend the Zoning Order.
9. Application for a Petition of Appeal.

B. Any Permit, Certificate, Application or other record-keeping or administrative sheet shall be on a standard form developed by the P&Z Commission for its specific purpose.

ARTICLE 5. ADMINISTRATIVE FEES

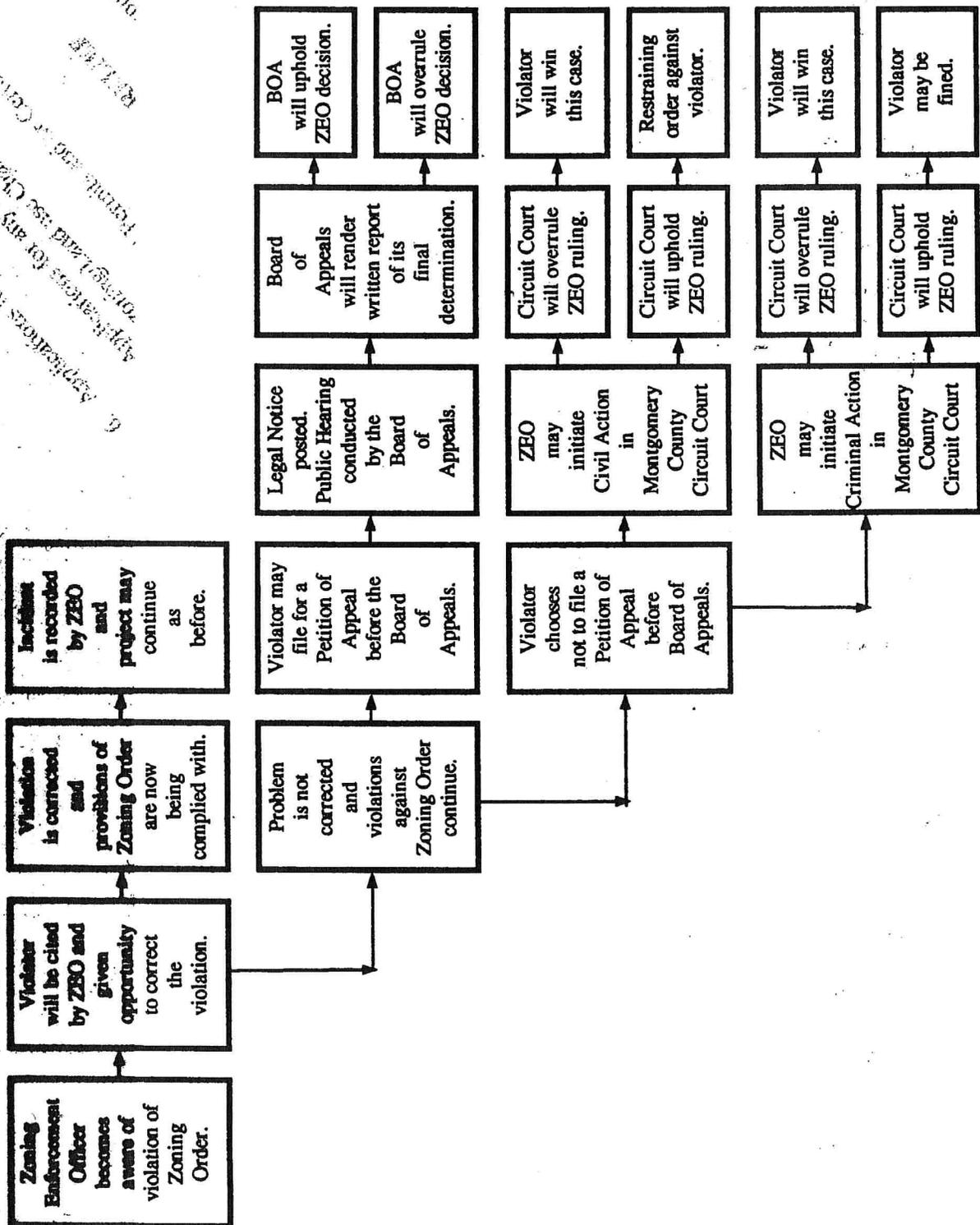
- A. The P&Z Commission shall establish fees as necessary to help defray the cost for the printing of zoning materials and for the administration of this Order.
- B. The ZEO shall be authorized to charge and collect fees for any or all of, but not limited to, the following:
 - 1. Copies of this Zoning Order.
 - 2. Copies of any Zoning Maps or Land Use Maps.
 - 3. Copies of any supporting documents, graphs, charts, and the like.
 - 4. Copies of any Bylaws and/or Procedural Rules of the P&Z Commission and/or the Board of Appeals.
 - 5. Copies of any records of actions of the P&Z Commission, the Board of Appeals, and/or the County Commission regarding any zoning action.
 - 6. Applications for any required Permit and/or Certificate.
 - 7. Applications for any requests for any Conditional Use, Variance, Petition of Appeal, Rezoning/Land use Change, or Amendment to the Order.
 - 8. Required Permits and/or Certificates.

ARTICLE 6. LEGAL RELIEF

- A. After seeking and obtaining approval from the County Commission, the ZEO shall have the authority to petition the Circuit Court of Montgomery County for legal relief against repeated and continued violations of any provision of this Zoning Order.
 - 1. Such violation shall be a Misdemeanor Offense.
 - 2. Such Legal Action may be a Criminal Action - leading to a fine.
 - 3. Such Legal Action may be a Civil Action - leading to an Order by the Court restraining the violator against further violation.

ZONING ENFORCEMENT OFFICER - PROCEDURAL FLOW CHART

Violation of Zoning Order



CHAPTER 5 - BOARD OF APPEALS

ARTICLE 1. ESTABLISHMENT OF BOARD OF APPEALS

- A. The Montgomery County Commission hereby establishes the Montgomery County Board of Appeals, sometimes also referred to as a Board of Adjustment, and hereafter also referred to as the "BOA", pursuant to the laws of the state of Missouri, and as amended, R.S.Mo. 64.510 through 64.695, "Planning and Zoning - Second and Third Class Counties", and in accordance with the adopted Master Plan of Montgomery County, Missouri, and the rules and regulations of this Zoning Order.

ARTICLE 2. MEMBERS

- A. The Board of Appeals shall be composed of five (5) regular members and three (3) alternates who are residents of the County appointed by the County Commission, except that:
1. Not more than two (2) members shall be residents of incorporated areas of the County.
 2. Not more than one (1) member may also be a member of the P&Z Commission.

ARTICLE 3. TERMS OF APPOINTMENT

- A. The term of each member shall be four (4) years, except that the first board appointed shall serve as follows so that the terms of the members will be staggered:
1. One (1) member and one (1) alternate for one (1) year.
 2. One (1) member and one (1) alternate for two (2) years.
 3. One (1) member and one (1) alternate for three (3) years.
 4. Two (2) members for four (4) years.

ARTICLE 4. REPLACEMENT AND REMOVAL

- A. Should any vacancy occur on the Board of Appeals, the County Commission shall take immediate action to appoint a replacement for the unexpired term to maintain a full panel of five (5) regular members and three (3) alternates.
- B. Vacancies may occur under the following circumstances:
1. When a member resigns, dies, or becomes too disabled to continue serving.

2. If the County Commission removes any member for nonperformance of duty after a public hearing or misconduct in office.

ARTICLE 5. MEETINGS

- A. The Board of Appeals shall meet at the call of its Chairman or as its Bylaws and/or Procedural Rules might specify to carry out its duties and responsibilities.
- B. All meetings of the Board of Appeals shall comply with R.S.Mo. Ch. 610, "Governmental Bodies and Records", commonly referred to as the Missouri Sunshine Law or the Missouri Open Meetings and Records Law.

ARTICLE 6. HEARINGS

- A. The Board of Appeals shall meet as necessary:
 1. To hear any Request for a Variance.
 2. To hear any Petition of Appeal.
 3. To carry out its duties and responsibilities.
- B. All hearings of the Board of Appeals shall comply with Chapter 6, "Public Hearings", of this Zoning Order.

ARTICLE 7. ATTENDANCE FEE

- A. All members of the Board of Appeals shall serve without compensation.
- B. However, the County Commission may establish an attendance fee as reimbursement for expenses to attend hearings and administrative meetings.
 1. Such reimbursement shall not exceed ten dollars (\$10.00) per member per hearing or administrative meeting.
 2. Reimbursement shall be limited to four (4) hearings or meetings per year to carry out the duties of the BOA.

ARTICLE 8. DUTIES, RESPONSIBILITIES AND POWERS

- A. The duties, responsibilities and powers of the Board of Appeals shall include, but not be limited to, the following:

1. Accept all applications for any Variance from the ZEO, review same, conduct Public Hearings, and make the final determination to grant, refuse, or revoke the Variance, with or without additional conditions and/or restrictions.
2. Accept any Petition of Appeal regarding a decision or ruling of the ZEO from the ZEO, review same, conduct Public Hearings, and make the final determination to uphold or overrule the decision or ruling of the ZEO, with or without conditions and/or restrictions.

ARTICLE 9. RECORDS AND FORMS

- A. The Board of Appeals shall develop a system of financial and administrative records and forms for the conduction of its business
 1. Such records and forms shall enable the BOA to keep a public record of all its meetings, hearings, findings and determinations.
 2. Such records and forms shall be a matter of Public Record and available at the office of the Zoning Enforcement Officer.

ARTICLE 10. BYLAWS AND/OR PROCEDURAL RULES

- A. The Board of Appeals shall adopt a set of By-laws and/or Procedural Rules as necessary to govern the process of its administrative meetings, hearings and other organizational matters.
 1. Such By-laws and/or Procedural Rules shall be a matter of Public Record and available at the office of the Zoning Enforcement Officer.



CHAPTER 6 - PUBLIC HEARINGS

ARTICLE 1. PURPOSE OF PUBLIC HEARINGS

- A. In regards to the planning and zoning of Montgomery County, Public Hearings of the P&Z Commission and the Board of Appeals shall be held from time to time as necessary to allow the residents of the County to provide input on, but not limited to, the following matters:
1. Approval of the Master Plan of Montgomery County.
 2. Approval of the Montgomery County Zoning Order, or any parts of the Order.
 3. Hear applications for any Conditional Use Permit.
 4. Hear applications for any Request for Rezoning/Land Use Change.
 5. Hear applications for any Amendment to the Zoning Order.
 6. Hear any Request for a Variance.
 7. Hear any Petition of Appeal.

ARTICLE 2. NOTICE OF PUBLIC HEARINGS

- A. Any Public Hearing shall be set at a reasonable time and place to allow the public to provide input to the appropriate governing body which will review the evidence, listen to the comments, and gather the facts regarding the matter under consideration so that a final determination can be made.
- B. The time frame and manner in which public notices of any such Public Hearing shall be executed and the manner in which the Public Hearing shall be conducted are specified in the following documents:
1. R.S.Mo. 64.510 through 64.695, "Planning and Zoning - Second and Third Class Counties".
 2. R.S.Mo. Ch. 610, "Governmental Bodies and Records", commonly referred to as the Missouri Sunshine Law or the Missouri Open Meetings and Records Law.
 3. Bylaws and/or Procedural Rules of the P&Z Commission.
 4. Bylaws and/or Procedural Rules of the Board of Appeals.
 5. This Chapter 6, "Public Hearings", of the Montgomery County Zoning Order.
- C. The ZEO shall give notice of the time and place of such Public Hearing by publication in at least one (1) newspaper of general circulation in the County, town, village or area concerned at least fifteen (15) business days prior to the Public Hearing.
- D. The ZEO shall post notice of such Public Hearing in one or more public areas of the courthouse of Montgomery County at least fifteen (15) business days prior to the Public Hearing.

- E. In those cases where necessary, the ZEO shall give written notice of the time and place of such Public Hearing to all property owners of record within one-thousand (1000) feet of the property in question.
 - 1. Such written notice shall be Certified Letter sent via the United States Postal Service.
 - 2. For the purpose of giving such mailed notice, the applicant shall be responsible for supplying the names and addresses of all persons entitled to this notice.

ARTICLE 3. DECISIONS AND ACTIONS

- A. In matters under its jurisdiction, the Board of Appeals shall make the final determination.
 - 1. The BOA shall render a thorough written decision within thirty (30) calendar days following the close of the Public Hearing.
 - 2. The presence of no fewer than four (4) of the five (5) members of the BOA shall be required to establish a Quorum to conduct the business of the Public Hearing.
 - 3. All decisions of the BOA shall be by a vote of no fewer than three (3) of those BOA members who were present at the Public Hearing.
- B. In matters under its jurisdiction, the P&Z Commission shall make its recommendations to the County Commission which shall make the final determination.
 - 1. The P&Z Commission shall render a thorough written recommendation to the County Commission within thirty (30) calendar days following the close of the Public Hearing.
 - 2. The presence of no fewer than four (4) of the seven (7) members of the P&Z Commission (or one (1) more than one-half of the members in case of temporary vacancies) shall be required to establish a Quorum to conduct the business of the Public Hearing.
 - 3. All recommendations of the P&Z Commission shall be by a vote of no fewer than sixty-five percent (65%) of those MPZC members who were present at the Public Hearing.
- C. In matters under its jurisdiction, the County Commission shall make its determination after reviewing the recommendations of the P&Z Commission.
 - 1. The County Commission shall render a thorough written decision within thirty (30) calendar days after receipt of the recommendations from the P&Z Commission.
 - 2. All decisions of the County Commission shall be by a vote of no fewer than two (2) of the three (3) members of the County Commission.
- D. In all cases, it shall be the duty of the ZEO to notify any and all concerned parties of the actions and decisions resulting from any Public Hearing within ten (10) business days following the rendering of the final determination.

ARTICLE 4. CONTINUATION OF PUBLIC HEARINGS

- A. Any Public Hearing may be adjourned from time to time and additional hearings may be called until all evidence, comments, and facts are presented so as to provide the Governing Body all the information necessary to formulate the appropriate recommendation or to make the final determination.

ARTICLE 5. REHEARING

- A. Any Application for a Rehearing shall be denied if there is no substantial change in the facts, evidence or conditions of the original hearing.

CHAPTER 7 - VARIANCE

ARTICLE 1. DEFINITION

- A. A variance refers to a deviation, in an individual case, from the literal requirements of the Zoning Order where the strict adherence to all such requirements would involve undue hardship on the part of the owner, lessee or occupant of the land and/or the structures/buildings in order to have a reasonable use of the property.

ARTICLE 2. GOVERNING BODY

- A. The Board of Appeals shall have the authority to grant, refuse or revoke any Variance, with or without conditions and/or restrictions, after conducting a Public Hearing on this matter to review evidence, listen to comments and gather facts.

ARTICLE 3. AUTHORIZED VARIANCES

- A. The Board of Appeals may grant a Variance only in the following instances:
1. To vary lot area, lot width, and lot depth requirements.
 2. To vary bulk regulations, including maximum height, lot coverage and minimum yard requirements.
 3. To vary off-street parking and loading requirements.
 4. To vary the provisions of the sign regulations within a zoning district.
 5. To vary certain provisions of the Flood Plain District as provided for in Chapter 20, "F" - Flood Plain District", of this Zoning Order.
 6. When there is a conflict or error of the order concerning a conflict of use.

ARTICLE 4. APPLICATION PROCESS

- A. BOA Procedural Rules shall specify that the following documents be filed with the ZEO when requesting a Variance:
1. An application for Variance.
 2. Application for Construction Permit or Certificate of Occupancy.

3. All such supporting documents as the Board of Appeals deems necessary in order to make a final determination.

ARTICLE 5. APPLICATION FEES *

- A. The ZEO shall charge and collect from each applicant submitting an Application for a Variance such fees as established by the P&Z Commission as necessary to process this application.
- B. Such application fees shall include, but not be limited to, the following:
 1. Cost of zoning materials.
 2. Cost of processing the application.
 3. Cost of publishing, posting and/or mailing proper legal notices of the Public Hearing.
 4. Cost of maintaining a court reporter for duration of Public Hearing at ZEO's discretion.
 5. Other expenses associated with this Public Hearing.

ARTICLE 6. OTHER COSTS

- A. The applicant shall also be assessed for actual costs incurred by the ZEO, BOA, and/or County Commission for outside consulting services (i.e. legal and/or expert consultants) necessary to aid in making a decision on this matter.

ARTICLE 7. LEGAL NOTICE AND PUBLIC HEARING

- A. The Board of Appeals shall select a reasonable time and place for a Public Hearing to review evidence, listen to comments and gather facts regarding any Application for a Variance.
- B. The time frame and manner in which public and legal notices of this Public Hearing shall be executed and the manner in which the Public Hearing shall be conducted are specified in Chapter 6, "Public Hearings", of this Zoning Order.
- C. The Missouri Department of Natural Resources must be provided with a complete copy of any request for a Variance in the Flood Plain District at least ten (10) business days prior to the Public Hearing.
- D. Such hearings may be continued from time to time in order to gather more information in order to make the proper determination.

ARTICLE 8. STANDARDS OF EVALUATION

- A. When making its final determination on any Application for Variance, the BOA shall consider whether the written and/or oral evidence and/or comments presented demonstrate and support the standard for the granting of variances which shall include, but not be limited to, the following:
1. The requested Variance is a result of a particular condition (i.e. exceptional narrowness, shallowness, shape of topography, or other extraordinary) which is unique to the specific parcel of land in question and not the Zoning District as a whole.
 2. The requested Variance is not created by an action of the applicant.
 3. The requested Variance is not based exclusively on the part of the applicant to make more money out of the property.
 4. The granting of the Variance will not adversely affect the rights or property of adjacent landowners or residents.
 5. The granting of the Variance will not adversely affect the public health, safety, or well-being nor have a detrimental effect on the neighborhood in which the property in question is located.
 6. The granting of the Variance will not alter the essential character of the property.
 7. The granting of the Variance will be in harmony with, and not be opposed to, the general spirit and intent of this Zoning Order.
 8. The strict application of the rules and regulations of the Zoning Order in this instance would create an unnecessary hardship, as distinguished from a mere inconvenience, to the applicant's reasonable use of the property.
 - a. Hardship shall not be based exclusively on any economic or financial problems of the applicant.

ARTICLE 9. CONDITIONS AND RESTRICTIONS

- A. In granting any Variance, the BOA may impose such conditions, safeguards, and/or restrictions as necessary:
1. To minimize any adverse effects upon the rights and property of adjacent landowners and/or residents, and
 2. To carry out the general purpose and intent of this Zoning Order.

ARTICLE 10. PERIOD OF VALIDITY

- A. The BOA may set time limits on the validity of any Variance in which a Construction Permit must be obtained and actual work is begun.
- B. Extensions to the original Variance may be granted without notice or hearing.

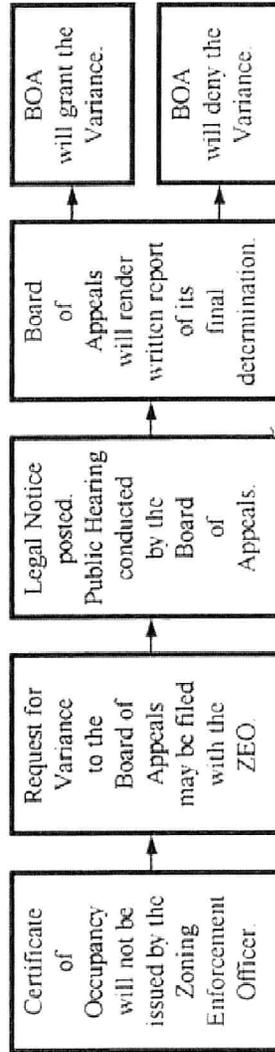
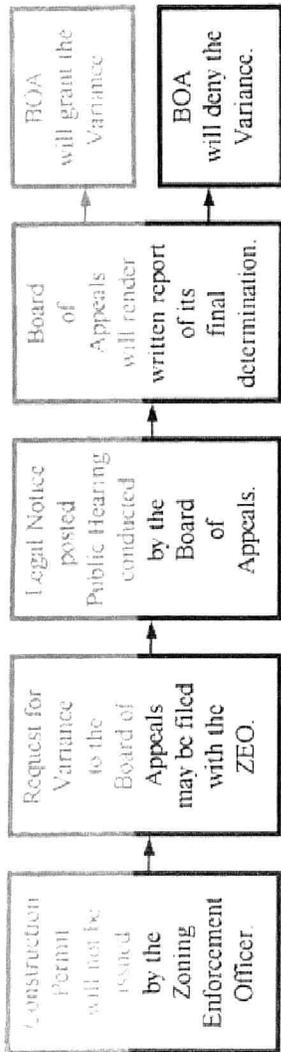
ARTICLE 11. DECISIONS

- A. The BOA shall render a thorough written decision within thirty (30) calendar days after the close of the Public Hearing.
- B. A certified copy of any Variance granted shall be filed with the Recorder of Deeds.
- C. The ZEO shall notify any and all concerned parties of the final determination of the BOA within ten (10) business days following the rendering of the decision.
- D. The ZEO shall notify the Missouri Department of Natural Resources of any Variances granted within the Flood Plain District within ten (10) business days of the granting of the Variance.

ARTICLE 12. APPEALS

- A. All decisions of the BOA shall be final determinations.
- B. However, any aggrieved person or department, board or commission of Montgomery County or the State of Missouri shall have the right to appeal the decision to the Circuit Court within thirty (30) calendar days of receipt of the notice of the decision.

REQUEST FOR VARIANCE PROCESS



CHAPTER 8 - PETITION OF APPEAL

ARTICLE 1. DEFINITION

- A. A Petition of Appeal refers to any request by an aggrieved person for a review of any official order, requirement, decision or determination rendered by the Zoning Enforcement Officer or any other official or agency charged with the interpretation and/or enforcement of this Zoning Order.

ARTICLE 2. AGGRIEVED PERSON

- A. An aggrieved person shall include any individual person or any officer, department, board, bureau, or commission of a town, municipality, county or state who is affected by this official order, requirement, decision or determination of the ZEO or governing agency.

ARTICLE 3. GOVERNING BODY

- A. The Board of Appeals shall have the authority to uphold or overrule, in part or wholly, or to modify the official order, requirement, decision or determination under appeal after conducting a Public Hearing on this matter to review evidence, listen to comments and gather facts.

ARTICLE 4. APPLICATION PROCESS

- A. Any Petition of Appeal shall be filed with the Zoning Enforcement Officer.
- B. Any Petition of Appeal must be accompanied by all such other information and supporting documents as specified by BOA Procedural Rules as necessary in order to make a final determination.
- C. Any Petition of appeal must be filed within a period of not more than ninety (90) calendar days from the date of the official order, requirement, decision or determination under question.

ARTICLE 5. APPLICATION FEES *

- A. The ZEO shall charge and collect from each applicant submitting a Petition of Appeal all such fees as established by the P&Z Commission as necessary to process this petition.
- B. Such fees shall include, but not be limited to, the following:
 - 1. Cost of zoning materials.
 - 2. Cost of processing the Petition of Appeal.

3. Cost of publishing, posting and/or mailing proper legal notices of the Public Hearing.
4. Cost of a written transcription from the original Public Hearing.
5. Other expenses associated with this Public Hearing.

ARTICLE 6. OTHER COSTS

- A. The applicant shall also be assessed for actual costs incurred by the ZEO, BOA, and/or the County Commission for outside consulting services (i.e. legal and/or expert consultants), up to \$100 without prior notification, necessary to aid in making a final decision on this matter.

ARTICLE 7. WORK STOPPAGE

- A. Any action that is under appeal must be halted until the final determination is rendered by the BOA, unless applicant can certify that such work stoppage would create an imminent peril to life or property.

ARTICLE 8. LEGAL NOTICE AND PUBLIC HEARING

- A. The Board of Appeals shall select a reasonable time and place for a Public Hearing to review evidence, listen to comments and gather facts regarding any Petition of Appeal.
- B. The time frame and manner in which public and legal notices of this Public Hearing shall be executed and the manner in which the Public Hearing shall be conducted are specified in Chapter 6, "Public Hearings", of this Zoning Order.
- C. Such hearings may be continued from time to time in order to gather more information in order to make the proper determination.

ARTICLE 9. DECISIONS

- A. The BOA shall render a thorough written decision within thirty (30) calendar days after the close of the Public Hearing.
- B. A certified copy of any Petition of Appeal determination shall be filed with the Recorder of Deeds.
- C. The ZEO shall notify any and all concerned parties of the decision of the BOA within ten (10) business days following and rendering of the final determination.

ARTICLE 10. APPEALS

- A. All decisions of the Board of Appeals shall be final determinations.
- B. However, any aggrieved person or department, board or commission of Montgomery County or the State of Missouri shall have the right to appeal the decision to the Circuit Court within thirty (30) calendar days of receipt of the notice of the final determination.



CHAPTER 9 - PERMITS AND CERTIFICATES

ARTICLE 1. PERMIT AND CERTIFICATE REQUIREMENT

- A. Once the Zoning Order has been enacted, Permits and/or Certificates shall be required for, but not limited to, the following:**
- 1. Land use changes.**
 - 2. Changes in the use of existing structures/buildings.**
 - 3. Erection of new structures/buildings.**
 - 4. Alteration of existing structures/buildings, in regards to bulk area and height.**
 - 5. Relocation of existing structures/buildings, in regards to bulk yard area and setbacks.**

ARTICLE 2. APPLICATION PROCESS

- A. All Applications for any type of Permit or Certificate shall be filed with the Zoning Enforcement Officer.**
- B. Any such Application shall include all such information as required for that particular Permit or Certificate as specified in the relevant Chapter of this Zoning Order for that particular Permit or Certificate.**
- C. The ZEO shall charge and collect all applicable fees associated with processing the Application.**
- D. Incomplete applications or applications containing errors or omissions of fact may be rejected by any of the Governing Bodies which have jurisdiction.**

ARTICLE 3. PERMIT AND CERTIFICATE ISSUANCE

- A. The Zoning Enforcement Officer will issue the proper Permit or Certificate only after verifying that:**
- 1. The Application is complete and valid.**
 - 2. The requested use, construction, relocation, installation, alteration, etc. complies with all the rules and regulations of this Order.**

3. The proper final determination has been rendered by the appropriate Governing Body which has jurisdiction over that Permit or Certificate.

B. No Permit or Certificate shall be issued until all applicable fees are collected by the Zoning Enforcement Officer.

ARTICLE 4. PERMIT AND CERTIFICATE EXEMPTIONS

A. All agricultural buildings/structures, except the residences of the owners and/or operators and residential accessory buildings/structures, shall be exempt from these Permit and Certificate requirements.

B. All buildings, including accessory buildings, with a total floor space of one-hundred (100) square feet or less shall be exempt from these Permit and Certificate requirements.

ARTICLE 5. LENGTH OF VALIDITY

A. All Permits or Certificates issued by the ZEO shall be valid for twelve (12) months following issuance.

B. During the period of validity, the ZEO shall periodically check on the progress of the project or the stated use of the land and/or the buildings/structures.

1. If the ZEO determines that diligent effort has not been put forth to make substantial progress to start or complete the project or to continue or implement the stated use of the land and/or the buildings/structures in the lack of extenuating circumstances, the Permit and/or Certificate may be revoked and declared null and void.

2. If the project has not been completed or the stated use has not been continued or implemented within one (1) year due to extenuating circumstances, the Permit and/or Certificate may be extended if a diligent effort has been put forth to complete the project or implement the use.

3. If the project has not been completed or the stated use has not been continued or implemented within one (1) year due to the lack of diligent effort in the absence of extenuating circumstances, the Permit and/or Certificate may not be extended.

ARTICLE 6. FRAUD

A. If, in the opinion of the Zoning Enforcement Officer, the P&Z Commission, the Board of Appeals, and/or the County Commission, misrepresentations were made on the application form for any Permit and/or Certificate, such Permit and/or Certificate shall be revoked immediately.

**MONTGOMERY COUNTY
PLANNING & ZONING**

PERMIT# _____

PERMIT APPLICATION

Date _____

- _____ **Application for Construction Permit**
- _____ **Non-Conforming Use Registration**
- _____ **Application for Conditional Use Permit**
- _____ **Petition of Appeal**
- _____ **Request for Variance**
- _____ **Request to Amend Zoning Order**
- _____ **Request for Rezoning**
- _____ **Temporary Vending Permit**
- _____ **Application for Billboard Permit**
- _____ **Application for Solar Operating Permit**
- _____ **Is the property in question located in the Floodplain Overlay District? (See Floodplain Administrator)**

Applicant name: _____
(please print)

Current Address: _____

Phone #1: _____ Phone #2 (Alternate): _____

Applicant Signature: _____

Owner(s) Signature: _____
(if other than applicant)

Zoning Administrator: _____
Donna Viehmann

APPLICATION FOR SOLAR OPERATING PERMIT

MONTGOMERY
COUNTY, MISSOURI
PLANNING AND
ZONING

PERMIT APPLICATION #
2% acreage amount running total
 /6950.4 acres

DATE

Applicant(s) Name(s)

Mailing Address

City

State

Zip

Phone Number (s)

E-mail Address

Landowner(s) Name(s)....if different from Applicant

Landowner Mailing Address

City

State

Zip

Phone Number(s)

E-mail Address

Parcel Identification Number

Acreage within Parcel ID

()
(fenced acreage)

Maximum number of MW (Megawatts) which may be generated by the Facility

<u>Required</u>	<u>Included</u>	
Yes	_____	Name, location and spacing of solar panels/arrays
Yes	_____	Planned location of underground/overhead electric lines
Yes	_____	Vehicular paths
Yes	_____	Access to the site for emergency responders
Yes	_____	Lighting
Yes	_____	Anti-glare reflection coating information
Yes	_____	Proposed changes to landscape, grading and other soil information
Yes	_____	Project development timeline
Yes	_____	Operation and maintenance plan
Yes	_____	Vegetation management and landscaping plan
Yes	_____	Decommissioning plan
Yes	_____	Decommissioning bond
Yes	_____	Current Deed of the property
	_____	Authorization to apply on behalf of landowner
	_____	Memorandum of Lease with signatures
Site Plan and Structure Requirements		
Yes	_____	Setbacks
Yes	_____	Screening
Yes	_____	Signage
Yes	_____	Fencing/Security
Operation and Maintenance Plan		
Yes	_____	National Pollutant Discharge Elimination System (NPDES) Permit from DNR
Yes	_____	Soil samples: How many are included? _____
Yes	_____	Restoration Plan

I (We) understand that a Solar Operating Permit will not be approved until all the required paperwork is completed by the applicant and submitted to and accepted by the Zoning Enforcement Officer.

I (We) certify that all the information provided on and include with this Application for Solar Operating Permit is complete, accurate and truthful. I (we) understand that if any of this information is found to be incomplete, inaccurate or fraudulent that this Application for Solar Operating Permit will be declared Null and Void. I (We) agree to pay all cost associated with processing this Application and thereafter, with no guarantee of a refund.

SIGNATURE of Applicant #1

Date

SIGNATURE of Applicant #2

Date

For Office Use Only: Application Approved _____
Application Denied _____

Date: _____
Date: _____

Zoning Administrator

APPLICATION FOR CONDITIONAL USE PERMIT

**MONTGOMERY
COUNTY, MISSOURI
PLANNING &
ZONING**

CONDITIONAL USE APPLICATION #																			
CONSTRUCTION APPLICATION #																			
CONSTRUCTION PERMIT #																			
CERTIFICATE OF OCCUPANCY #																			

DATE | | | | | | | |

Applicant(s) Name(s)

Business Name(s)

Mailing Address

City

State

Zip

Phone Number(s)

E-mail Address

Landowner(s) Name(s) . . . if different from Applicant

Landowner Mailing Address

City

State

Zip

Phone Number(s)

E-mail Address

USE EXTRA PAPER TO ADDRESS THE FOLLOWING ISSUES . . .

- Issue #1 - Explain how this Conditional Use (if approved) is compatible with the existing adjacent property *
- Issue #2 - Explain how this Conditional Use (if approved) will not be detrimental to the use and enjoyment of properties in the immediate vicinity **.
- Issue #3 - Explain how this Conditional Use (if approved) will not substantially diminish or impair property values in the immediate vicinity **.
- Issue #4 - Explain how this Conditional Use (if approved) will not impede the normal development and improvement of vacant adjacent property *.
- Issue #5 - Explain how actions will be taken to limit nuisance to the owners/occupants of adjacent property * (i.e. noise, dust, odor, fumes, vibration, lighting, and the like)

* adjacent property . . . property which actually adjoins the affected property
** immediate vicinity . . . property within 1000 feet of the affected property outside of Rural Villages and pre-designated Recreation Areas or within 185 feet of the affected property within Rural Villages and pre-designated Recreation Areas

REQUIRED INCLUDED

YES _____ **CONDITIONAL USE DESCRIPTION . . . detailed description of this Conditional Use including use of land and buildings. If this will be a Business or Commercial Use, include details about operating hours, traffic flow, and the such**

YES _____ **PLAT MAP . . . enlarged copy of Plat Map with this property in center and all property in immediate vicinity identified with name of owner . . . PLUS**

SITE MAP (drawn to scale - preferrably on graph paper) . . . with the following information :

YES _____ **1. total acreage and dimensions of entire parcel of land . . . PLUS**

YES _____ **1a. legal description of property**

YES _____ **1b. acreage and dimensions of affected area if the Conditional Use affects only a portion of the entire parcel of land**

_____ **1c. survey of that partial portion of the entire parcel affected by Conditional Use**

YES _____ **2. dimensions, descriptions and locations of all existing and proposed buildings/ structures and other important features**

_____ **2a. set-back measurements of buildings/structures and other features**

YES _____ **3. locations of all utility systems and supply lines on and into the property**

_____ **3a. water run-off and drainage topography**

_____ **4. traffic patterns with highway/roadway access, parking areas, driveways, etc.**

_____ **5. description of the uses of property in the immediate vicinity**

_____ **6. elevations of all utilities and buildings/structures in Flood Plain Overlay District**

YES _____ **Application for Construction Permit**

_____ **Soils information from Montgomery County soil survey maps . . . OR . . .**

_____ **Soils information from a qualified soil scientist**

X _____ X _____ **Statement of impact upon the surrounding environment . . . OR . . .**

_____ **Official Environmental Impact Study from a qualified agency**

_____ **All applicable federal, state, county and/or local permits . . . OR . . .**

_____ **Proof that such permits are not required**

I (We) understand that no Public Hearing will be scheduled until all the required paperwork is completed by the applicant and submitted to and accepted by the Zoning Enforcement Officer.

I (We) certify that all the information provided on, and included with, this Application for Conditional Use Permit is complete, accurate, and truthful. I (We) understand that if any of this information is found to be incomplete, inaccurate, or fraudulent that this Application for Conditional Use Permit will be declared Null and Void. I (We) agree to pay all costs associated with processing this Application.

SIGNATURE of Applicant #1

Date

SIGNATURE of Applicant #2

Date

APPLICATION FOR CONSTRUCTION PERMIT

MONTGOMERY COUNTY
MISSOURI
PLANNING & ZONING

CONSTRUCTION PERMIT # _____
CERTIFICATE OF OCCUPANCY # _____

PLEASE PRINT CLEARLY

DATE | | | | |

OWNER(S) NAME _____ PHONE # _____

MAILING ADDRESS _____

PROJECT ADDRESS _____

Assessor's Map # _____

Estimated Value of Structure: _____

This is an application for:

- _____ 1. Erection or construction of a new structure
- _____ 2. Enlargement, alteration, or reconstruction of an existing structure
- _____ 3. Movement or relocation of an existing structure

Type of structure:

- | | | |
|---|---------------------------------|---------------------------|
| _____ A. Single family residence | _____ B. Multi family residence | |
| _____ C. Single mobile home*(See Below) | _____ D. Modular home | _____ E. Mobile home park |
| _____ F. Accessory building (or garage) | _____ G. Subdivision | _____ H. Tower |
| _____ I. Commercial structure | _____ J. Industrial structure | _____ K. Carport |

_____ 4. Construction of a new sewage disposal sysem in accordance with Montgomery County On-Site Sewage System Ordinance

_____ 5. Change in the physical use of land
Current use _____
New use _____

_____ 6. Change in the physical use of an existing structure
Type of structure (see above list) _____
Current use _____
New use _____

_____ 7. Other _____

Please continue application on reverse side --->

**Proof of age required for all mobile homes, such as a current title or other manufacturer provided information. (Eff: Jan.1, 2007)*

I (We) have included the following information as required by the Zoning Enforcement Officer to make a determination on this Application for Construction Permit -

<u>Required</u>	<u>Included</u>	
YES	_____	Construction plans for all proposed structures (on 8-1/2 x 11 paper)
		<u>Site Plan with -</u>
YES	_____	Dimensions of the piece of land and total acreage
YES	_____	Descriptions, dimensions, and locations of all existing structures
YES	_____	Descriptions, dimensions, and locations of all proposed structures
YES	_____	Total square feet of basement, first floor, second floor
_____	_____	Locations of all electrical utility systems / supply lines
_____	_____	Locations of all water supply systems / supply lines
YES	_____	Locations of all sewage disposal / treatment systems / sewer lines
_____	_____	Locations of all drainage systems
_____	_____	Locations of all waste disposal systems
YES	_____	Traffic patterns with highway access, parking areas, and driveways
_____	_____	Neighboring land, water, and air uses
_____	_____	Elevations of all utilities in Flood Plain Overlay District (See FP Admin)
_____	_____	Elevations of all structures in Flood Plain Overlay District (See FP Admin)
_____	_____	Statement of impact upon surrounding environment
YES	_____	How many Bathrooms?
YES	_____	How many Bedrooms?
YES	_____	Sewer Construction Permit obtained from Montgomery Co. Health Dept.
_____	_____	Other _____

I (We) certify that all the information provided on, and included with, this Application for Construction Permit is complete, accurate and truthful. I (We) understand that if any of this information is found to be incomplete, inaccurate, or fraudulent that this Application for Construction Permit will be denied. I (We) agree to pay all costs associated with processing this Application for Construction Permit.

Signature of Applicant #1 _____
 Signature of Applicant #2 _____
 Owner(s) Signature (If Other Than Applicant) _____

For Office Use Only: Application Approved _____ Date: _____
 Application Denied _____ Date: _____

NON-CONFORMING USE REGISTRATION

MONTGOMERY COUNTY
MISSOURI
PLANNING & ZONING

REGISTRATION # _____

PLEASE PRINT CLEARLY

DATE | | | | |

OWNER(S) NAME _____ PHONE # _____

BUSINESS NAME _____ PHONE # _____

MAILING ADDRESS _____

LANDOWNER(S) NAME _____

MAILING ADDRESS _____ PHONE # _____

This is a Registration for:

1. Physical use of Structure / Building:

- | | | |
|---|--|--|
| <input type="checkbox"/> A. Single family residence | <input type="checkbox"/> B. Two family residence | <input type="checkbox"/> C. Multi-family residence |
| <input type="checkbox"/> D. Single mobile home | <input type="checkbox"/> E. Mobile home park | <input type="checkbox"/> F. Subdivision |
| <input type="checkbox"/> G. Accessory building | <input type="checkbox"/> H. Billboard | <input type="checkbox"/> J. Tower |
| <input type="checkbox"/> K. Commercial structure | | |
| <input type="checkbox"/> L. Industrial structure | | |
| <input type="checkbox"/> M. Other | | |

2. Physical use of land:

I (We) understand that this Non-Conforming Use status shall be lost permanently if:

- The Non-Conforming Use is discontinued for a period of one (1) year ... AND/OR ...
- The Non-Conforming Use is enlarged, extensively reconstructed, or altered ... AND/OR ...
- The Non-Conforming Use is changed to a Permitted Use ... AND/OR ...
- Fifty percent (50%) or more of the Non-Conforming land and/or structure is destroyed ... AND/OR ...
- The Non-Conforming Use is not registered within the one (1) year grace period.

Revocation or Loss of Non-Conforming Use status shall be permanent. Thereafter, the use of the land and/or structure(s) shall conform to all of the zoning regulations of the Zoning District in which it is located.

One Non-Conforming Use cannot be replaced by another Non-Conforming Use.

Non-Conforming Use status can be transferred to new ownership subject to Zoning Order regulations.

Please continue registration on reverse side - - - >

I (We) have included the following information as required by the Zoning Enforcement Officer to process this Non-Conforming Use Registration -

Assessor's Map # (Include Parcel #) _____

Square footage of structure/building: _____ Other structures/buildings: #2 _____

#3: _____ #4: _____ #5: _____ #6: _____

Is there a Residence on the property? _____

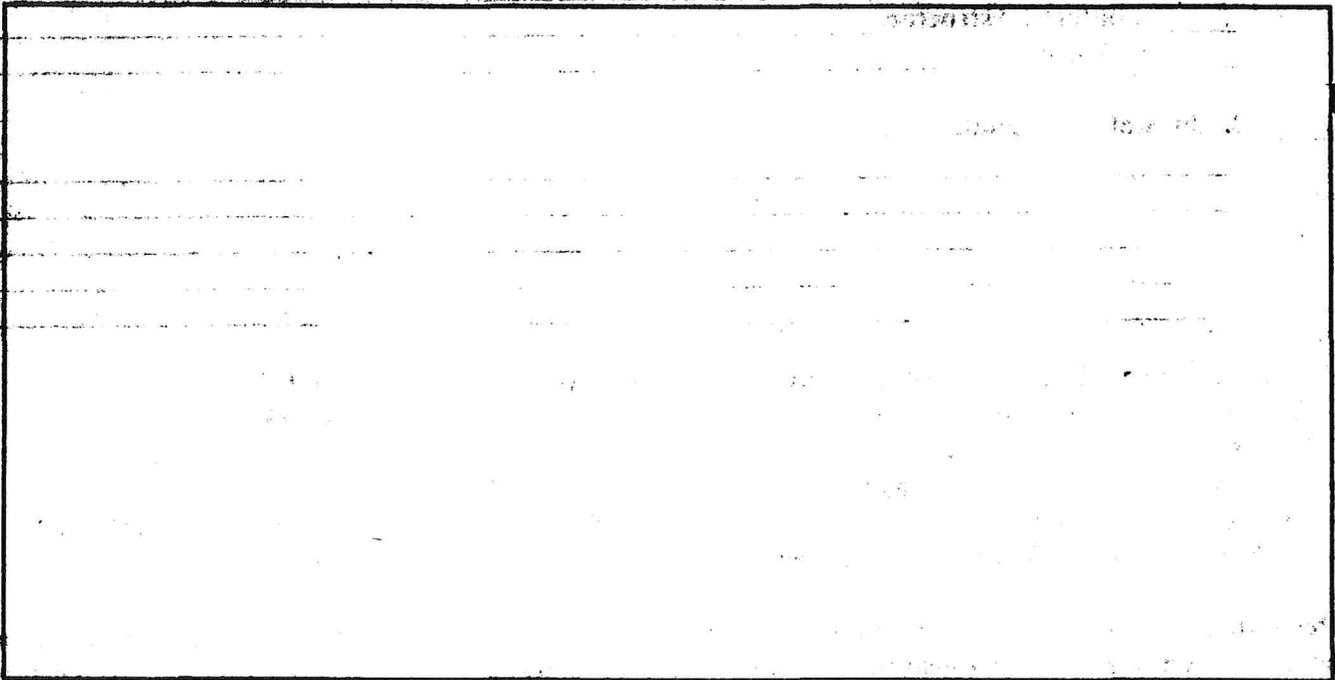
Is Residence part of the Business? Yes _____ No _____

If so, how many Sq. Ft. of Residence is Business? _____

Is Business in the Floodplain? Yes _____ No _____

Site drawing of land and structures/buildings with -

- A. Dimensions of the piece of land and total acreage
- B. Descriptions, dimensions, and locations of all existing structures
- C. Locations of all sewage disposal / treatment systems / sewer lines
- E. Other _____



I (We) certify that all the information provided on, and included with, this Non-Conforming Use Registration is complete, accurate and truthful. I (We) understand that if any of this information is found to be incomplete, inaccurate, or fraudulent that this Non-Conforming Use Registration will be denied.

Signature of Applicant #1 _____

Signature of Applicant #2 _____

REQUEST FOR REZONING

**MONTGOMERY COUNTY
MISSOURI
PLANNING & ZONING**

REZONING REQUEST # | | | | | | | | | | | | | | | |

PLEASE PRINT CLEARLY

DATE | | | | | | | |

PETITIONER(S) NAME _____

BUSINESS NAME _____

MAILING ADDRESS _____

CITY / STATE / ZIP _____

PHONE NUMBER(S) _____

OWNER(S) NAME _____

BUSINESS NAME _____

MAILING ADDRESS _____

CITY / STATE / ZIP _____

PHONE NUMBER(S) _____

_____ **Complete legal description of subject property**

_____ **Present Zoning District Classification of subject property** _____

_____ **Proposed Zoning District reclassification of subject property** _____

_____ **Statement of conditions warranting the rezoning change:**

_____ **Statement of compatibility with Master Plan:**

Please complete request on reverse side - - - >

I (We) have included the following information as required by the Zoning Enforcement Officer to process this Request for Rezoning -

<u>Required</u>	<u>Included</u>	
_____	_____	Detailed map, plot plan, and/or survey of the concerned area and all adjacent properties showing:
_____	_____	Locations and dimensions of all properties
_____	_____	Locations and dimensions of all structures
_____	_____	Existing land uses
_____	_____	Existing structure uses
_____	_____	Complete and detailed description of the proposed use of the land in the subject property
_____	_____	Complete and detailed description of the proposed use of all structures in the subject property
_____	_____	Complete legal description of all property within 1000 feet of the subject property
_____	_____	List of all property owners within 1000 feet of the subject property
_____	_____	Statement of impact upon surrounding environment
_____	_____	Other _____
_____	_____	_____
_____	_____	_____
_____	_____	Other _____
_____	_____	_____
_____	_____	_____
_____	_____	Other _____
_____	_____	_____
_____	_____	_____

I (We) certify that all the information provided on, and included with, this Request for Rezoning is complete, accurate, and truthful. I (We) understand that if any of this information is found to be incomplete, inaccurate, or fraudulent that this Request for Rezoning will be declared Null and Void. I (We) agree to pay all costs associated with processing this Request for Rezoning.

Signature of Petitioner #1 _____
Signature of Petitioner #2 _____

**MONTGOMERY COUNTY
PLANNING & ZONING**

REQUEST FOR VARIANCE

Application NO.#: _____

I request that I be granted a variance from the terms and provisions of the Zoning Ordinances for the County of Montgomery, Missouri.

Applicant for use variance must meet four requirements :

- 1. applicant must suffer unnecessary hardship in carrying out strict letter of ordinance;**
- 2. applicant must prove relief is necessary because of unique character of property;**
- 3. variance may not destroy preservation of Master Plan;**
- 4. and granting variance will result in substantial justice for all.**

The undersigned ask that a variance be granted for the following described premises located (address) in the County of Montgomery, Missouri, to-wit :

I ask that I be authorized to construct and locate improvements upon said premises in conformity with an application therefor which has been filed with the County of Montgomery, Missouri, which improvements are closer to the boundaries of said real estate than authorized by said ordinance without the approval of the Board of Appeal for said County. I agree that I will comply with all conditions and restrictions as set by the said Board of Appeal.

Signed this _____ day of _____, 19 _____

Signature : _____

REQUEST TO AMEND ZONING ORDER

**MONTGOMERY COUNTY
MISSOURI
PLANNING & ZONING**

AMENDMENT REQUEST # _____

PLEASE PRINT CLEARLY

DATE | _____

PETITIONER(S) NAME _____

BUSINESS NAME _____

MAILING ADDRESS _____

CITY / STATE / ZIP _____

PHONE NUMBER(S) _____

_____ **Please attach copies of the existing text of the Zoning Order that you wish to change.**

_____ **Please attach copies of your proposed amendment text.**

_____ **Please explain your reason(s) for requesting this change in wording of the Zoning Order:**

_____ **Statement of how your wording change is compatible with the Master Plan:**

_____ **Statement outlining any effect this amendment will have on other parts of the Zoning Order:**

I (We) certify that all the information provided on, and included with, this Request to Amend Zoning Order is complete, accurate, and truthful. I (We) understand that if this information is found to be incomplete, inaccurate, or fraudulent that this Request to Amend Zoning Order will be declared Null and Void. I (We) agree to pay all costs associated with processing this Request to Amend Zoning Order.

Signature of Petitioner #1 _____

Signature of Petitioner #2 _____

PETITION OF APPEAL

**MONTGOMERY COUNTY
MISSOURI
PLANNING & ZONING**

PETITION OF APPEAL # | | | | | | | | | | | |

PLEASE PRINT CLEARLY

DATE | | | | | | |

PETITIONER(S) NAME _____

BUSINESS NAME _____

MAILING ADDRESS _____

CITY / STATE / ZIP _____

PHONE NUMBER(S) _____

OWNER(S) NAME _____

BUSINESS NAME _____

MAILING ADDRESS _____

CITY / STATE / ZIP _____

PHONE NUMBER(S) _____

RULING UNDER APPEAL _____ # | | | | | | | | | | | |

Please attach a copy of the official order, requirement, decision, or determination under appeal.

REASON FOR MAKING THIS APPEAL:

I (We) certify that all the information provided on, and included with, this Petition of Appeal is complete, accurate, and truthful. I (We) understand that if any of this information is found to be incomplete, inaccurate, or fraudulent that this Petition of Appeal will be declared Null and Void. I (We) agree to pay all costs associated with processing this Petition of Appeal.

Signature of Petitioner #1 _____

Signature of Petitioner #2 _____

**MONTGOMERY COUNTY
PLANNING & ZONING**

CERTIFICATE OF OCCUPANCY

Owner's name : _____

Site address: _____

Type of construction : _____

Map NO.# _____ **Permit NO. #:** _____

Non-Conforming Use: _____ **Conditional Use:** _____ **Residential:** _____

Commercial: _____ **Industrial:** _____ **Floodplain:** _____

Stipulation of Use: _____

Date Certificate issued : _____

Zoning Enforcement Officer: _____

Certificate of Occupancy

#

is hereby issued to

Owner _____

Address _____

this _____ day of _____, 19____

Montgomery County
Missouri
Planning & Zoning

Zoning Enforcement Officer

Certificate of Occupancy Conditional Use

is hereby issued to

Owner _____

Address _____

this _____ day of _____, 2000

Montgomery County
Missouri
Planning & Zoning

Zoning Enforcement Officer

Certificate of Occupancy Non-Conforming Use

#

is hereby issued to

Owner

Address

this ___ day of ___, 19___

Montgomery County
Missouri
Planning & Zoning

Zoning Enforcement Officer

Certificate of Occupancy Non-Conforming Use

#

is hereby issued to

Business _____

Owner _____

Address _____

this _____ day of _____, 19____

Montgomery County
Missouri
Planning & Zoning

Zoning Enforcement Officer

CHAPTER 10 - CONDITIONAL USE

ARTICLE 1. PURPOSE

- A. The purpose of a Conditional Use is to permit a use of land and/or buildings/structures that would not be appropriate generally but which may be allowed with appropriate restrictions when:
1. Certain conditions as detailed in the Zoning Order exist and
 2. The use or development conforms with the Master Plan and
 3. The use is compatible with the existing surrounding neighborhood.

ARTICLE 2. GOVERNING BODY

- A. The County Commission shall have the authority to approve or disapprove any Conditional Use request after reviewing the written recommendation submitted by the P&Z Commission after it has conducted a proper Public Hearing on this matter.

ARTICLE 3. APPLICATION PROCESS

- A. An application for a Conditional Use Permit shall be filed with the Zoning Enforcement Officer.
- B. Any such application shall include, but not be limited to, the following information as necessary for the P&Z Commission to make a final determination:
1. Name, address and telephone number of applicant.
 2. Name, address and telephone number of owner of site (land and building/structure).
 3. Names, addresses and telephone numbers of all professionals employed to work on the project.
 4. Site Plans and Construction Blueprints/Plans.
 5. A written explanation that the Conditional Use complies with Chapter 10, Article 1, Subsections 1, 2 and 3 of this Zoning Order.
 6. Other information as requested by the P&Z Commission and/or the ZEO as necessary to make a final determination on the application for a Conditional Use Permit.

- C. Incomplete applications or applications containing errors or omissions of fact may be rejected by the Zoning Enforcement Officer or the P&Z Commission.

ARTICLE 4. APPLICATION SITE PLAN

- A. A Site Plan of the property on which the Conditional Use is requested shall be prepared and furnished by the applicant to the ZEO at the time the application is made.
- B. This Site Plan shall include, but not be limited to, the following items:
 - 1. Dimensions of the lot or piece of land in question.
 - 2. Soil conditions information as attested to by either or both of the following:
 - a. The Montgomery County soil survey maps, as prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, or its successor agency, used as a resource guide to judge soil condition.
 - b. A certified report prepared by a qualified soil scientist.
 - 3. Neighboring land, water and air uses.
 - 4. Descriptions, dimensions and locations of existing and proposed structures/buildings.
 - 5. Building plans/blueprints for all proposed structures/buildings.
 - 6. Traffic patterns with highway access and parking areas and driveway plans.
 - 7. Drainage, waste disposal, and sewage disposal systems.
 - 8. Utility supply systems.
 - 9. Impact upon surrounding environment.
- C. The MPZC may request that the site plans be submitted to the Montgomery Soil and Water Conservation District for review and recommendations on site suitability.
- D. Additional information on elevations of utilities and structures may be requested in the Flood Plain District.

ARTICLE 5. APPLICATION FEES *

- A. The ZEO shall charge and collect from each applicant submitting an Application for Conditional Use such fees as established by the P&Z Commission as necessary to process this application.
- B. Such application fees shall include, but not be limited to, the following:
 - 1. Cost of zoning materials.
 - 2. Cost of processing the application.
 - 3. Cost of publishing, posting and/or mailing legal notice of Public Hearing.
 - 4. Cost of maintain an official Court Reporter for deration of Public Hearing at the ZEO's discretion.
 - 5. Other expenses associated with this Public Hearing.

ARTICLE 6. OTHER COSTS

- A. The applicant shall also be assessed for actual costs incurred by the ZEO, P&Z Commission, and/or the County Commission for outside consulting services (i.e. legal and/or expert consultants) necessary to aid in making a decision on this matter.

ARTICLE 7. LEGAL NOTICE AND PUBLIC HEARING

- A. The P&Z Commission shall select a reasonable time and place for a Public Hearing to review evidence, listen to comments and gather facts regarding any Application for a Conditional Use.
- B. The time frame and manner in which public and legal notices of this Public Hearing shall be executed and the manner in which the Public Hearing shall be conducted are specified in Chapter 6. "Public Hearings", of this Zoning Order.
- C. Such hearings may be continued from time to time in order to gather more information in order to make the proper determination.

ARTICLE 8. FINDINGS

- A. Any recommendation by the P&Z Commission for the approval or disapproval of a Conditional Use Permit shall be based upon findings of fact and conclusions of law.

B. The P&Z Commission must determine that:

1. The Conditional Use will not be detrimental to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted in that Zoning District.
2. The Conditional Use must not substantially diminish or impair property values within the immediate vicinity.
3. The Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses permitted in that Zoning District.
4. Adequate action will be taken to limit nuisance to neighboring property owners (i.e. odor, fumes, dust, noise, vibration, lighting, etc.).

ARTICLE 9. RESTRICTIONS OR CONDITIONS

A. The P&Z Commission and/or the County Commission may stipulate that certain restrictions or conditions which affect the proposed use and which are necessary to comply with and fulfill the purposes and intent of this Zoning Order be met by the applicant before the approval of any Conditional Use Permit.

B. Such restrictions or conditions may include, but not be limited to, the following:

1. Landscaping, privacy screens fencing, lighting, and the like.
2. Increased or decreased yard size, and the like.
3. Architectural design, type of construction, construction completion dates, and the like.
4. Location, size and number of signs.
5. Certified survey maps, deed restrictions, and the like.
6. Hours of operation, and the like.
7. Improved traffic circulation, highway access restrictions, additional parking, loading and unloading areas, and the like.

ARTICLE 10. ACTION AND AUTHORIZATION

- A. The P&Z Commission shall render a written report of its findings and recommendations on this matter within thirty (30) calendar days following the close of the Public Hearing.
- B. The ZEO shall report the findings and recommendations of the P&Z Commission to the County Commission at their next regularly scheduled meeting for their subsequent action.
- C. The County Commission shall review the report of the MPZC and make a final determination on this matter within thirty (30) calendar days following receipt of the report.
- D. The ZEO shall notify the applicant in writing of the final determination of the County Commission within ten (10) business days following the decision.

SECTION 11. TRANSFER OF CONDITIONAL USE PERMIT

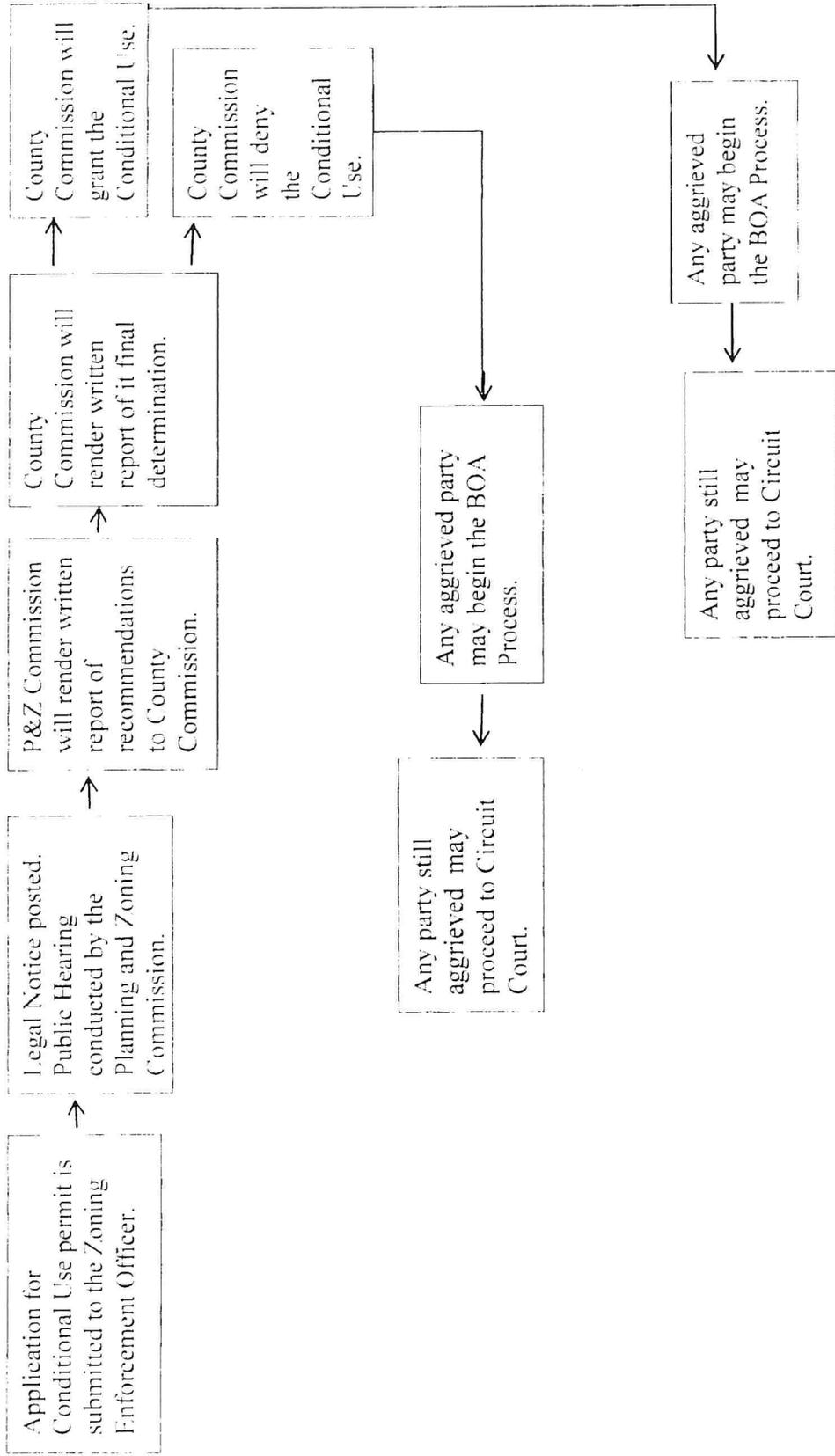
- A. Conditional Use Permits may be transferred to new owners or operators.

ARTICLE 12. COMPLIANCE

- A. If it is determined that the applicant is deviating from any of the uses, restrictions, and/or conditions specified in the Conditional Use Permit, such permit may be revoked at that time.

Article 12, Section 11, of the Code of Ordinances

CONDITIONAL USE PERMIT PROCESS:



ARTICLE 13. LENGTH OF VALIDITY

- A. Conditional Use Permits or Certificates issued by the P&Z Commission shall be valid for twenty-four (24) months following issuance.
- B. During the period of validity, the ZEO shall periodically check on the progress of the project or the stated use of the land and/or the buildings/structures.
 - 1. If the ZEO determines that diligent effort has not been put forth to make substantial progress to start or complete the project or to continue or implement the stated use of the land and/or the buildings/structures in the lack of extenuating circumstances, the Conditional Use Permit and/or Certificate may be revoked and declared null and void.
 - 2. If the project has not been completed or the stated use has not been continued or implemented within two (2) years due to extenuating circumstances, the Conditional Use Permit and/or Certificate may be extended if a diligent effort has been put forth to complete the project or implement the use.
 - 3. If the project has not been completed or the stated use has not been continued or implemented within two (2) years due to the lack of diligent effort in the absence of extenuating circumstances, the Conditional Use Permit and/or Certificate shall be revoked and declared null and void.
 - 4. If the project has been completed or the stated use is being continued, the Conditional Use Permit and/or Certificate shall continue as stated within the parameters of public record made during the Conditional Use Public Hearing.

CHAPTER 11 - NON-CONFORMING USE

ARTICLE 1. DEFINITION

- A. A Non-Conforming Use is the use of land and/or structures that does not conform to the rules and regulations of this Zoning Order (i.e. it is a prohibited use in a Zoning District) but which is permitted under certain circumstances because such use existed before the effective date of this Zoning Order.
- B. The lawful use of land and/or structures which existed at the time of the effective date of this Zoning Order, but which is now prohibited in a Zoning District, may be continued as a Non-Conforming Use although such use does not conform with the Order.
 - 1. This is commonly referred to as "Grandfathering" the use of the land and/or structure.
- C. The lawful use of land and/or structures which becomes a Non-Conforming Use through a change or amendment to this Zoning Order or the Zoning Map shall be permitted to continue as a Non-Conforming Use although such use would then not conform with the Order.
 - 1. This is commonly referred to as "Grandfathering" the use of the land and/or structure.
- D. The "Grandfathering Protection" shall be lost if:
 - 1. The Non-Conforming Use is discontinued for a period of one (1) year.
 - 2. The Non-Conforming Use is enlarged, extensively reconstructed, or altered.
 - 3. The Non-Conforming Use is changed to a Permitted Use.
 - 4. Fifty percent (50%) or more of the Non-Conforming land and/or structure is destroyed.

ARTICLE 2. LOSS OF NON-CONFORMING STATUS

- A. In the event that a Non-Conforming Use of land and/or structures is discontinued or the normal operations upon such land or within such structures is discontinued for a period of one (1) year, the status of the permitted Non-Conforming Use shall be revoked permanently.
- B. In the event that a Non-Conforming Use is changed to a Permitted Use, the status of the permitted Non-Conforming Use shall be revoked permanently.
- C. The use of the land and/or the structures shall thereafter conform to all of the zoning regulations of the Zoning District in which it is located.
- D. One Non-Conforming Use of land and/or structures cannot be replaced by another Non-Conforming Use.

ARTICLE 3. RESTRICTIONS

- A. Any non-conforming land and/or structure, or the use of same, may not be enlarged, extensively reconstructed, or altered unless such use or change is made to conform to the regulations of the Zoning District in which it is located.

ARTICLE 4. DESTRUCTION

- A. In the event that less than fifty percent (50%) of any non-conforming land and/or structure is destroyed by fire, explosion, act of God, or by the act of any public enemy such land and/or structure may be rebuilt or restored to its original location and condition and still maintain its Non-Conforming Use status.
 - 1. If such reconstruction or restoration is not completed within one (1) year of the destruction, the Non-Conforming Use status shall be permanently forfeited.
- B. In the event that fifty percent (50%) or more of any non-conforming land and/or structure is destroyed by fire, explosion, act of God, or by the act of any public enemy such land and/or structure shall lose its Non-Conforming Use status and may be rebuilt or restored only if such reconstruction or restoration conforms to all of the zoning regulations of the Zoning District in which it is located.

ARTICLE 5. CERTIFICATE OF OCCUPANCY

- A. A Certificate of Occupancy for Non-Conforming Use must be obtained from the Zoning Enforcement Officer for all non-conforming uses of land and/or structures within one (1) year of the effective date of this Zoning Order.
 - 1. There shall be no charge for this Certificate of Occupancy for Non-Conforming Use.
 - 2. The Application for a Certificate of Occupancy for Non-Conforming Use shall include, but not be limited to, the following information:
 - a. The name, address and telephone number of the applicant.
 - b. The name, address and telephone number of the owner of the land and/or structure.
 - c. A complete, detailed description of the current use of the land and/or structure.
 - d. Site Plan which contains the same information as specified in Chapter 10, Article 4, Subsections B, C, and D, of this Zoning Order.
- B. If such Certificate of Occupancy for Non-Conforming Use is not obtained within the one (1) year grace period, the "Grandfathering Protection" shall be permanently forfeited and the use of the land and/or the structures shall thereafter conform to all of the zoning regulations of the Zoning District in which it is located.

ARTICLE 6. TRANSFER OF CERTIFICATE OF OCCUPANCY FOR NON-CONFORMING USE

- A. Certificate of Occupancy for Non-Conforming Use may be transferred to new owners or operators.

ARTICLE 7. PERMIT FOR CONDITIONAL USE

- A. Notwithstanding any provisions of this Zoning Order to the contrary concerning non-conforming uses, a non-conforming use which is created upon enactment of this Zoning Order but which is classified as a conditional use in a zoning district, may apply for and be issued a Conditional Use Permit, provided the application for such permit is filed with the ZEO within one year of the effective date of this Zoning Order.



**CHAPTER 12 - AMENDMENT TO CHANGE OR MODIFY ZONING
ORDER OR TO REQUEST A REZONING OR
LAND USE CHANGE**

ARTICLE 1. AUTHORITY

- A. Whenever the public necessity, convenience general welfare, or good land use requires such amendment, the County Commission may, by order, amend, extend, or add to the regulations of this Zoning Order in accordance with the applicable provisions of R.S. Mo. Chapter 64.

ARTICLE 2. APPLICATION

- A. An application for amendment, extension or addition to the regulations within this Zoning Order shall be filed with the ZEO through any one of the following methods:
1. A petition from any resident living within the jurisdiction of this Zoning Order.
 2. A recommendation from the P&Z Commission.
 3. An action by the County Commission.
- B. Any application for amendment not initiated by the P&Z Commission shall be referred to the MPZC for study and recommendation and may not be acted upon by the County Commission until it has received a recommendation from the P&Z Commission after it has conducted a Public Hearing on this matter.

ARTICLE 3. WORDING CHANGE AMENDMENT

- A. Any application to change any of the wording of this Zoning Order shall contain, but not be limited to, the following:
1. Copy of existing text to be changed.
 2. Proposed amendment text.
 3. Reason for the requested change in wording.
 4. Statement of compatibility with the Master Plan.
 5. Statements outlining any effect that the amendment may have in other parts of the Zoning Order.
 6. Any other additional information as may be requested by the P&Z Commission.

ARTICLE 4. BOUNDARY CHANGE / REZONING AMENDMENT

1. Name and address of petitioner (owner or authorized agent of owner) accompanied by signature of same.
2. Specific and complete legal description of the subject property to be rezoned.
3. Names and addresses of all property owners within 1000 feet of the subject property.
4. Detailed map, plot plan, and/or survey of subject property and adjacent properties showing location, dimensions, existing land and structure uses, and locations of all structures.
5. Complete and detailed description of proposed use of land and/or structures within the subject property.
6. Statement of impact upon surrounding environment.
7. Present zoning district classification of the subject property.
8. Proposed zoning district reclassification of the subject property.
9. Statement of compatibility with Master Plan.
10. Statement of conditions warranting the change in the zoning district boundary.
11. Any other additional information as may be requested by the P&Z Commission.

ARTICLE 5. PROCEDURE

- A. Upon receipt of proper application for amendment or rezoning, along with all required supporting materials, the P&Z Commission shall hold a Public Hearing to review evidence, listen to comments, and collect data on this matter.
- B. The time frame and manner in which public and legal notices of this Public Hearing shall be executed and the manner in which the Public Hearing shall be conducted are specified in Chapter 6, Public Hearings, of this Zoning Order.
- C. In cases of Rezoning/Land Use Change requests, written notice of the Public Hearing shall be sent by certified by letter to all property owners within one-thousand (1000) feet of the concerned area.
 1. For the purpose of giving such mailed notice, the applicant shall be responsible for supplying the names and addresses of all such affected property owner.

ARTICLE 6. APPLICATION FEES

- A. The ZEO shall charge and collect from each applicant submitting a request to amend the Zoning Order or to request a Rezoning/Land Use Change such fees as established by the P&Z Commission as necessary to process this application.

- B. Such application fees shall include, but not be limited to, the following:
 - 1. Cost of zoning materials.
 - 2. Cost of processing the application.
 - 3. Cost of publishing and/or mailing proper legal notice of any Public Hearing.
 - 4. Other expenses associated with this Public Hearing.

ARTICLE 8. OTHER COSTS

- A. The applicant shall also be assessed for actual costs incurred by the ZEO, P&Z Commission, and/or the County Commission for outside consulting services (i.e. legal and/or expert consultants) necessary to aid in making a decision on this matter.

ARTICLE 9. ACTION AND AUTHORIZATION

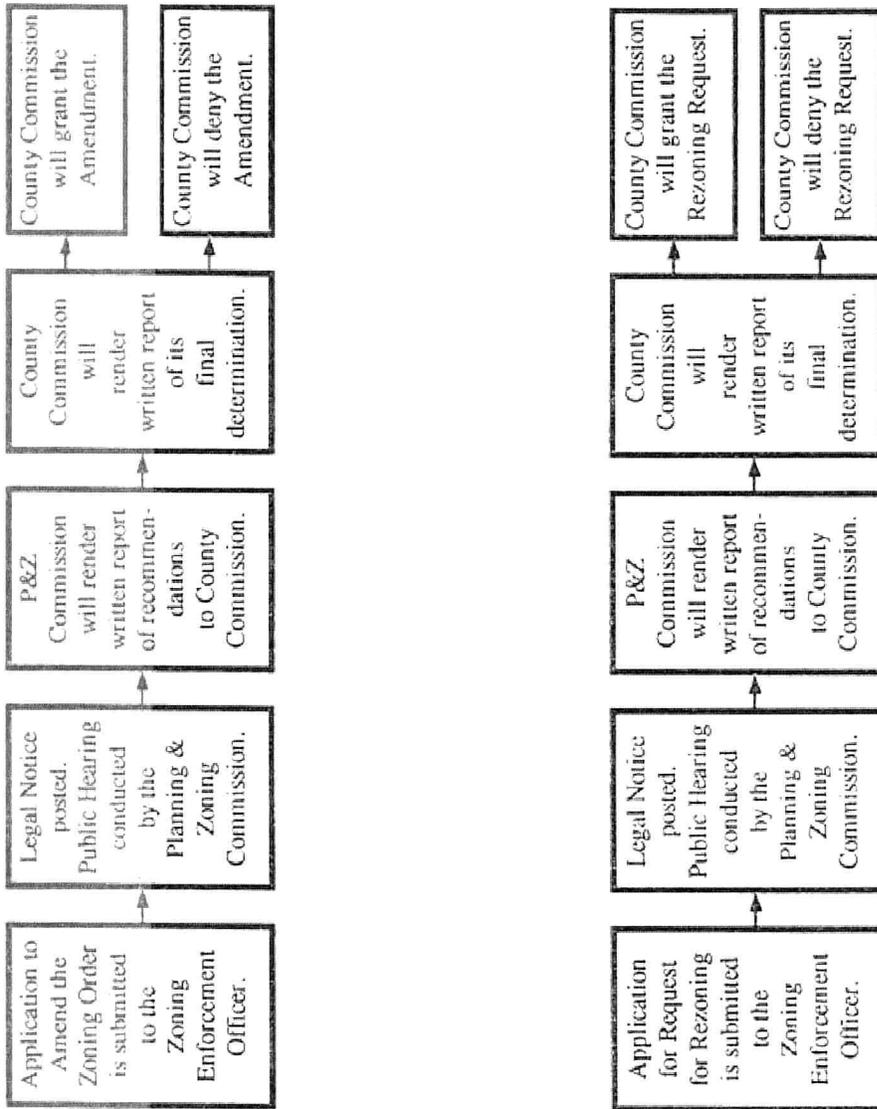
- A. The P&Z Commission shall render a written report of its findings and recommendations on this matter within thirty (30) calendar days following the close of the Public Hearing.
- B. The ZEO shall report the findings and recommendations of the P&Z Commission to the County Commission at their next regularly scheduled meeting for their subsequent action.
- C. The County Commission shall review the report of the MPZC and make a final determination on this matter within thirty (30) calendar days following receipt of the report.
- D. The ZEO shall notify the applicant in writing of the final determination of the County Commission within ten (10) business days following its decision.

ARTICLE 10. RESUBMISSION OF DENIED APPLICATION FOR REZONING / LAND USE CHANGE

- A. In the event the proposed change in the Zoning District boundaries or land use is denied by the County Commission, no request for the same proposed change will be considered for a period of one (1) year from the date of the County Commission's action.



PROCESS TO AMEND ZONING ORDER TO REQUEST REZONING



CHAPTER 13 - CONSTRUCTION PERMIT

ARTICLE 1. REQUIREMENT FOR CONSTRUCTION PERMIT

A. A Construction Permit shall be obtained prior to:

1. Erecting, constructing or reconstructing any new structure or building, or any part thereof.
2. Enlarging, altering or moving any existing structure or building, or any part thereof.
3. Changing the physical use of land, structures or buildings.

B. Construction Permits shall be required in all the unincorporated areas of Montgomery County, as well as in all the unincorporated towns and villages within the same unincorporated areas of the county.

C. Agricultural structures and buildings, except the actual residence of the owner or operator and residential accessory buildings, are exempt from the requirement to obtain a Construction Permit.

D. Construction projects which were begun, or uncompleted structures which existed, prior to the implementation of the Zoning Order shall not require a Construction Permit if the work continues uninterrupted.

1. However, if the ZEO determines that diligent effort has not been put forth to make substantial progress to complete the project or structure in the lack of extenuating circumstances within twelve (12) months following the adoption of the Zoning Order, a Construction Permit shall be required.

ARTICLE 2. APPLICATION PROCESS

A. Any application for a Construction Permit shall be filed with the Zoning Enforcement Officer.

B. Before issuing the Construction Permit, the ZEO will insure that all the terms and requirements of the Zoning Order are met and that all other applicable county, state and federal laws are complied with.

C. An application for a Construction Permit may be made by the owner of the land and/or structure or by a General Contractor employed by the owner.

1. Accessory buildings of less than 100 sq. ft. are exempt from permit regulations.

ARTICLE 3. APPLICATION REQUIREMENTS

- A. Any such application for a Construction Permit shall include, but not be limited to, the following detailed information regarding the property to be modified or constructed and a detailed explanation of the proposed use of the land and/or structure:
 - 1. Name, address and telephone number of property owner(s) and /or applicant(s).
 - 2. Name, address and telephone number of all professionals employed to work on the project
 - 3. Site Plans and Construction Blueprints/Plans.
 - 4. Other information as requested by the Zoning Enforcement Officer in order to make a final determination.
- B. Incomplete applications or applications containing errors or omissions of fact may be rejected by the ZEO.

ARTICLE 4. APPLICATION SITE PLAN

- A. The Site Plan shall include, but not be limited to, the following items:
 - 1. Dimensions of the lot or piece of land in question.
 - 2. Architectural plans for all proposed structures/buildings.
 - 3. Soils information.
 - a. The Montgomery County soil survey maps, as prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, or its successor agency, shall be used as the resource guide to judge soil conditions.
 - b. Qualified soil scientist can be used as a resource to judge soil conditions.
 - 4. Neighboring land and water uses.
 - 5. Descriptions, dimensions and locations of existing and proposed structures/buildings.
 - 6. Drainage, waste disposal, and sewage disposal systems.
 - 7. Water supply systems.
 - 8. Impact upon surrounding environment.
- B. The ZEO may request that the Site Plan be submitted to the Montgomery County Soil and Water Conservancy District for review and recommendations on site suitability.

- C. Additional information on elevations of utilities and structures may be requested in the Flood Plain District

ARTICLE 5. PERMIT ISSUANCE

- A. The ZEO shall issue the Construction Permit after proper application has been filed, reviewed for accuracy, verified to be in compliance with this Zoning Order, and all applicable fees have been paid by applicant.

ARTICLE 6. CONSTRUCTION PERMIT FEES

- A. The ZEO shall charge and collect such fees for a Construction Permit as established by the P&Z Commission to cover the costs of printed materials and enforcement of the Zoning Order.
- B. In the case of involuntary loss of any of the structures or buildings covered under a valid Construction Permit due to fire, wind, water, and the like, no additional fees shall be charged for a Construction Permit to rebuild the structure or building under the same original conditions.

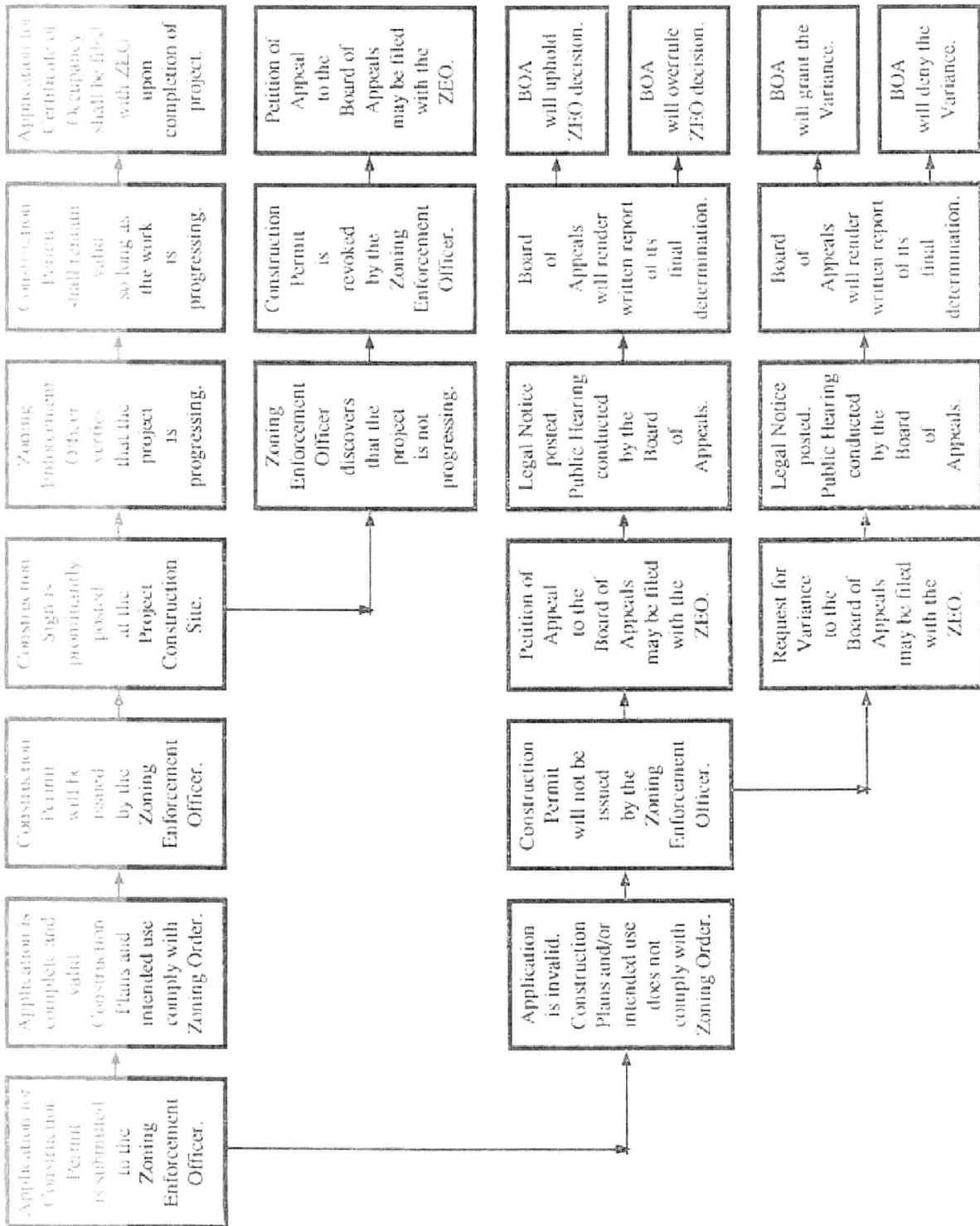
ARTICLE 7. VALIDITY OF PERMIT

- A. A Construction Permit issued under the terms of this Zoning Order shall be valid for one (1) year from the date of issuance.
- B. During the year of validity, the ZEO shall periodically check on the progress of the project.
 - 1. If the ZEO determines that diligent effort has not been put forth to make substantial progress to start or complete the project in the lack of extenuating circumstances, the Construction Permit may be revoked.
 - 2. If construction has not been completed within one (1) year due to extenuating circumstances, the Construction Permit may be extended if a diligent effort has been put forth to complete the project.
 - 3. If construction has not been completed within one (1) year due to a lack of diligent effort to complete the project, without extenuating circumstances, the Construction Permit may not be extended.

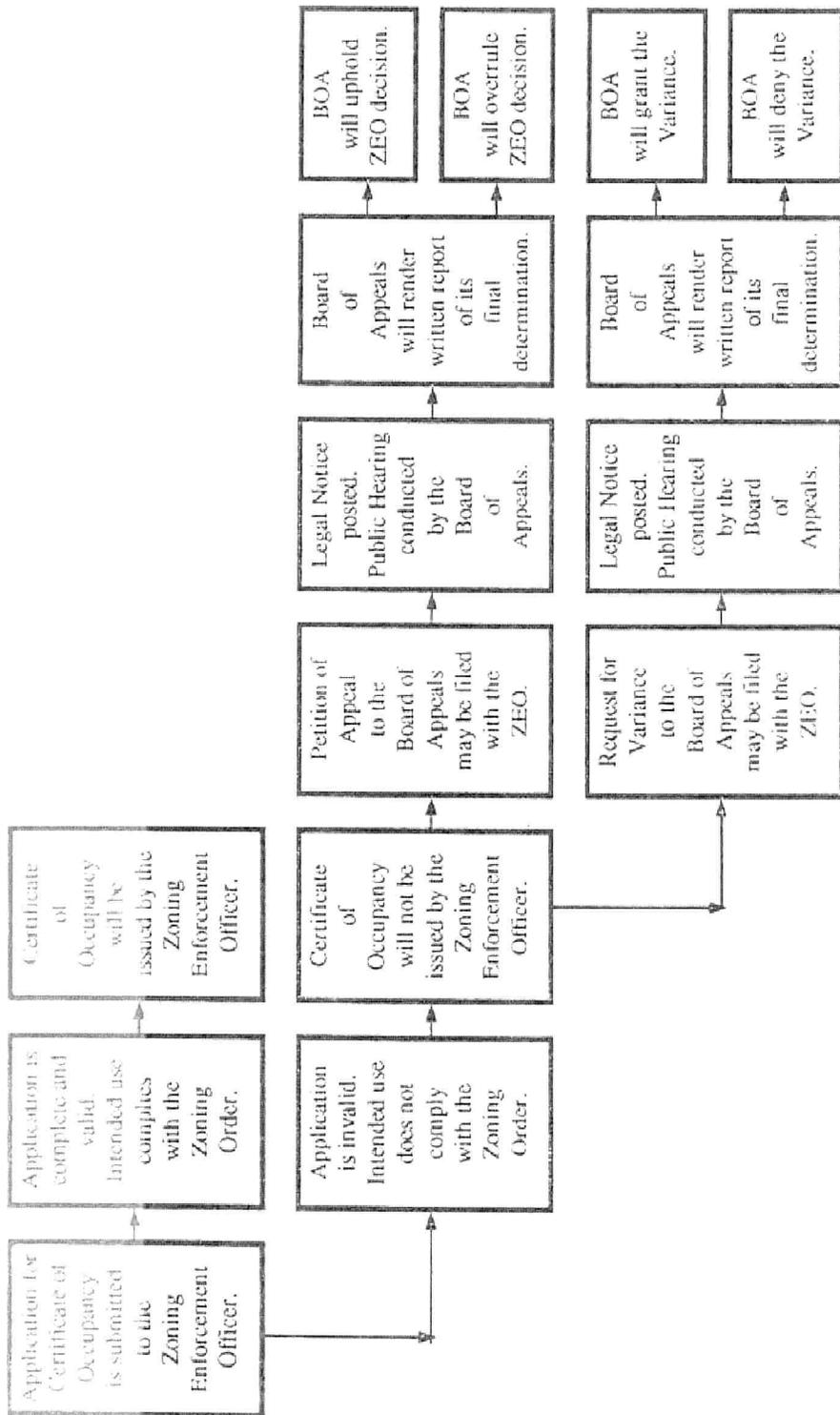
ARTICLE 8. CERTIFICATE OF OCCUPANCY

- A. When work is completed on the project, the ZEO must be notified for issuance of Certificate of Occupancy.

CONSTRUCTION PERMIT PROCESS



CERTIFICATE OF OCCUPANCY PROCESS



CHAPTER 14 - ZONING DISTRICTS

ARTICLE 1. PURPOSE

- A. All lands within Montgomery County not within the corporate limits of cities, towns, or villages, are hereby divided into Zoning Districts for the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, moving or use of buildings or structures.
- B. The Zoning Districts are hereby established as follows:
 - 1. "A" District - Agricultural District
 - 2. "R" District - Residential District
 - 3. "R-V" District - Rural Village District
 - 4. "C" District - Commercial District
 - 5. "M" District - Industrial/Manufacturing District
 - 6. "F" District - Flood Plain Overlay District
- C. Each of the above Zoning Districts is explained in further detail in appropriate chapters elsewhere in this Zoning Order.

ARTICLE 2. DISTRICT CLASSIFICATION USAGE GRID CHART

- A. The Usage Grid Chart (Appendix A) shall serve as a guideline for Permitted, Conditional, and Prohibited uses of land and buildings/structures within each Zoning District in accordance with the rules and regulations and the general intent of this Zoning Order and the Master Plan of Montgomery County.

ARTICLE 3. ZONING DISTRICT BOUNDARY MAP

- A. The boundaries of the Zoning Districts as enumerated above are hereby established as those shown on the Zoning District Map.
- B. Said Zoning District Map, and all notations, references and information shown thereon or presented in supporting documents, is hereby made a part of this Zoning Order.

C. The original Zoning District Map, and all changes, amendments or additions, shall be kept on permanent file in the office of the Zoning Enforcement Officer.

1. Copies of same shall be on display and available for public inspection in the Office of the Zoning Enforcement Officer.

ARTICLE 4. DISTRICT BOUNDARY INTERPRETATION

A. When definite distances in feet are not shown on the Zoning District Map, the Zoning District boundaries are intended to be along existing property, street, alley or platted lot lines, survey or land lines, or extensions of the same.

B. If the exact location of such lines is not clear, the ZEO shall consult with the P&Z Commission to determine such lines in a manner that conforms to the original intent and purpose of the Zoning District Map and this Zoning Order.

C. Zoning District boundaries shall be considered as extending to the street line of existing highways, roads, streets, and/or alleys, herein also referred to generally as thoroughfares.

1. When highways, roads, streets or alleys on the ground differ from the same on the Zoning District Map, the district designations on the map shall be applied to these thoroughfares in such a manner as to conform to the intent and purpose of this Zoning Order.

2. Whenever a thoroughfare is vacated, the Zoning District classification of all adjacent property shall automatically be extended to the original center line of such vacated thoroughfare.

3. Whenever a new public thoroughfare is dedicated as same, the Zoning District within that dedicated thoroughfare shall automatically become void and the Zoning District boundaries shall automatically be relocated to the street line of the thoroughfare.

ARTICLE 5. ZONING DISTRICT REGULATIONS

A. Each Zoning District shall have regulations that will be uniform throughout that Zoning District.

B. Specific regulations for each Zoning District are detailed in the individual appropriate Zoning District chapters of this Zoning Order.

C. Such regulations may include, but not be limited to, control of the following:

1. Bulk area of lots or building sites.
2. Front, back and side yard requirements.
3. Bulk area of buildings or structures.
4. Height of buildings or structures.
5. Off-street parking and loading.



CHAPTER 15 - "A" AGRICULTURAL DISTRICT

ARTICLE 1. PURPOSE

- A. To provide Zoning Districts within the unincorporated areas of Montgomery County in which the primary intent is to preserve, maintain and improve the agricultural (i.e. crop, pasture, forestry and conservation) lands of the county from helter-skelter, uncontrolled development.

ARTICLE 2. EXEMPTIONS

- A. The following are exempt from height regulations, bulk regulations, lot sizes, setback lines, etc.:
1. Agricultural buildings.
 2. Livestock buildings.
 3. Agricultural accessory buildings.
 4. Residential accessory buildings 100 square foot or less in total floor area.

ARTICLE 3. NOT EXEMPT

- A. The following are subject to bulk regulations:
1. The residences/dwellings of the land owner and/or operator situated on the same parcel of land.
 2. Residential accessory buildings or accessory dwelling greater than 100 square foot in total floor area.

ARTICLE 4. BULK REGULATIONS

Maximum Height of Dwellings	=	45 feet
Maximum Height of Single Mobile Home	=	One (1) story
Minimum Depth of Front Yard	=	50 feet
Minimum Depth of Rear Yard	=	50 feet
Minimum Width of Side Yards	=	25 feet
Minimum Lot Area	=	15,000 square feet -
Minimum Lot Width	=	100 feet
Minimum Lot Depth	=	150 feet
Minimum Dwelling Size	=	850 square feet (mobile homes exempt)
Minimum Seasonal Dwelling Size	=	100 square feet
Minimum Distance of Accessory Building from Main Building	=	10 feet -
Minimum Distance of Residential Accessory Building from Rear Line	=	4 feet -

Minimum Distance of Residential Accessory
Building from Side Line = 4 feet
Minimum Distance of Residential Accessory
Building from Front Line = not allowed in front yard

CHAPTER 16 - "R" RESIDENTIAL DISTRICT

ARTICLE 1. PURPOSE

- A. To provide Zoning Districts within the unincorporated areas of Montgomery County for the construction of residential units (i.e. single, two-, and multi-family dwellings), Mobile Home Parks, and low-density housing developments.
1. Where possible, it is encouraged that new residential construction be built as a continuation of existing cities, towns, and rural villages within the county to take advantage of the close proximity of existing roads, utilities and other services already being provided by those communities in order to minimize any detrimental impact upon the resources and environmental quality of the county.

ARTICLE 2. BULK REGULATIONS

Maximum Height of Dwelling	=	45 feet
Minimum Depth of Front Yard	=	30 feet
Minimum Depth of Rear Yard	=	30 feet
Minimum Width of Side Yards	=	15 feet
Minimum Lot Area	=	10,700 square feet
Minimum Lot Width	=	100 feet
Minimum Lot Depth	=	107 feet
Minimum Dwelling Size	=	850 square feet (mobile home exempt)
Minimum Seasonal Dwelling Size	=	100 square feet
Minimum Distance of Accessory Building from Main Building	=	10 feet
Minimum Distance of Residential Accessory Building from Rear Line	=	4 feet
Minimum Distance of Residential Accessory Building from Side Line	=	4 feet
Minimum Distance of Residential Accessory Building from Front Line	=	no allowed in front yard

Revised 4/18/06

Revised 4/2/98



CHAPTER 17 - "R - V" RURAL VILLAGE DISTRICT

ARTICLE 1. PURPOSE

- A. To provide Zoning Districts within the unincorporated areas of Montgomery County to encourage the continued existence of small unincorporated "villages" and recreational communities.
- B. These villages and recreational communities were all subdivided, platted and recorded prior to the date that the Zoning Order was adopted.

ARTICLE 2. INTENT

- A. It is the intent of the Zoning Order to be less restrictive in these areas by placing a minimal degree of restriction on their continued development.
- B. However, new development of future rural villages and recreational communities shall comply with the requirements of the Zoning District in which they are located.
- C. In all unincorporated areas of the County, it is further understood that the size of all such parcels of land is also dependent upon compliance with all current state laws regarding the sewage disposal systems for residential occupancy.
 - 1. However, at no time shall the size of such parcel of land be less than the minimum specified in this Order.

ARTICLE 3. EXISTING RURAL VILLAGES

- A. This Zoning Order hereby recognizes the following existing rural villages:
 - 1. Danville
 - 2. Mineola
 - 3. Big Spring
 - 4. Americus
 - 5. Gamma
 - 6. Buell
 - 7. Marling
 - 8. Price's Branch
 - 9. Bluffton

ARTICLE 4. BULK REGULATIONS

Maximum Height	=	45 feet
Minimum Depth of Front Yard	=	10 feet
Minimum Depth of Rear Yard	=	10 feet
Minimum Width of Side Yards	=	5 feet
Minimum Dwelling Size	=	850 square feet (mobile homes are exempt)
Minimum Seasonal Dwelling Size	=	100 Square feet
Minimum Lot Area	=	As currently platted

Minimum Distance of Accessory Building from Main Building	=	10 feet
Minimum Distance of Residential Accessory Building from Rear Line	=	4 feet

CHAPTER 18 - "C" COMMERCIAL DISTRICT

ARTICLE 1. PURPOSE

A. To provide Zoning Districts within the unincorporated areas of Montgomery County for the location of businesses which provide a wide range of goods and services.

1. Such districts will be conveniently located near existing urban developments and/or easily accessible to major transportation routes so as to encourage, not impede, the growth of businesses within the county.

ARTICLE 2. BULK REGULATIONS FOR COMMERCIAL STRUCTURES

Maximum Height	=	45 feet
Minimum Depth of Front Yard	=	30 feet
Minimum Depth of Rear Yard	=	30 feet
Minimum Width of Side Yards	=	30 feet
Minimum Lot Area	=	9,000 square feet
Minimum Lot Width	=	90 feet
Minimum Lot Depth	=	100 feet
Minimum Building Size	=	1,200 square feet
Minimum Parking Area	=	Adequate to meet needs of operation

ARTICLE 3. BULK REGULATIONS FOR RESIDENTIAL STRUCTURES

Maximum Height of Dwelling	=	45 feet
Minimum Depth of Front Yard	=	50 feet
Minimum Depth of Rear Yard	=	50 feet
Minimum Width of Side Yards	=	25 feet
Minimum Lot Area	=	10,700 square feet
Minimum Lot Width	=	100 feet
Minimum Lot Depth	=	107 feet
Minimum Dwelling Size	=	850 square feet (mobile homes exempt)
Minimum Seasonal Dwelling Size	=	100 square feet
Minimum Distance of Accessory Building from Main Building	=	10 feet
Minimum Distance of Residential Accessory Building from Rear Line	=	4 feet
Minimum Distance of Residential Accessory Building from Side Line	=	4 feet
Minimum Distance of Residential Accessory Building from Front Line	=	not allowed in front yard



CHAPTER 19 - "M" INDUSTRIAL/MANUFACTURING DISTRICT

ARTICLE 1. PURPOSE

- A. To provide Zoning Districts within the unincorporated areas of Montgomery County for the location of businesses associated with the production, cleaning, servicing, storage, testing, repair, etc. of products, goods and materials.
1. While such districts will be conveniently located near existing urban developments and easily accessible to major transportation routes, care will be taken to protect the residents and land of adjoining property from any by-products of such industries (i.e. noise, vibration, smoke, dust, toxic materials, odors, fire, glare, explosion, and other such inconveniences and hazards) which would be detrimental to quality of life and safety.

ARTICLE 2. BULK REGULATIONS

Maximum Height	=	150 feet*
Minimum Depth of Front Yard	=	30 feet
Minimum Depth of Rear Yard	=	30 feet
Minimum Width of Side Yards	=	30 feet
Minimum Lot Area	=	12,500 square feet (to accommodate all requirements, septic to be a major determining factor)
Minimum Building Size	=	2,600 square feet
Minimum Parking Area	=	Adequate to meet needs of operation

* changed up/12



CHAPTER 20 - "F" FLOODPLAIN OVERLAY DISTRICT

ARTICLE 1. PURPOSE

- A. The creation of a Floodplain Overlay District is necessary to protect the people and lands of the unincorporated areas of Montgomery County from the potential hazards of flooding (i.e. loss of life, destruction of property, and erosion of land) and to conserve and develop the county's Floodplains.
 1. The agricultural use of the lands within this overlay district will be encouraged where practicable, while residential, commercial and industrial development will be sharply restricted.
- B. Model Floodplain Management Ordinance 60.3(b), dated August 29, 1996 is hereby accepted as part of this Zoning Order.
- C. This overlay district is not a separate Zoning District but is one which acts in conjunction with the underlying Zoning Districts as specified in this Zoning Order.
- D. The rules and regulations of each underlying Zoning District shall apply to the Floodplain Overlay District.
 1. In cases where there is a difference between the regulations of a Zoning District and the regulations of the Model Floodplain Management Ordinance 60.3(b), the more restrictive regulations shall apply.



CHAPTER 21 - MOBILE HOMES, SINGLE

ARTICLE 1. PURPOSE

- A. To provide uniform guidelines for the placement and appearance of one (1) Mobile Home situated on a single parcel of land and used as a Single-Family Dwelling within the unincorporated areas of Montgomery County.
- B. Chapter 22, "Mobile Home Community/Park", of this Zoning Order addresses the issue of multiple Mobile Homes placed in a Mobile Home Community.

ARTICLE 2. PERMIT

- A. Any person wishing to place a Mobile Home in an unincorporated area of the County shall make proper Application with the Zoning Enforcement Officer.
- B. The ZEO shall issue proper Permits and/or Certificates for same after verifying that all rules and regulations of this Order are complied with and all applicable fees have been paid.

ARTICLE 3. GENERAL PROVISIONS

- A. A mobile home manufactured more than 10 years prior to date of application will not be permitted in Montgomery County. A current title or other form of manufacturer provided identification showing year of manufacture of the mobile home must be provided at time of permit application.¹
- B. Each Mobile Home shall be a Single-Family Dwelling only.
- C. Each Mobile Home shall be located on a single parcel of land.
- D. Each Mobile Home must have all the appropriate and original manufacturer's seals as required by law permanently and prominently affixed to the unit.
- E. Each Mobile Home shall be anchored with tie-down straps as per all applicable laws, rules and regulations, and/or insurance requirements.
- F. Each Mobile Home shall be located upon a concrete slab, concrete runners, piers, or a permanent foundation or basement.

¹Rev. 10/17/06

ARTICLE 4. LOT SIZE REQUIREMENTS

- A. Each parcel of land in the unincorporated areas of Montgomery County upon which a Mobile Home is placed shall be subject to minimum lot size requirements.
 - 1. In unincorporated rural areas of the County zoned for the placement of Mobile Homes, and not designated as Rural Village Districts, the minimum size of this parcel of land shall be not less than (3) acres, or subject to approval by the department of health for the septic system, **excluding** holding tanks.
 - 2. In unincorporated rural areas of the County designated as Rural Village Districts, the minimum size of this parcel of land is specified in Chapter 17, "Rural Village District", of this Zoning Order.
- B. In all unincorporated areas of the County, it is further understood that the size of all such parcels of land is also dependent upon compliance with all current state laws regarding the sewage disposal systems for residential occupancy.
 - 1. However, at no time shall the size of such parcel of land be less than the minimum specified in this Order.

ARTICLE 5. GENERAL APPEARANCE

- A. Each Mobile Home shall be maintained, and repaired as necessary, to assure the health, safety, and well-being of all persons.
- B. Each Mobile Home shall have underpinning that is maintained, and repaired as necessary, to assure the health, safety and well-being of all persons.
 - 1. All underpinning shall be of a texture and/or color that is compatible with the exterior of the Mobile Home itself.
- C. A covered or open patio area, attached to or detached from the Mobile Home, is permitted to be constructed at any entrance door.

ARTICLE 6. SETBACK LINES / LOCATION ON PROPERTY

- A. The setback lines shall be measured from either:
 - 1. The actual property lines, if that side of the property is not located on a state or county roadway.
 - 2. The roadway easement line, if that side of the property is located on a state or county roadway.

- B. The Mobile Home shall be located at least fifty (50) feet from any state or county roadway.
- C. The Front Yard shall have a minimum depth of fifty (50) feet.
- D. The Back Yard shall have a minimum width of twenty-five (25) feet.
- E. The Side Yards shall have a minimum width of twenty-five (25) feet.

- 1. The minimum width of Side Yards located on state or county roadways shall be fifty (50) feet.

ARTICLE 7. ACCESSORY BUILDINGS

- A. Accessory buildings may not be located in the Front Yard.
- B. Accessory buildings which are attached to, or located ten (10) feet or closer to, the Mobile Home shall be considered a part of the Mobile Home itself and subject to the setback lines and yard widths/depths as herein specified.
- C. This building shall not be closer then four (4) feet from any Side Yard Line or Back Yard Line.

ARTICLE 8. LANDSCAPING AND MAINTENANCE

- A. Landscaping is encouraged so that the Mobile Home and its site present a pleasing appearance and blend in harmoniously with the surrounding environment.
- B. Storage facilities should be provided so that personal property and equipment is not left out in the yards to clutter and litter the property.

ARTICLE 9. UTILITIES

- A. Each parcel of land upon which a Mobile Home is located shall have all of the utilities (electricity, water, sewer, gas, etc.) necessary to provide for the health, safety, and well-being of all persons.
- B. It is of paramount importance that all of these utilities shall be installed in such a manner that the health, safety, and well-being of all persons is protected.
 - 1. All utilities shall be installed according to current local, state, and federal laws, statutes, and regulations, especially R.S. Mo. Chapter 700.
 - 2. All utilities shall be located underground wherever and whenever possible.

CHAPTER 22 - MOBILE HOME COMMUNITY/PARK

DEFINITION: A parcel of land under ownership by one entity that has been planned and improved for the placement of two or more mobile homes or lots for rental purposes. (Rev. 4/21/05)

ARTICLE 1. PURPOSE

- A. To insure the systematic development of Mobile Home Communities within Montgomery County which will provide an environment that will promote the health, safety, and general well-being of the citizens of the unincorporated areas of the County.
- B. In this Zoning Order, the terms Mobile Home Community, and Mobile Home Park shall have the same meaning and are interchangeable.

ARTICLE 2. REGULATIONS AND STANDARDS

- A. The development of any Mobile Home Community shall be governed by standards and/or recommendations made by, but not limited to, the following governing agencies:
 - 1. This Chapter 22, "Mobile Home Community/Park", of the Montgomery County Zoning Order.
 - 2. Current Missouri laws, and/or statutes.
 - a. R.S.Mo, Chapter 700.
 - b. Department of Health.
 - 3. Current Federal laws, statutes, and approved standards.
 - a. Department of Housing and Urban Development.
 - b. The American Standards Institute (ANSI).
 - c. National Fire Protection Association.
 - d. Manufactured Housing Institute.

ARTICLE 3. SITE PLANNING

- A. The property upon which the Mobile Home Community is located should be well drained and free from topographical or geological hindrances.
- B. The area shall be designed so as to provide for:
 - 1. The appropriate number of mobile home lots.

2. Adequate parking areas for motor vehicles.
 3. Access roads, interior roads/streets, and walkways.
 4. Open Space where required.
- C. Each Mobile Home Park shall be located on a single parcel of land containing a minimum of five (5) acres.
1. No Mobile Home Park shall permit a maximum density of more than five (5) Mobile Home Lots per acre.
 2. Each Mobile Home Lot shall contain a minimum of 6,200 square feet.
 3. Each lot shall contain no more than one (1) Mobile Home.
- D. Whenever the Mobile Home Park is divided into ten (10) or more Mobile Home Lots, at least twenty percent (20%) of the total area of the property must be set aside as Open Space.

ARTICLE 4. ROADS AND PARKING FACILITIES

- A. There shall be only one (1) access/egress road or street for the entire park which shall serve as the only common entrance into and exit out of the park.
1. This common entrance/exit shall have a direct connection to a public transportation lane (i.e. a county or state street, road or highway).
 2. This common entrance/exit shall be constructed of any one of the following types of hard, prepared, all-weather surfaces:
 - a. Oil and chip.
 - b. Asphalt.
 - c. Concrete.
 - d. Specifications for the construction of these road surfaces are contained as Supporting Documents at the end of this Chapter.
 3. The width of this common entrance/exit may vary according to its use as follows:
 - a. Minimum of thirty-four (34) feet if parking is permitted on both sides.
 - b. Minimum of twenty-seven (27) feet if parking is permitted on only one side.
 - c. Minimum of twenty-four (24) feet if parking is not permitted on either side.

- B. Interior roads/streets shall provide for efficient traffic flow through the Mobile Home Park and shall provide a direct connection between the common entrance/exit roadway and the individual Mobile Home Lots.
1. These interior roads/streets shall be constructed of any one of the following types of hard, prepared, all-weather surfaces:
 - a. Oil and chip.
 - b. Asphalt.
 - c. Concrete.
 - d. Specifications for the construction of these road surfaces are contained as Supporting Documents at the end of this Chapter.
 2. The width of interior roads/streets may vary according to its use as follows:
 - a. Minimum of thirty-four (34) feet if parking is permitted on both sides.
 - b. Minimum of twenty-seven (27) feet if parking is permitted only on one side.
 - c. Minimum of twenty-four (24) feet if parking is not permitted on either side.
- C. Where parking is not permitted on the interior road/street, each Mobile Home Lot shall contain at least two (2) parking spaces on the lot itself.
1. Each such parking space shall have a minimum width of nine (9) feet and a minimum depth of twenty (20) feet.
- D. Where parking is permitted on the interior road/street, each Mobile Home Lot shall contain at least one (1) parking space on the lot itself.
1. Each such parking space shall have a minimum width of nine (9) feet and a minimum depth of twenty (20) feet.
- E. A separate visitor parking area is required with one (1) common visitor parking space per three (3) Mobile Home Lots.
- F. A separate parking area shall be provided for the storage of such things as seasonal recreational vehicles, boats, utility trailers, and the like.

ARTICLE 5. MOBILE HOMES

- A. A mobile home manufactured more than 10 years prior to date of application will not be permitted in Montgomery County. A current title or other form of manufacturer provided identification showing year of manufacture of the mobile home must be provided at time of permit application.¹
- B. Each Mobile Home in the park shall be a Single-Family Dwelling unit only.
- C. Every Mobile Home in the Park must have all the appropriate and original manufacturer's seals as required by law permanently and prominently affixed to the unit.
- D. The following types of units are not considered to be Mobile Homes under the provisions of this Zoning Order:
 - 1. Any type of Recreational Vehicle.
 - 2. Any passenger vehicle converted into living quarters (i.e. bus, van, pick-up camper, etc.).
 - 3. Any park model manufactured home.
 - 4. Anything else not originally designed or manufactured as a Mobile Home.
- E. Each Mobile Home shall be maintained, and repaired as necessary, to assure the health, safety and well-being of all persons.
- F. Each Mobile Home shall be anchored with tie-down straps as per applicable laws, rules and regulations, and/or insurance requirements.
- G. Each Mobile Home shall have underpinning that is maintained, and repaired as necessary, to assure the health, safety and well-being of all persons.
 - 1. All underpinning shall be of a texture and/or color that is compatible with the exterior of the Mobile Home itself.

ARTICLE 6. MOBILE HOME LOTS

- A. The setback lines shall be measured from either:
 - 1. The lot boundary lines or the actual property line, if that side of the lot or the property is not located on a state or county roadway or on any of the Mobile Home Park roadways.
 - 2. The roadway easement line, if that side of the lot or the property is located on a state or county roadway or on any of the Mobile Home Park roadways.

- B. Each Mobile Home Lot shall have a minimum area of 6,200 square feet.
 - 1. The minimum width of each lot shall be 62 feet.
 - 2. The minimum depth of each lot shall be 100 feet.
- C. Yard Depths and Yard Widths for each lot are established as follows:
 - 1. The Front Yard shall have a minimum depth of twenty-five (25) feet.
 - 2. The Back Yard shall have a minimum depth of twenty (20) feet.
 - 3. The Side Yards shall have a minimum width of fifteen (15) feet.
- D. Each Mobile Home shall be positioned upon a concrete slab, concrete runners, piers, or a permanent foundation or basement.
- E. Storage is permitted under the Mobile Home within the area enclosed by the underpinning.
 - 1. One small storage shed shall be permitted per Mobile Home Lot.
 - a. This shed shall be located in either the Side Yard or the Back Yard.
 - b. This shed shall not be closer than four (4) feet from any Side Yard Line or the Back Yard Line.
- F. The original floor space or height of any Mobile Home shall not be altered or increased in any way by the permanent or temporary addition of exterior rooms, storage areas, protective roofs and the like.
 - 1. A covered or open patio area is permitted to be constructed at any entrance door.
 - a. Such patio area shall not exceed six (6) foot in depth nor ten (10) foot in width.
 - b. Such patio area may be attached to or detached from the Mobile Home.
- G. Individual Mobile Home Lots may not be sold.

SECTION 7. UTILITIES

- A. Each Mobile Home Park shall provide all of the utilities (electricity, water, sewer, gas, etc.) necessary to provide for the health, safety, and well-being of all persons.

- B. It is of paramount importance that all of these utilities shall be installed in such a manner that the health, safety, and well-being of all persons is protected.
1. All utilities shall be installed according to current local, state and federal laws, statutes, and regulations.
 2. All utilities shall be located underground wherever and whenever possible, especially to the individual Mobile Home Lots.

SECTION 8. PARK LANDSCAPING AND MAINTENANCE

- A. Each Mobile Home Lot shall have at least one (1) living tree planted and growing upon it.
- B. All areas not dedicated as transportation lanes or parking spaces shall be landscaped with grass and/or ornamental flowers and/or shrubs.
- C. All park grounds, including individual lots, shall be groomed and maintained in such a manner, and as needed, to present a pleasing appearance and to avoid the creation of any health and/or safety hazards.
- D. Park owners may be required to provide a buffer zone or a screening barrier around the boundaries of the Mobile Home Park to visually and/or physically separate the park from adjacent properties.
- E. Park owners may be required to provide a screening barrier within the park to visually and/or physically separate parts of the park.
1. Centralized trash dumpster shall have a screening barrier.
 2. Storage areas may be required to have a screening barrier.
- F. All park utility buildings, maintenance sheds, storage buildings, and the like shall be kept in good repair and maintenance shall be performed as necessary to provide for the health, safety, and well-being of the general public.
- G. All of the Mobile Home Park's roads/streets (access and interior) shall be maintained in good condition at all times.

ARTICLE 9. OPEN SPACE

- A. Whenever the park is divided into ten (10) or more lots, at least twenty percent (20%) of the total area of the property must be set aside as Open Space.
1. Areas set aside as Buffer Zones and any portion of an individual Mobile Home Lot shall not be included as common usable Open Space, and cannot be included when calculating the twenty percent (20%) of the total area of the property.

2. No more than one-third (a) of the Open Space shall be used for buildings or structures other than swimming pools or recreational game courts/areas.
- B. Facilities which may be located in the Open Space shall include, but not be limited to, the following :
1. Swimming pool.
 2. Common-use playground equipment.
 3. Recreational game courts or areas (i.e. tennis courts, ball fields, and the like).
 4. Game rooms and/or recreation rooms.
 5. Clubhouse.
 6. Park service buildings (i.e. laundry facilities, restrooms, showers, etc.)
 7. Park storage facilities.
 8. Green areas, lawns, landscaped areas, wooded areas, and the like.
 9. Picnic areas.

ARTICLE 10. APPLICATION PROCESS

- A. Any application for the construction of a Mobile Home Park shall be filed with the Zoning Enforcement Officer.
- B. The ZEO shall verify that the Application and all supporting documents are complete and accurate.
- C. Any application for the construction of a Mobile Home Park shall include, but not be limited to, the following:
1. Name and address of property owner and/or General Contractor of the project.
 2. Name and address of all professionals employed to work on the project.
 3. Site Plan for the Mobile Home Park.
 4. Other information as required by the ZEO and/or the P&Z Commission in order to make a final determination.
- D. Incomplete applications or applications containing errors or omissions of fact may be rejected by the ZEO or the P&Z Commission.

ARTICLE 11. SITE PLANS

- A. The Site Plan shall include, but not be limited to, the following information:
1. Complete legal description of the property to be developed.
 2. Area and dimensions of the property.
 3. Drainage, topography, and soils information.
 4. Number, location and dimensions of all Mobile Home Lots.
 5. Location, width, and construction material of all access roadways, interior roadways, and common parking areas.
 6. Location, dimensions, and description of all current and/or proposed service buildings and other structures.
 7. Location and dimensions of all common storage areas.
 8. Location and dimensions of all Open Space with designations of how the various areas of this Open Space will be used.
 9. Location and dimensions of all Buffer Zones and Screening Barriers.
 10. Plans and specifications of all utility supply lines (electric, water, sewer, gas, etc.) including the locations of all riser pipes.
- B. The P&Z Commission may require any such other additional information as necessary to make a final decision on the approval or disapproval of the Mobile Home Park application.

ARTICLE 12. APPLICATION FEES

- A. The ZEO shall charge and collect from each applicant submitting a request to construct a Mobile Home Park such fees as established by the P&Z Commission as necessary to process this application.
- B. Such application fees shall include, but not be limited to, the following:
1. Cost of zoning materials.
 2. Cost of processing the application.
 3. Costing of publishing and/or mailing notices of the Public Hearing.
 4. Other expenses associated with this Public Hearing.

ARTICLE 13. OTHER COSTS

- A. The applicant shall also be assessed for actual costs incurred by the ZEO and/or the P&Z Commission for outside consulting services (i.e. legal and/or expert consultants) necessary to aid in making a decision on this matter.

ARTICLE 14. LEGAL NOTICE AND PUBLIC HEARING

- A. The P&Z Commission shall select a reasonable time and place for a Public Hearing to review evidence, listen to comments and gather facts regarding any Application for the Construction of a Mobile Home Park.
- B. The time frame and manner in which public and legal notices of this Public Hearing shall be executed and the manner in which the Public Hearing shall be conducted are specified in Chapter 6, "Public Hearings", of this Zoning Order.

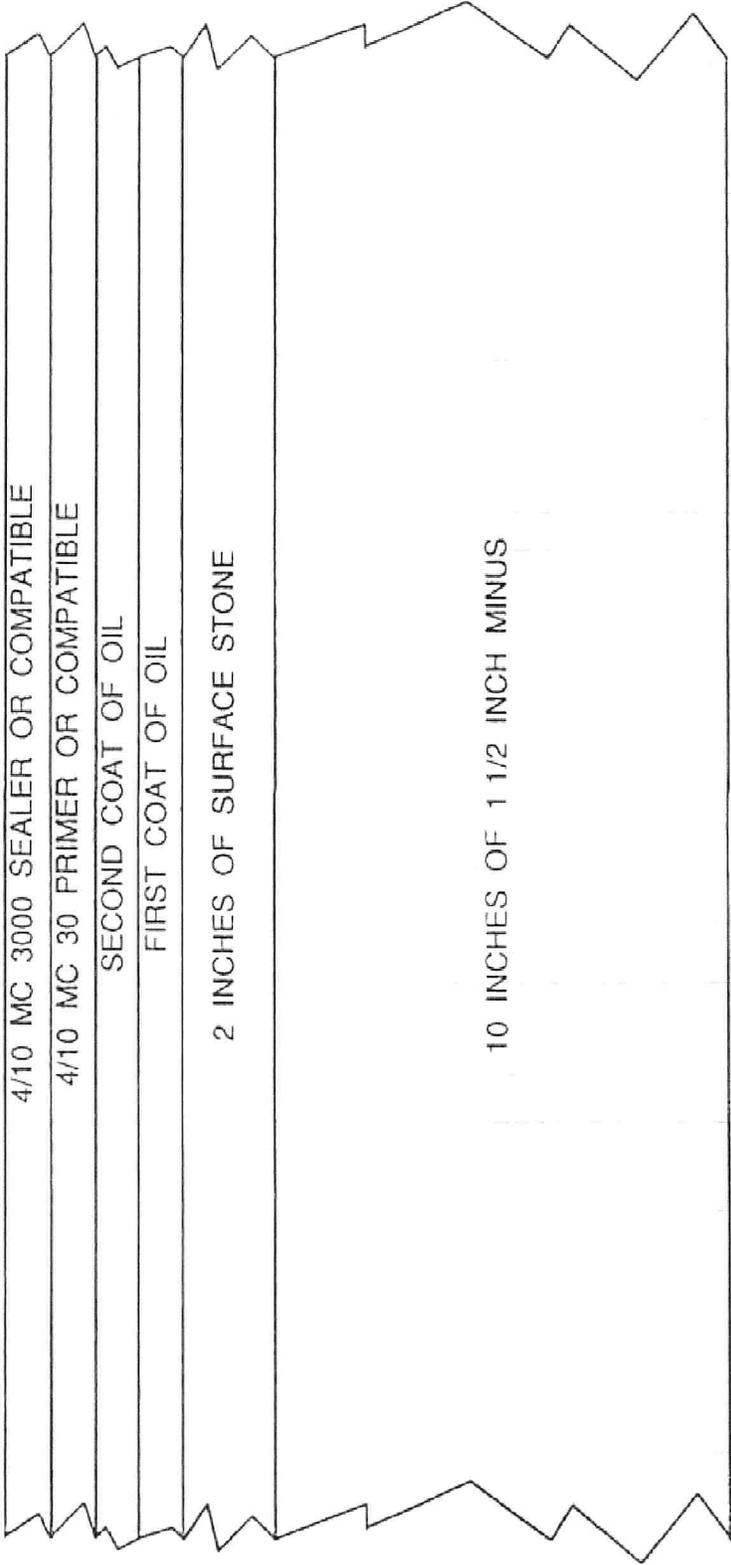
ARTICLE 15. ACTION AND AUTHORIZATION

- A. The P&Z Commission shall render a written report of its decision to approve or disapprove the Application for construction of the Mobile Home Park within thirty (30) calendar days following the close of the Public Hearing.
- B. The ZEO shall notify the applicant in writing of the final decision of the P&Z Commission within ten (10) business days following the decision.

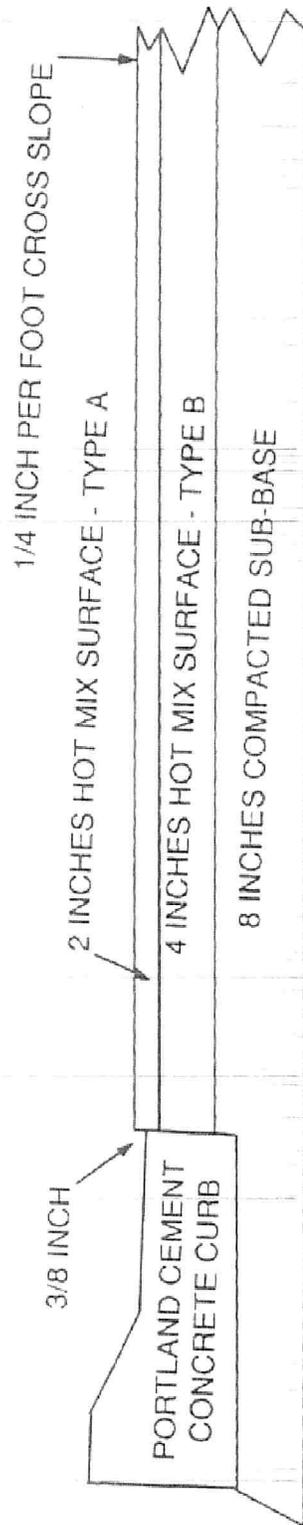
ARTICLE 16. PERMIT ISSUANCE

- A. Upon approval of the Application for construction of a Mobile Home Park, the ZEO shall issue all required Construction Permits and/or Occupancy Certificates.
 1. Such Permits and/or Certificates shall be issued only after all applicable fees for same have been collected by the ZEO.

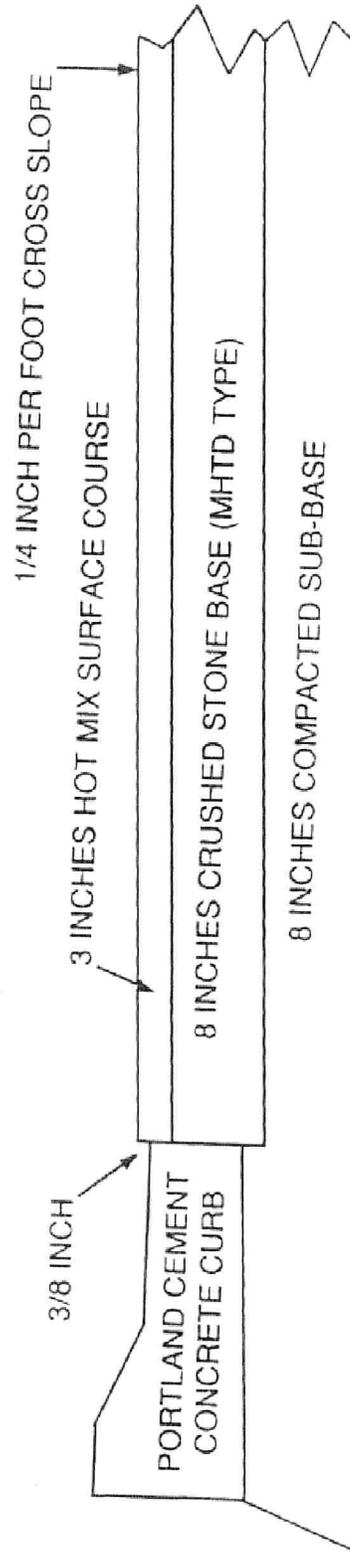
OIL & CHIP ROADWAY SURFACE



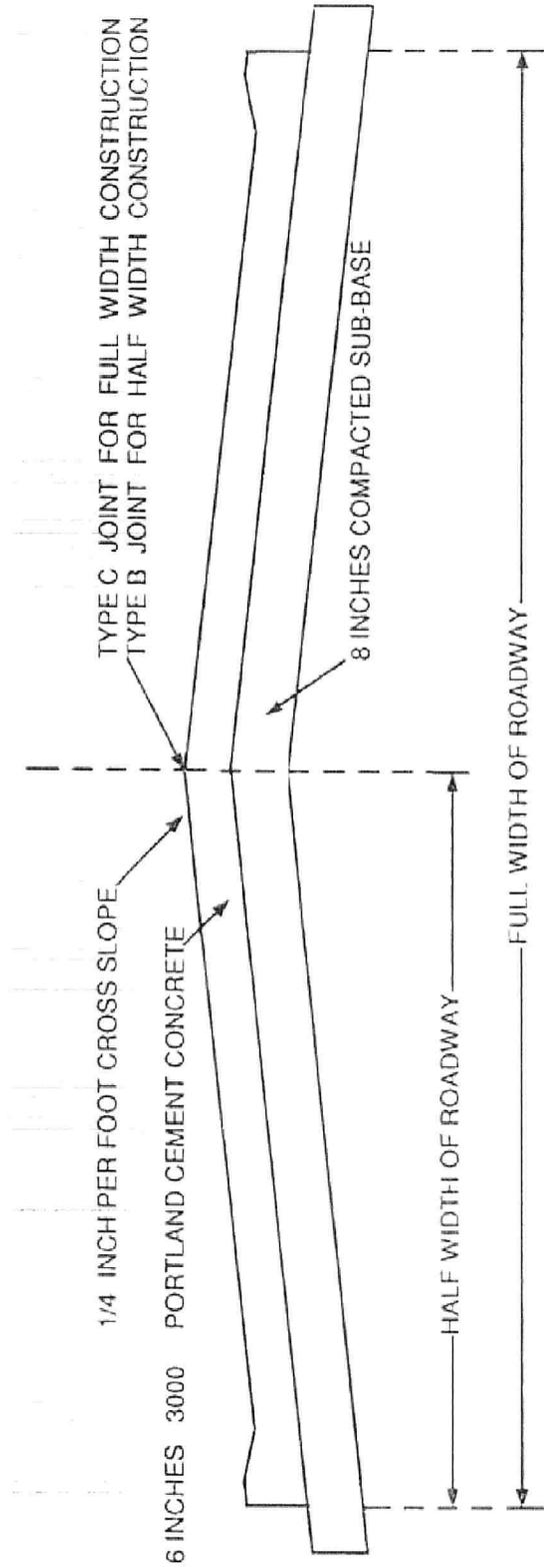
ASPHALTIC CONCRETE PAVEMENT



ASPHALTIC CONCRETE PAVEMENT



PORTLAND CEMENT CONCRETE PAVEMENT



CHAPTER 23 - VEHICLE GRAVEYARDS

ARTICLE 1. PURPOSE

- A. To provide uniform guidelines for establishing and maintaining vehicle graveyards which safeguard the comfort, health and safety of the general population and protect the enjoyment of life and property while protecting the value of neighboring properties.

ARTICLE 2. DEFINITIONS

- A. Vehicle Graveyard is defined as any area or place of business maintained, used or operated for storing, keeping, buying, or selling of ten (10) or more wrecked, scrapped, ruined or dismantled motor vehicles or parts thereof at one time, or that exceeds fifty (50) such vehicles in any calendar year.

ARTICLE 3. PROVISIONS

- A. No vehicle graveyard shall be allowed within one thousand (1,000) feet of the nearest edge of right-of-way of any Interstate Highway or State Highway 19 or two hundred (200) feet of any State or County roadway except for:
 - 1. Those screened by natural objects, plantings, fences, or other appropriate means so as to render them not visible from the traveled way of the roadway involved. Such screening shall be tight board or other screen fence (uniform and intact) not less than ten (10) feet high, or of sufficient height to screen scrapped vehicles kept therein from the view of persons using the road on foot or in vehicles in the ordinary manner.
 - 2. Those not visible from the right-of-way of the roadway involved.
- B. Any vehicle graveyard lawfully in existence on March 2, 1998 which is within one thousand (1,000) feet of the nearest edge of the right-of-way and visible from the traveled roadway of any Interstate Highway or State Highway 19 or two hundred (200) feet from any state or county roadway shall be screened so as to render it not visible from such highways.
- C. Any vehicle graveyard shall be set back two hundred (200) feet from the involved property line and shall be screened so as to render it not visible from the adjacent properties. The resulting buffer zone shall be maintained so as to not devalue adjacent properties.
- D. All salvaged vehicles shall have all fluids and batteries removed and disposed of according to applicable state and federal regulations. Tire storage outdoors shall be limited to 500 tires. A tire seated on a rim, whether mounted on a vehicle or not, will not be considered in calculating

total tires stored. Waste tire disposal shall be done according to applicable State or Federal regulations.

- E. Collection facilities for fluids shall be provided on-site, and arrangements made for proper disposal of waste products, including but not limited to freon or other coolants, petroleum waste products and solvents.
- F. Discharges from such yards shall not cause violations of the general criteria in the Water Quality Standards 10 CSR 20-7.031(3), including, but not limited to, the following criteria.
 - 1. Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent beneficial uses of the discharge water. This shall include sheen's on the waters from oils and greases.

CHAPTER 24 - COMMUNICATION TOWERS

ARTICLE 1. PURPOSE

- A. To provide uniform guidelines for the placement and appearance of a communication tower situated on a single parcel of land and used within the unincorporated areas of Montgomery County.

ARTICLE 2. BULK REGULATIONS

- A. Minimum distance of fifty (50) feet from nearest street or roadway.
- B. The minimum standard setback from all adjoining property boundaries and/or residential structures shall be equal to one foot of setback for each foot of tower height, or; an engineer's design of fall zone with licensed structural engineer's stamp on design.¹

ARTICLE 3. PERMIT

- A. Any person wishing to place a communication tower in an unincorporated area of the County shall make proper Application with the Zoning Enforcement Officer.
- B. The ZEO shall issue proper Permits and/or Certificates for same after verifying that all rules and regulations of this Order are complied with and all applicable fees have been paid.

ARTICLE 4. DISCONTINUATION OF USE

- A. If use of a communication tower is discontinued the owner must remove the tower within one year of the date that use is discontinued.

ARTICLE 5. APPEARANCE

- A. Area at base of tower is to be attractively landscaped and maintained free of clutter.

1. REV. FEB 19, 2008

CHAPTER 25 - SUBDIVISIONS (Rev. 9/16/03)

ARTICLE 1. DEFINITION

A SUBDIVISION shall, for the purpose of these regulations, be a tract of land that has been developed or shall be developed whether immediately or in the future with common site improvements serving either the whole tract of land or more than one subdivided unit of this land, including streets, amenities, utilities and signage, and divided into lots for sale or lease as either residentially or non-residentially zoned land

The following are exceptions to the above requirements in Article 1:

- A. Any division of real property which, when completed, **creates all lots that are 10 acres or more in size.**
- B. Any division of real property to be completed for the purpose of settling a decedent's estate or dividing a decedent's property among his heirs at law or beneficiaries.
- C. Any division of real property such that one portion of the real property is sold to the owner of the immediately adjacent property so that the transferred property becomes a part of the purchaser's existing ownership interest.
- D. Any division of real property or interests therein such that the current property owner is to convey a portion of an existing parcel to a political subdivision or public utility company for use as a right-of-way for public transportation or other public utility facilities.
- E. Exceptions to the above requirements in Article 1, A thru D will be handled by the P & Z Commission on an individual basis

ARTICLE 2. PURPOSE

- A. In the subdivision or re-subdivision of land within the County and not within incorporated areas, the owner or developer shall exercise due regard to the alignment, width, gradient and location of streets in relation to other existing or planned streets, to adequate drainage, to safe and expedient flow of traffic, and to provide for roadway surface, utilities, schools, and recreation areas, and other requirements as may be developed.

ARTICLE 3. SUBDIVISION PROCEDURES

- A. The procedure for subdividing land generally consists of five steps:
1. Concept plan or pre-application process.
 2. Preliminary Subdivision Plat.
 3. Construction Plans
 4. Final Subdivision plat.
 5. Recording of plat.

ARTICLE 4. CLASSIFICATION OF SUBDIVISIONS

- A. Subdivisions shall be classified as:
1. Class 1. Which shall consist of the division of land into lots of less than one (1) acre in size.
 2. Class 2. Which shall consist of the division of land into lots of one to three acres in size.
 3. Class 3. Which shall consist of the division of land into lots greater than three acres in size.
 4. The smallest platted lot size shall determine Subdivision Classification.
- B. Subdivisions are further classified for Administrative purposes as follows:
1. Minor Subdivision: Any subdivision of not more than six (6) lots.
 2. Major Subdivision: Any subdivision not classified as a Minor Subdivision.

ARTICLE 5. CONCEPT PLAN

- A. The Concept Plans must be approved by the Zoning Administrator and at his/her discretion, may be reviewed by the P & Z Commissioners before the Preliminary Plat Plan is filed with the Zoning office. The ZEO shall review the Concept Plan before proceeding to the Preliminary Plat Plan. The entire review process of this stage shall be completed within no more than forty-five (45) days.
1. The Concept Plan shall outline and describe the existing conditions of the site and the proposed development to supplement the drawings and sketches required in this Section.

2. The Concept Plan shall show the proposed subdivision and its relationship to existing community facilities. Such location map shall show the location and name of the subdivision, existing main traffic arteries, public transportation lines, schools, parks, playgrounds, high pressure gas lines, power lines and any other significant physical features.
3. A Concept plan shall be prepared and submitted showing the proposed layout of streets, lots, and other features in relation to existing utilities and other conditions. This plan may be submitted in the form of a freehand pencil sketch.

ARTICLE 6. PRELIMINARY SUBDIVISION PLAT

- A. The preliminary plat is the first formal action required of the developer and is the most important step in the entire approval process. Five (5) prints of a Preliminary Plat of any proposed subdivision shall be submitted to the Commission at least ten (10) day before the meeting at which approval is asked. The Preliminary Plat shall be drawn at a scale no smaller than two hundred (200) feet to the inch. The Preliminary Plat shall show or be accompanied by the following information:
 1. The proposed name of the subdivision and names of adjacent landowners and/or subdivisions.
 2. The names, addresses, and phone numbers of the owner and the surveyor responsible for the survey and design.
 3. The location of boundary lines and their relation to established section lines, fractional section lines, or survey lines, complete with surveyor's stamp and signature.
 4. The location and width of existing and proposed streets, roads, lots (approximate dimensions), alleys, building lines, easements, parks, school sites, and other features of the proposed subdivision. The plat shall show the outline of adjacent properties for a distance of at least three hundred feet, or sufficient distance to determine the relationship of adjacent property and streets, and how the streets, alleys or highways in the proposed subdivision may connect with those adjacent which exist or are of record.
 5. Survey showing physical features of the property, including water courses, ravines, bridges, culverts, present structures, and other features of importance to present structures, and other features of importance to lot and street layout. The approximate acreage of the property shall be indicated. Topography of the tract with contour intervals of not more than twenty (20) feet shall be shown on the Preliminary Plat.

6. Approximate gradients of streets.
7. Designation of the proposed uses of land within the subdivision, whether for residential, commercial, industrial or public use, such as parks, schools, churches, etc.
8. North point, scale and date.
9. All existing restrictions on the use of land including easements or zoning lines.
10. All utilities which are either proposed, mapped or built.
11. The water supply location and/or delivery system location for adequate fire protection for the entire subdivision.

B. Preliminary Subdivision Plat Approval:

1. Minor Subdivisions: For all minor subdivisions, review and approval of the Preliminary Plat shall be conducted by the Planning and Zoning Commission. The Planning & Zoning Commission has the option of requiring approval by the County Commission.
2. Major Subdivisions: Preliminary approval of major subdivisions shall be made by the Planning & Zoning Commission and County Commission.
3. Said review shall be reported on within forty-five (45) days of submission of the plat. The time of submission of a plat shall be considered 10 days prior to the date of the regular monthly meeting of the Planning & Zoning Commission. The plat must be complete and accompanied by the required fee and all other data required by these regulations. Failure within forty-five (45) days as stated above will result in disapproval of plat by the Planning & Zoning Commission. In case of disapproval, the Planning & Zoning Commission or ZEO shall inform the applicant the reason or reasons for its actions.
4. Approval of the Preliminary Plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with preparation of the Construction Plan and Final Plat for record. No grading of streets, or construction shall be done on the subdivision before the Construction Plans are approved by the ZEO or a designated authority of Planning & Zoning and/or the County Commission.

C. Stage Construction:

1. The developer may, after receiving approval of the Preliminary Plat, petition the Commission to proceed with the subdivision by stages. The area may be divided into

sections, and after appropriate approval of a final plat of such stage, the installation of improvements shall be made in approved sections, prior to receipt of building permits.

ARTICLE 7. CONSTRUCTION PLANS

- A. The Construction Plan is the detailed plan showing actual construction specifications of all improvements to be built by the developer. The Construction Plan will show or be accompanied by the following information:
1. Detailed specifications of all planned roads, highways, and/or streets. Specifications of all existing roads, highways and/or streets will also be included.
 2. Detailed specifications of all planned and existing utilities, including all maintenance access points to be installed.
 3. Actual gradients of streets.
 4. If applicable, detailed specifications of the water supply location and/or delivery system for adequate fire protection for the subdivision.
 5. The location, description, and specifications of erosion and runoff control measures to be employed before, during, and after construction. Sediment and runoff control practices will be installed before any land is disturbed. These practices should be maintained on a regular basis to remove sediment that accumulates from runoff waters and to complete any needed repairs. Federal and/or State agencies have regulations that regulate the quality of storm water runoff. It is the responsibility of the developer to obtain any required permits and to comply with any and all regulations.
 6. Detailed specifications and locations of curbing, sidewalks, and other improvements that are required by the Planning and Zoning Commission or the County Commission.
- B. An amount set by the Planning and Zoning Commission or its designated authority shall be placed in an escrow account until all improvements are completed.
- C. The Construction Plan will be reviewed by the Planning and Zoning Commission or its designated authority. The review will be completed within 45 days following the date of submission. Following the approval of the Construction Plan, the developer may begin construction of all improvements and then begin preparation of the Final Plan.

- D. All improvements must be completed within one year of the date on which the developer was notified of approval of the Construction Plan. If requested by the developer, an extension may be granted for up to an additional year for the completion of the required improvements.

ARTICLE 8. FINAL SUBDIVISION PLAT

- A. After the Preliminary Plat has been approved by the Planning & Zoning Commission, a Final Plat for record shall be prepared and submitted to the Planning & Zoning Commission for approval by that body and by the County Commission. The Final Plat must be submitted within one year of approval of the Construction Plans. Five prints of the plat shall be filed in the Planning & Zoning office at least ten (10) days prior to the meeting at which approval is asked. The plat shall be a scale of one hundred (100) feet to the inch, unless waived by the Planning & Zoning Commission or the ZEO, and shall show or be accompanied by the following information.
1. The name of the subdivision and adjacent property owners and/or subdivisions, the names of streets (to prevent conflict with other street names) and the numbers of lots and blocks, in accordance with a systematic arrangement.
 2. An accurate boundary survey of the property, with bearings and distances, referenced to section or fractional section corners, or survey corners, and showing (in dotted lines) the lines of immediately adjacent streets and alleys with their widths and names.
 3. Location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length and radius of all curves, and with all other information necessary to duplicate the plat on the ground.
 4. The location of building lines on front and side streets, and the location and dimensions of utility easements.
 5. Dedication of all streets, public highways, alleys, and/or other land intended for public use, signed by the owner or owners, and by all other parties who have a mortgage or lien interest in the property, together with any restrictions which are to apply to lots. For every one-half mile or fraction thereof a deposit must be made to an escrow account for any new subdivision plats for the purpose of bringing the road or roads up to prescribed specifications as determined by the Planning & Zoning Commission or a designated authority.
 6. Certification of a registered land surveyor to the effect that the plat represents a survey made by him, and that all the necessary boundary survey monuments are correctly shown thereon.

7. North point, scale and date.
8. All figures and letters shown must be in ink and shall be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record. Plats shall be submitted drawn on tracing cloth, its equal or better. Maximum overall size of any sheet shall be thirty-six (36) inches long by twenty-four (24) inches wide or in multiples thereof.
9. When more than one sheet is used, a key map, showing the entire subdivision at smaller scale with block numbers and street names, shall be shown on one of the sheets, or on a separate sheet of the same size.
10. The lot size shall conform to all Bulk Regulations set forth in Chapter 16, "Residential District", or Chapter 18 "Commercial District" or Chapter 19 "Industrial/Manufacturing District".
11. Final Subdivision Plats approved by the Planning & Zoning Commission and the County Commission shall be filed for record in the County Recorder's Office within ninety (90) days. Failure to record an approved Final Subdivision Plat within ninety days shall render the plat null and void. No subdivision shall be approved unless property has been previously zoned to allow for the type of land use proposed in the subdivision.
12. Amendments To Final Subdivision Plat
 - a. No changes, erasures, modifications, or revisions shall be made on any subdivision plat after final approval has been given by the Planning & Zoning Commission and County Commission, unless such plat is resubmitted to the Planning & Zoning Commission and County Commission and the Planning & Zoning Commission and County Commission approves any such modifications. The official plat must be submitted by the ZEO to the Planning & Zoning Commission and County Commission for their signatures.

ARTICLE 9. STREET ARRANGEMENTS

- A. Proposed streets must conform to existing topography as nearly as possible, in order that drainage problems may be reduced. Surface drainage across residential lots or along the side or rear lot lines shall be avoided wherever possible. Where such drainage on residential lots is necessary, easements shall be established and the Planning & Zoning Commission may require protective devices in order that adjacent or surrounding property or the welfare of the public

shall not be endangered and maintenance will be kept at a minimum. Protective devices and other drainage structures shall be computed with sufficient accuracy to assure their adequacy, particular attention being given to the drainage acres of surrounding land.

Unless otherwise approved by the Planning & Zoning Commission, provision must be made for the extension of existing dead-end streets. Off-center street intersections with an offset of less than one hundred (100) feet or greater than five (5) will not be approved except in unusual cases. Streets with reverse curves must have a tangent of at least fifty feet between curves.

- B. SERVICE ROADS - The Planning & Zoning Commission may require the developer to provide service roads along one or both sides of any major highway, or major county road, in order to achieve the needed safety of the driving public and to implement the desired policies and goals of the County. The right-of-way and design and improvements shall be determined by the Planning & Zoning Commission in consultation with the developer.
- C. RELATION TO ADJOINING STREETS AND LAND - The system of streets designated for the subdivision, except in unusual cases, must connect with any street already dedicated in adjacent subdivision; and where no adjacent connections are platted, must in general be the reasonable projection of streets in nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Half streets at the boundary of subdivisions may be permitted provided no building permits shall be issued for buildings fronting thereon until a full-width street as required herein is dedicated and agreement made with the adjoining property owner to install curb and gutter and roadway surface if required herein. Whenever a subdivision street enters upon an existing road, street or highway, proper attention must be given to its location so as to allow access at a point to provide maximum safety.
- D. DEAD-END STREETS AND CUL-DE-SACS - Dead-end streets may be approved where such dead-end streets are provided to connect with future streets in adjacent land. Cul-de-sacs are encouraged where the topography of the land is suitable, and where through traffic can be avoided.
- E. BLOCK LENGTHS - In general, intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing or future streets. Where no existing plats control, the block length should be approximately 1,320 feet in a residential district, and 600 feet in a business or commercial district.
- F. ALLEYS AND ALLEY WIDTHS - Except in unusual cases alleys or loading courts must be provided in business blocks. Alleys are optional in residential districts, but are considered undesirable except where alleys of adjoining subdivisions would be closed or shut off from access by the failure to provide alleys in the new subdivision.

- G. LOT LINES - All rectangular lots and all other lots, so far as practicable, shall have side lines at right angles to the street on which the lot faces, or radial to curved street lines. Lots with double frontage are undesirable, and should be avoided in most cases.
- H. UTILITY EASEMENTS - Easements for utilities shall be provided along lot lines, where possible, on every lot of not less than eight (8) foot, if adjacent to another lot providing a eight (8) foot easement, for a total of sixteen (16) feet. Where easements are required other than along property lines easements shall be a minimum of ten (10) feet. Larger easements may be required in unusual cases. Easements shall connect with any established easements in adjoining property.
- I. PARKS, SCHOOL SITES AND PLAYGROUNDS - Suitable sites for parks, schools, playgrounds or other public requirements shall be carefully considered and indicated on the Preliminary Subdivision Plat, so that it can be determined which of such sites, if any, should be indicated on the Final Subdivision Plat.
- J. MONUMENTS REQUIRED - Sufficient permanent and distinguishable monuments shall be in the form of iron pins not less than one-half (1/2) inch in diameter and two (2) feet long driven into the earth, or spikes not less than six (6) inches long driven into the pavement. Such monuments shall be installed by the subdivider as soon as reasonably possible. Such monuments shall define the boundaries of the subdivision, the corners of blocks and the beginning and end of curves on streets. The location of such monuments shall be on the center line of streets or on the property line, and shall be indicated on the Final Subdivision Plat.

ARTICLE 10. REQUIRED IMPROVEMENTS

- A. It shall be required that the owner, subdivider, or developer of the tract to be subdivided install at his own expense satisfactory roadways as required below within the subdivision which are necessary to serve said subdivision, in addition to all utilities required by these regulations and the Planning & Zoning Commission. Installation of the above improvements shall be in accordance with the specifications of the Zoning Order.
 - 1. In Class 1 Subdivisions, all electric utility lines, telephone service lines, and cable television lines shall be underground according to standards of the Missouri Public Service Commission for utilities covered by the Public Service Commission.
 - 2. In Class 2 and Class 3 Subdivisions all electric utility lines, telephone service lines, and cable television lines may be required to be placed underground if so determined by the Planning & Zoning Commission if site conditions warrant.

B. STREET IMPROVEMENTS

1. All streets (public and private) shall have a minimum right-of-way of at least sixty (60) feet with a minimum driving surface width of at least twenty-six (26) feet with a minimum shoulder of five (5) feet on each side and be equipped with properly designed drainage ways. There shall be a minimum of thirty-eight (38) feet between back of curb to back of curb, if curbs are required. All cut and fill slopes shall be constructed not steeper than 3:1 unless special site conditions require steeper slopes as approved by the Planning & Zoning Commission.
2. All excavation and backfill of streets shall have all debris, roots, grass, and topsoil removed and filled with subsoil only. All disturbed areas not surfaced are to be covered with a minimum of two (2") inches of topsoil and fertilized, seeded, and mulched to re-establish vegetative cover.
3. Surface must be either asphalt, concrete, or gravel and be constructed to the following minimum specifications:
 - a. Gravel
 1. First application: Use two (2") inch clean rock, minimum of six (6") inches deep and properly compacted.
 2. Second application: Use one (1") inch minus rock, minimum of two (2") inches deep.
 - b. Asphalt or concrete streets shall be designed by a professional engineer and built according to specifications approved by the County Commission.
 - c. Class 1 and Class 2 Major subdivisions require asphalt or concrete streets. Class 2 Minor and Class 3 subdivisions, roads may be gravel unless special site conditions warrant otherwise.

Different types of streets carry different loads so that construction requirements for one type of street may be either too little or too much for another; for example, a local access residential street need be built only to a fraction of the load-bearing capacity of a heavy duty commercial or industrial street. Soil conditions also vary widely from one area to another so a professional engineer may be required in developing standards for various types of streets in the county as determined by the Planning & Zoning Commission.

- C. STREET DESIGN - Where a street is a projection or possible projection of an existing street outside the subdivision that is of greater width, such projection shall conform to the greater width. Where a street may be part of or an extension of a major highway or street, the minimum right-of-way shall be determined by the Planning & Zoning Commission.
- D. CUL-DE-SACS - Cul-De-Sacs shall provide proper access to all lots and a turn around shall be provided at the closed end, with an outside street line radius of at least eighty (80) feet. Cul-De-Sacs shall not be greater than six hundred (600) feet in length from an intersection street. Also, the entire Cul-De-Sac shall be covered with the same material as the road entering into the Cul-De-Sac.
- E. ALLEYS AND ALLEY WIDTHS - Alleys shall have a minimum width of twenty (20) feet. In case of intersecting alleys, a cutoff shall be required of at least five (5) feet measured from the point of intersection of the alley lines, the resultant connecting lot lines to be at least five (5) feet in length.
- F. Entrances to lots off of County roads in subdivisions shall have a culvert installed as per the specifications of the County Road Department before construction is started.
- G. SIDEWALKS AND CURBING - In Class 1, Major subdivisions, sidewalks are required on one side of the street as a minimum and curbing on both sides of any road, street, and/or highway is required. In Class 1, Minor, and all Class 2 and 3 subdivisions, sidewalks and curbing are not required unless special site conditions exist.
- Sidewalks will be constructed of concrete, minimum of 4" in thickness with 1/2" diameter reinforcing rod on 12 inch centers in any direction. The minimum width of sidewalks will be 36". Curbing will be constructed of concrete and designed by a licensed engineer.
- H. BUILDING LOTS - All slopes shall be graded to 3:1 slope or flatter.
- I. EXCEPTIONS - Exceptions to the above requirements, Article 10, A through H can be granted by the P & Z Commission on a case by case basis; or with consultation by a professional engineer or other sources as necessary.

ARTICLE 11. WATER AND SEWAGE

In some situations soil and subsoil conditions make it hazardous to permit development with individual wells for water supplies and individual septic tanks for sewage disposal. As such the Planning and Zoning Commission will review plans for all water supply and sewage disposal systems in subdivisions. The Planning and Zoning Commission may require professional assistance to determine if a particular system is safe and does not create a hazard to residents or to the environment. Any cost of such assistance will be the developer's responsibility.

All water supply systems and sewage disposal systems will be designed and constructed in accordance with guidelines and standards of the Missouri Water Pollution Control Board or other State or Federal agencies responsible for such administration.

Chapter 26 – Billboards

ARTICLE 1. PURPOSE

- A. To preserve and promote the public health, safety and welfare of the citizens of Montgomery County.
- B. To maintain and enhance the visual environment and preserve the right of Citizens to enjoy Montgomery county's scenic beauty.
- C. To improve pedestrian and traffic safety.

ARTICLE 2. DEFINITION

- A. **Billboard:** Any structure or portion thereof, situated on private premises, on which lettered, figured, digital, or pictorial matter is displayed for advertising purposes, except for the name and occupation of the user of the premises or the products primarily sold or manufactured on the premises or noncommercial messages, and having an area of 100 square feet or more. Any signboard carrying a message excepted in this definition that also carries extraneous advertising of 100 square feet or more shall be considered a billboard.
- B. **Grandfathering:** the lawful use of land and/or structures that required no permit and was established prior to effectiveness of Chapter 26, Billboards, in the Zoning Order.

ARTICLE 3. PERMITTED ZONES

- A. Such signs shall be permitted in the "Industrial" or "Commercial" zoning districts.
- B. Such signs shall only be permitted on Interstate System Highways.
- C. Any signs not located on Interstate System Highways shall be considered for Conditional Use.

ARTICLE 4. CONSTRUCTION SPECIFICS

- A. Any such sign erected in this ordinance shall be single pedestal type, constructed of non-corrosive metal. Construction of the sign and material specifications shall comply with Section 903 of the **Missouri Standard Specification for Highway Construction** as applicable.
- B. Signs shall not be closer than 1400 ft. of another.

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6-09



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- C. Signs shall be within 750 ft. of commercial activity.
- D. Any sign with digital/animated/changeable display:
 - 1. must have a static display time for each message is a minimum of eight (8) seconds.
 - 2. change of message must occur simultaneously for entire sign.
 - 3. image shall not flash or flicker.
 - 4. no image/message shall appear to be animated. (same as state)

ARTICLE 5. PERMITTING

An application to erect such signs shall be accompanied by the following:

- A. A set of plans, to scale, providing all necessary construction and details of the sign and sign structure, including height.
- B. A site plan containing:
 - 1. The proposed location of the sign upon the property.
 - 2. The distance from the proposed sign location to any building upon the property, and adjoining street lines and driveway entrances.
 - 3. The distance from the proposed sign location to the next nearest billboard sign on the same side of the street in either direction.
 - 4. The distance from the proposed sign location to the nearest intersection in either direction.
- C. A representation of the proposed sign, to scale, including the width and length of the sign faces.
- D. A copy of the MODOT billboard permit if the sign will be visible from a state highway.
- E. Applicable fees.
 - 1. The ZEO shall charge and collect from each applicant submitting a Billboard Application.
 - 2. a. The billboard sign owner shall obtain an annual Outdoor Business License from the County Clerk after the Billboard Application has been approved.
 - b. Billboards built prior to this Chapter of the Zoning Order shall be "Grandfathered in" and no such License shall be required. Once the Billboard has transferred ownership or relocated for any reasoning Grandfathering Protection is lost.
 - 3. Cost of Prosecution if needed.
- F. Billboard Permit shall expire if billboard is not erected within a period of ONE (1) year from the date the permit was originally issued, no extensions may be permitted. A new permit must be applied for.

*Checked
4-09*



ARTICLE 6. ABANDONMENT

Any such sign erected under this Ordinance shall be maintained at least once every 180 days. If such sign is not maintained ZEO will consider Billboard abandoned. The removal of the billboard shall be at the billboard owners' expense.

*Created
6-09*

MONTGOMERY COUNTY COMMISSION

Rich Daniels
1st District Commissioner

Charles W. Korman
Presiding Commissioner

John W. Noltensmeyer
2nd District Commissioner

RESOLUTION OF DECISION OF THE MONTGOMERY COUNTY COMMISSION ADDEMDUM TO THE ZONING ORDER

WHEREAS, in regards to PLANNING & ZONING Billboards - Chapter 26 of the Montgomery County Zoning Order and

WHEREAS, the Montgomery County Commission has reviewed Chapter 26 and the evidence presented at the Public Hearing concerning Billboards – Chapter 26, and

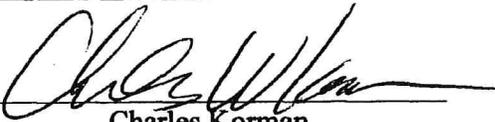
WHEREAS, the Montgomery County Commission has reviewed the attached RESOLUTION OF DECISION of the Montgomery County Planning & Zoning Commission regarding this matter,

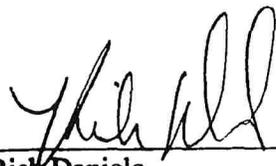
NOW, THEREFORE, BE IT RESOLVED, that the Montgomery County Commission does hereby make the following DETERMINATION:

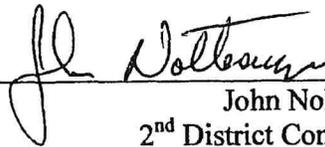
 X Approve the Billboards – Chapter 26 of the Montgomery County Zoning Order

 Deny Billboards – Chapter 26 of the Montgomery County Zoning Order

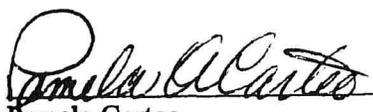
Signed this 25th day of JUNE 2009.


Charles Korman,
Presiding Commissioner


Rich Daniels
1st District commissioner


John Noltensmeyer
2nd District Commissioner

Attest:


Pamela Cartee,
County Clerk

MONTGOMERY COUNTY COMMISSION

Rich Daniels
1st District Commissioner

Charles W. Korman
Presiding Commissioner

John W. Noltensmeyer
2nd District Commissioner

RESOLUTION OF DECISION OF THE MONTGOMERY COUNTY COMMISSION ADDEMDUM TO THE ZONING ORDER

WHEREAS, in regards to PLANNING & ZONING , a revised Fee Schedule of the Montgomery County Zoning Order and

WHEREAS, the Montgomery County Commission has reviewed revised Fee Schedule and the evidence presented at the Public Hearing concerning a revised Fee Schedule, and

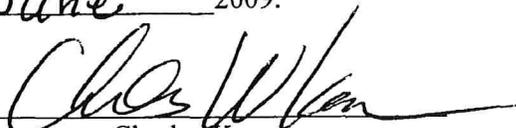
WHEREAS, the Montgomery County Commission has reviewed the attached RESOLUTION OF DECISION of the Montgomery County Planning & Zoning Commission regarding this matter,

NOW, THEREFORE, BE IT RESOLVED, that the Montgomery County Commission does hereby make the following DETERMINATION:

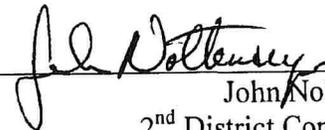
Approve the revised Fee Schedule of the Montgomery County Zoning Order

Deny revised Fee Schedule of the Montgomery County Zoning Order

Signed this 25 day of June 2009.


Charles Korman,
Presiding Commissioner


Rich Daniels
1st District commissioner


John Noltensmeyer
2nd District Commissioner

Attest:


Pamela Cartee,
County Clerk

Chapter 27 – Private Family Cemeteries

ARTICLE 1. PURPOSE

- A. The purpose of a Cemetery Chapter in the Zoning Order is to ensure the safety and maintenance of land use in relation to a private family cemetery.

ARTICLE 2. DEFINITION

- A. **Private Family Cemetery** - Land used or dedicated to the burial of the deceased; the intact or cremated remains of people may be interred in a grave. For this chapter and definition of private family cemetery, a cemetery shall not include mortuaries crematoriums, mausoleums, any sales in relation to a cemetery or funeral, and maintenance facilities
- B. Refer to Missouri State Statutes- 214.090

ARTICLE 3. PERMITTED ZONES

- A. A Conditional Use hearing can be held for private family cemeteries located in an Agricultural, Residential or Rural-Village zoned district.
- B. The cemetery shall be open to any person who wishes to visit from sunrise to sunset each day. This right of access extends only for purposes usually associated with cemetery visits.

ARTICLE 4. CONSTRUCTION SPECIFICS

- A. Cemetery will have a Boundary Survey with legal description by a Missouri Registered Land Surveyor, of less than one (1) acre. Boundary survey shall meet minimum Missouri Registered Land Surveyor Standards, including placing documented corner markers of said property. Survey shall be recorded in the Office of Montgomery County Recorder of Deeds with conveyance deed to the Montgomery County Commission and a plat of gravesites.
- B. Cemetery shall have a set back from all existing property lines and easements of at least 50 (fifty) feet.
- C. No easement or right of way shall be placed on the cemetery.
- D. Cemetery shall have a permanent fence around the survey area.
- E. Cemetery must have permanent signage that identifies it as a cemetery.
- F. Access to the cemetery must be indicated on said survey or legal description.

ARTICLE 5. PERMITTING

- A. The applicant is obligated for the grading, seeding, sodding, mowing or otherwise maintaining said cemetery.

ARTICLE 6. ABANDONMENT

- A. The applicant shall bequeath \$20,000.00 (Twenty Thousand Dollars) in escrow, at the time of application, to the Montgomery County Commission for the grading, seeding, sodding, mowing or otherwise maintaining said cemetery plot at the discretion of Montgomery County Commission, Montgomery County Commission also determines when cemetery is abandoned. refer to Mo State Statue 214.130 and 214.150

Chapter 28 – Renewable Energy

ARTICLE 1. PURPOSE

- A. The purpose of the Renewable Energy Chapter in the Zoning Order is to ensure the planned use and development as well as the safety and maintenance of land use in relation to wind power and battery storage power that will provide an environment that will promote the health, safety and general well-being of the citizens of the unincorporated areas of the County.
- B. To mitigate the impacts of Renewable Energy Systems on the environmental resources of the County such as agricultural lands, forest, wildlife and other protected resources.

ARTICLE 2. DEFINITIONS

- A. **Abandonment** – when renewable energy system is inactive or nonoperational for a consecutive twelve (12) month rolling period.
- B. **Battery Storage Facility**- a rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to provide electrical power. The system is typically used to provide standby or emergency power, an uninterruptable power supply, load shedding, load sharing, or similar capabilities. Requires a Conditional Use if used in conjunction with Wind Turbine, and a construction permit. If used in conjunction with Small Wind Energy System and enclosed in residence or business, must obtain Construction permit, no Conditional Use permit.
- C. **Decommissioning Plan** – a written plan to remove a renewable energy system at the end of their lifecycle, containing the required steps to remove the system, time line of removal, dispose of or recycle all components, and restore the land to its original state. Plan must include estimated cost schedule and financial mechanisms, such as land/lease agreement, and a performance or surety bond.
- D. **RENEWABLE ENERGY SYSTEM**- any energy system used to generate electricity with wind and which included, but is not limited to Wind Turbine, Small Wind Energy System, Battery Storage Facility or any other renewable energy system that is not specifically defined in this Chapter.
- E. **Wind Energy System**- the process of creating electricity using the wind, or air flows that occur naturally in the earth's atmosphere. A rotary device that extracts energy from the wind where the mechanical energy is converted to electricity
 - a. **Wind Turbine**- a rotary device used to generate electric with a nameplate capacity that ranges in size from 100 kilowatts to several megawatts, where the electricity is delivered to the power grid and distributed to the end user by electric utilities or power system operators, has a height of 151 feet or more. Total height shall be calculated as the vertical distance from ground level to the vertical tip of blade when the tip is at its highest point. A type of renewable energy system use is for the sale of energy for commercial gain. Requires a Conditional Use permit and a Construction permit, see Land/Building Use Grid Chart.

- b. **Small Wind Energy System**- a rotary device that is used to generate electricity with a nameplate capacity of 100 kilowatts or less and has a total height of 150 feet or less. Total height shall be calculated as the vertical distance from ground level to the vertical tip of blade when the tip is at its highest point. For personal use, must obtain Construction permit, may require a Conditional Use permit, see Land/Building Use Grid Chart.

ARTICLE 3. PERMITTED ZONES

- A. A Conditional Use hearing shall be held for renewable energy systems that are classified as battery storage facility, located in an Agricultural, Commercial, or Industrial, zoned district. Zoning Enforcement Officer (ZEO) shall make determination as to classification.
- B. A Conditional Use hearing shall be held for renewable energy systems that are classified as small wind energy system, located in a Residential, Rural-Village, Commercial, or Industrial, zoned district. Zoning Enforcement Officer (ZEO) shall make determination as to classification.
- C. Small wind energy system is allowed in Agricultural zoned districts. Zoning Enforcement Officer (ZEO) shall make determination as to classification.
- D. A Conditional Use hearing shall be held for renewable energy systems that are classified as wind turbine, located in an Agricultural, Commercial, Industrial or Flood-Plain zoned district. Zoning Enforcement Officer (ZEO) shall make determination as to classification.

ARTICLE 4. BULK AND AREA REGULATIONS

- A. Wind energy system shall have a set back from all existing property lines, easements or structures of one foot of setback for each foot of total height (the vertical distance from ground to tip of blade when tip is at its highest point) or an engineer's design of fall zone with licensed structural engineer's stamp on design.

ARTICLE 5. GENERAL PROVISIONS

- A. Site plan needs to include but not limited to; underground utilities, vehicular paths, signage, lighting, proposed changes to landscape, grading and any other information reasonably related to and as requested by the ZEO in order to evaluate and process the application.
- B. Application needs to address land ownership change requirements, i.e., will renewable energy system go with ground or to the lessee.
- C. Renewable energy system shall have a permanent eight (8) foot, chain link fence around the area, including the battery storage facility.
- D. Renewable energy system must have permanent signage that identifies it as such, with manufacturer's name, safety information, emergency contact and equipment specification information. Information should match Tier II information, if applicable.
- E. Renewable energy systems that require a conditional use hearing shall obtain a performance or surety bond shall be required in a form and by a commercially reasonable surety providing for decommissioning of the Renewable energy system in the event of abandonment in the amount of one

hundred ten percent (110%) of the cost of decommissioning and restoration. The financial assurance shall automatically renew each year or have no expiration and shall not be released until the Renewable energy system has been decommissioned and the site restoration has been completed shall be reviewed for accuracy by the County and Applicant/Owner of the Renewable energy system every five (5) years and adjusted as necessary to ensure sufficient funds are available to decommission the Renewable energy system over its life to landowner. Copy of Resolution of Decision of the Montgomery County Commission and Application for Conditional Use shall be recorded in the Montgomery County Recorder of Deeds with full legal description and information regarding performance or surety bond.

- F. Renewable energy systems that require a conditional use hearing shall have two meetings, one with the County Assessor, applicant (landowner and energy company), and another with Greater Montgomery County Economic Development Council prior to the conditional use hearing. These meetings are up to the applicant to arrange, the ZEO will send the County Assessor and Montgomery County Greater Economic Development Group the site plan that was received on application date. The meetings shall consist of content of project, project objectives, and taxation. A letter from the Montgomery County Assessor and Greater Montgomery County Economic Development Council will be needed for the conditional use, as an exhibit. Said letter will state the time, place and persons in attendance of meeting and the outcome of said meeting.

ARTICLE 6. PERMITTING

- A. Any person wishing to place a renewable energy system in an unincorporated area of the County shall make proper application with the Zoning Enforcement Officer (ZEO).
- B. The ZEO shall issue proper permits and/or certificates for same after verifying that all rules and regulations of this Order are complied with and all applicable fees have been paid.
- C. A conditional use hearing shall be held to modify land use, from current use to renewable energy systems. Said conditional use application shall include but not limited to: list type of renewable energy, site plan, ownership change requirements, a Tier II form (if needed) submitted to Missouri Emergency Response Commission, decommission plan, meeting letter from Montgomery County Assessor, meeting letter from and Greater Montgomery County Economic Development Council, and verification a performance or surety bond can be obtained once hearing is complete.

ARTICLE 7. ABANDONMENT

- A. Renewable energy systems that require a conditional use hearing shall obtain a performance or surety bond shall be required in a form and by a commercially reasonable surety providing for decommissioning of the Renewable energy system in the event of abandonment in the amount of one hundred ten percent (110%) of the cost of decommissioning and restoration. The financial assurance shall automatically renew each year or have no expiration and shall not be released until the Renewable energy system has been decommissioned and the site restoration has been completed shall be reviewed for accuracy by the County and Applicant/Owner of the Renewable energy system every five (5) years and adjusted as necessary to ensure sufficient funds are available to decommission the Renewable energy system over its life to landowner. Copy of Resolution of Decision of the Montgomery County Commission and Application for Conditional Use shall be recorded in the Montgomery County Recorder of Deeds with full legal description and information regarding performance or surety bond.

	Overview of the Regulations
Required Permits	The Applicant/Owner of a utility solar facility must obtain a Solar Operating Permit from the Montgomery County Planning and Zoning Department.
Setbacks	The solar arrays shall be setback a minimum of 200 feet from non-participating residences, have a setback from all existing property lines and easements of at least 50 (fifty) feet.
Screening	The Regulations require the submittal of a screening plan which outlines proposed screening. Emphasis will be placed on screening the Solar Panels from Non-Participating Residences.
Glare	A more continuous source of excessive brightness relative to the ambient lighting
Glint	A momentary flash of light reflected off a Solar Panel
Fencing /Security	A security fence must be installed around the exterior of a Solar Panel Array.
Operations & Maintenance	The Regulations require the submittal of an Operation and Maintenance Plan that shall include measures for maintaining safe access to the facility, stormwater, and erosion controls, as well as general procedures for operation and maintenance of the facility and its components.
Ground Cover & Border Areas	Perennial vegetation shall be planted and maintained to prevent erosion, manage run off and maintain soil health.
Decommissioning	The Regulations include submittal of a decommissioning plan that describes the anticipated life of the solar facility, the anticipated manner of decommissioning and the anticipated site restoration actions.
Removal Bond	The Regulations require the posting of a performance bond, or surety bond to ensure that funds in the amount of the estimated decommissioning costs will be available.

Solar Farm	A group of photovoltaic interconnected solar panels/arrays that convert sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity, including all on-site equipment and facilities necessary for the proper operation of the facility, such as electrical collection and transmission lines, battery storage systems, transformers, substations and operations and maintenance facilities with at least twenty (20) continuous acres
Solar Garden	Solar Panel Arrays constructed primarily to provide energy for use on-site primarily powers one residence, farm site or business and is not utility scale by photolytic interconnected solar panels/arrays that convert sunlight into electricity.
Concentrated Solar Power Array	Solar panels that use a reflective devices to concentrate solar energy, including but not limited to mirrors and lenses.

Chapter 29- Solar Ordinance

MONTGOMERY COUNTY, Missouri: Solar Ordinance Summary

The solar regulations for Montgomery County, Missouri provide that Solar Farms constitute a use Permitted by Right in Agricultural Zoning Districts which also have been approved for a Solar Overlay District, but subject to the standards and requirements of the Solar Development Regulations an overview of which is set out in the table above.

MONTGOMERY COUNTY, MISSOURI
SOLAR DEVELOPMENT REGULATIONS

I. Statement of Policy – Consistency with Master Plan

The Montgomery County Master Plan identifies the need for controlled development in agricultural areas and concerns about new installations of Solar Farms. While a majority of the survey respondents expressed they are not in favor of solar farms, they understand the need for inclusion of Solar Farms in limited and particular locations with a limited amount of space set aside for development by means of a Solar Overlay District (SOD). The ultimate goals of Montgomery County Master Plan are-1) to provide for the health, safety, and well- being of county residents, 2) to protect the environment and 3) to assure that land use remains productive and property values maintained. The following rules and regulations set forth by the Solar Ordinance and Solar Overlay District meet the ultimate goals of the County. Balancing the rights of the public as a whole with the rights of individuals has always been and will continue to be one of the most challenging aspects of Planning and Zoning.

Montgomery County Zoning Order currently allows the use of Solar Panel Arrays, which are either freestanding or attached to a building or other structure, for residential or light commercial use (Solar Gardens), in all zoning districts. Larger, utility sized, Solar Panel Arrays had been met by the issuance of a Conditional Use. The change was needed from a conditional use hearing on every single parcel, it was time consuming and burdensome to the County and its needs. This reflects a policy determination that the development of Solar Facilities in agricultural areas is consistent with the Master Plan under certain conditions. These Regulations are therefore adopted to the development of utility scale solar photovoltaic facilities (Solar Farms), to provide development standards that must be met by such facilities and to control where such facilities may be located so that the disruption of agricultural uses, wildlife and natural vegetation can be minimized.

II. Types of Solar Power Facilities:

Solar Farm means a group of photovoltaic interconnected solar panels/arrays that convert sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity, including all on-site equipment and facilities necessary for the proper operation of the facility, such as electrical collection and transmission lines, battery storage systems, transformers, substations and operations and maintenance facilities. Whereas stand-alone ground mounted arrays shall have the acreage be at least twenty (20) contiguous acres. The word “farm” is not to be misinterpreted and referred to as any place from which one-thousand dollars (\$1,000) or more of agricultural products were produced and sold, or normally would have been sold, during the year nor is to be misinterpreted or referred to as an agricultural entity.

Solar Gardens are constructed primarily to provide energy for use on-site primarily powers one residence, farm site or business and is not utility scale by photolytic interconnected solar

panels/arrays that convert sunlight into electricity. The energy derived is used to run the primary use of the property. Roof mounted or building integrated solar arrays is preferred and shall be limited to the size of the structure. Roof mounted or building integrated solar arrays are not counted toward the SOD one percent limit. Stand-alone ground mounted arrays shall be one acre or less and not counted toward the SOD one percent limit.

Concentrated Solar Power Arrays shall not be permitted.

III. Solar Farm- Permitted Use:

Solar Farms are permitted uses within Agricultural Zoning Districts which have been included within the permitted areas for Solar Overlay District. Issuance of a new Solar Farm Operating Permit will add parcels from the project to a revised Solar Overlay District for the County, (if necessary). All Solar Farm Permit Requests must comply with all Standards and Requirements of these Regulations. The acreage used for Solar Panels within an approved Solar Overlay District shall be limited to two (2%) percent of the county area six thousand nine hundred fifty point four (6,950.4) acres. Unless the two (2%) percent acreage limitation is reevaluated and adjusted, additional Solar Farms seeking a permitted use above the two (2%) percent of the county area shall not be permitted until the decommissioning of an existing Solar Farm is complete.

Standards Applicable to Solar Farms:

A. Scope.

These Standards shall apply only to Solar Farms.

B. Definitions.

Whenever the following terms are used in these Regulations, they shall have such meanings herein ascribed to them unless the context clearly indicates or requires a different meaning.

1. "Administrator" refers to the Administrator of the Planning and Zoning Department.
2. "Applicant/Owner" means the person or entity who applies for an Operating Permit for a Solar Farm and can also be the proposed owner of the Solar Farm; the term also includes the following, as applicable:
 - if Applicant/Owner applied in his or her individual capacity, then Applicant's heirs, legal representatives, successors, and assigns:
 - if Applicant/Owner applied in his or her capacity as agent or authorized officer or official, then Applicant's principals and their other respective agents (in their capacity as agent), heirs, legal representatives, affiliates, successors, and assigns; *or*
 - if Applicant/Owner is a tenant, then, in case Applicant abandons the Solar

Facility, all the landowners and their respective heirs, legal representatives, successors, and assigns.

3. "Border Area(s)" are project construction disturbed areas in and around project facilities in which a vegetation management plan (VMP) shall be prepared addressing erosion control, managing runoff, and maintenance of soil health.
4. "Contiguous Acres" are geographically co-located acres or parcels of land. Solar Facilities that extend across multiple parcels shall be considered contiguous if property lines are connected or across a public right-of-way.
5. "Non-Participating Property" Property that is not subject to an agreement, contract, lease and/or waiver with the Applicant/Owner for or related to the Solar Farm.
6. "Public Facility" A commercial or publicly used building, such as a retail business, church, school, or community center.
7. "Residence" A building habitable for people that has electricity, heat, plumbing, and windows.
8. "Participating Property" Property that is subject to an agreement, contract, lease and/or waiver between the property owner and the Applicant/Owner for or associated with the Solar Farm.
9. "Planning and Zoning Department" refers to the Montgomery County Planning and Zoning Department.
10. "Operating Permit" The Permit granted by the Planning and Zoning Department to an Applicant/Owner of a Solar Facility meeting the Regulations.
11. "Prohibition" No Solar Facility shall be constructed or operated unless it is within an Agricultural Zoning District which has an approved Solar Overlay District, and then only if in conformity with these Regulations.
12. "Property" Piece or parcel of land; tract; lot.
13. "Screening" Vegetative or other mechanism such as fencing used to mitigate impact from the visibility of solar panels from outside the project area.
14. "Security Fence" a fence that meets National Electric Safety Code requirements.
15. "Solar Overlay District" or "(SOD)" refers to a District in which Solar Farms will be permitted within Montgomery County.
16. "Solar Facility(ies)," when capitalized, refers to a Solar Farm(s).
17. "Solar Panels" the photovoltaic interconnected solar panels.
18. "Solar Panel Array" refers to a group of photovoltaic interconnected solar panels/arrays that could include electrical collection lines among panels,

transformers, battery storage systems, substations and operations and maintenance facilities. Each Solar Panel Array would be fenced on all sides. For avoidance of doubt, underground collection lines or overhead transmission lines and access roads between Solar Panel Arrays do not need to be included within the fenced area.

19. "Regulations" These Solar Farm Development Regulations that describe the process for approval of a Solar Facility and the information that the Applicant/Owner must provide to the Planning and Zoning Department prior to receiving an Operating Permit for a Solar Facility.

C. Required Information.

An interested party to a planned Facility may apply for permission to construct a Solar Farm by applying to the Planning and Zoning Department. An Operating Permit must be approved prior to the commencement of on-site construction of any Solar Facility components, to include but not limited to Solar Panels, fencing, new roadway access, vegetation or buffer planting or cable or transmission line installation but does not pertain to geotechnical investigations (aka soil borings), biological surveys, cultural surveys, and other development related activities that are necessary to analyze the viability of the site for a Solar Farm.

An Applicant/Owner shall provide the following information to the Zoning Administrator on a site plan:

- (1) Planned number, location and spacing of Solar Panels/Arrays.
- (2) Maximum planned number of alternating current megawatts (AC MW or just MW) which may be generated by the Facility. The number of alternating current magawatts (AC MW or just MW) which may be generated by the Facility shall be sent to the Administrator annually.
- (3) Planned location of overhead electric lines.
- (4) Vehicular paths.
- (5) An emergency response plan that includes detailed instructions for all emergency personnel for communication, access, and disconnects.
- (6) Lighting.
- (7) Anti-glare reflection coating information.
- (8) Proposed changes to landscape, grading and other information reasonably related to soil disturbance.
- (9) Project development and construction timelines.
- (10) Operation and maintenance plan.

- (11) Vegetation management and landscaping plan to include buffering or screening and the types of grasses to be used.
- (12) Decommissioning plan.
- (13) Name, address, email address and phone number of the Participating Property owners.
- (14) Name, address, email address and phone number of the contact person of the Applicant/Owner.
- (15) The address and legal description of the proposed site to include the Property Parcel Numbers for each tract.
- (16) A statement of having met the Regulations for an Operating Permit that includes the name, signature, and date by the person who has the authority to sign on behalf of the Applicant/Owner.
- (17) Registered Land Survey stamped map or engineered building plan that includes the fenced area of solar arrays with acreage
- (18) Traffic plan showing the path trucks will travel for construction and/or maintenance activities of the Solar Farm. Such information shall include the length, weight and number of trucks and/or other equipment necessary for construction and maintenance of the Solar Farm. Any proposed traffic deemed by the County Highway Engineer, County Road and Bridge Supervisor, or Administrator to be beyond that of recommended design parameters will require pre and post inspection of the roadways to determine any corrective action that may be required of the Applicant to repair the roadway or bridge to pre-construction conditions.
- (19) Pictures, with GPS location, of roads, highways, county right of way, and bridges the trucks will be traveling for construction of the Solar Farm.
- (20) A wildlife preservation study evaluating the potential impact of the proposed construction and operation of the Solar Farm to endangered species, along with a proposed wildlife mitigation plan to be taken by the Applicant/Owner to minimize wildlife impacts on endangered species.

D. Proof of Meeting the Regulations.

- (1) The Applicant who is acting in an agency capacity must have corporate signing authority on behalf of a business entity. The Planning and Zoning Administrator may ask for corporate documentation for verification.
- (2) The Applicant must provide a list of Participating Property owners who authorized placement of Solar Facilities on their properties along with a copy of any memorandum of lease or other evidence of authority from the

Participating Property owner to apply for the Solar Facility, if applicable.

E. Permit Effective for Operating Life of Facility

All Operating Permits issued for a Solar Facility pursuant to these Regulations shall remain effective for the Operating Life of the Solar Facility so long as the Solar Facility is operating in accordance with these Regulations. The Administrator reserves the right to determine whether a Solar Facility is operating within accordance with these Regulations at any time, and shall at least once year make such a determination. If violations are found, the Administrator shall notify the Solar Facility of the violations. The Solar Facility shall have sixty (60) days to bring the Solar Facility into compliance before the Operating Permits are revoked. The Operating Life shall mean the Solar Facility is producing electricity as described in these Regulations and shall not be discontinued for more than one year. Should the Solar Facility discontinue operation and there are no significant actions to restore operation for more than one year after the Applicant/Owner receives written notice by certified mail from the County with respect to the cessation of operations, then the Solar Facility shall be considered terminated or abandoned. The permits issued for the Solar Facility shall therefore expire upon completion of decommissioning as required by the Decommissioning section of these Regulations.

F. Site and Structure Requirements.

(1) Setbacks.

Setbacks for all above-ground structures (including solar arrays) must adhere to the minimum principal setback standards for Agricultural zoning district. Additionally, Solar Panels Arrays shall be installed at least two hundred (200) feet from Non-Participating Residences and Public Facilities, and shall have a setback from all existing Non-Participating property lines of at least 50 (fifty) feet. The owner of a Participating Residence, which is otherwise eligible to be zoned as a Solar Overlay District in accordance with Appendix D Agricultural zoning and buffer zone requirements, may agree to waive these setback requirements by an agreement in writing with the Applicant/Owner.

(2) Screening.

Densely planted (or having equivalent natural growth) with shrubs or trees at least a nominal eighteen (18) inches high at the time of planting, of a type that will form a vegetative screen at least six nominal feet high at full maturity. Other screening mechanisms such as a fence may be incorporated as part of screening measures in coordination with affected landowners.

A Screening Area is required where a property line of a Non-Participating Property, either Residential or Commercial, is adjacent to above-ground structures of a Solar Farm and where the Non-Participating Property with a Residence or Public Facility whose view includes the Solar Panels.

The Applicant/Owner shall submit a landscaping plan outlining the proposed screening for the Solar Farm, including existing vegetation, as may be suitable. Emphasis will be placed on screening the Solar Panels from adjacent Non-Participating Occupied Residences. Shrubs may be used in buffer areas as appropriate for visual screening. In advance of finalizing the landscaping plan, the proposed screening shall be reviewed by the Administrator and the Applicant/Owner shall agree to include reasonably practicable requests made by the Administrator with regard to the types of vegetation to be planted as part of the screening.

If advised by the Administrator, the landscaping plan should be submitted for review by the University Missouri Extension (MU Extension) for the County of Montgomery. The MU Extension shall have thirty (30) days upon which to return all recommendations for the project. If the MU Extension does not provide screening recommendations within thirty (30) days, the Administrator has an additional ten (10) days to provide the Applicant with reasonable modifications.

(3) **Utility Connections.**

All medium voltage cables of 34.5 kV or greater between inverter locations and project substations shall be located and maintained underground. Other solar infrastructure, such as module-to-module collection cables, CAB cables, transmission lines, substations, junction boxes, and other typical aboveground infrastructure may be located and maintained aboveground.

(4) **Glare Minimization.**

All modern Solar Panels are designed to absorb as much solar energy (light) as possible. Consequently, all modern Solar Panels will have minimal glare or reflection onto adjacent properties and adjacent roadways and should not interfere with traffic, including air traffic, or create a safety hazard. All Solar Panels to be used in Montgomery County shall be designed and constructed to avoid Glint and Glare which is visible to traffic, or is visible to a Residence. Should Glint or Glare become a safety hazard or nuisance to infrastructure existing at the time the Operating Permit is issued, the Applicant shall be required to mitigate the safety hazard or nuisance. The Administrator may require the Applicant to produce a Glint and Glare study in the area where a safety hazard or

nuisance may exist.

(5) **Compliance with Local, State and Federal Regulations.**

A Solar Facility must comply with applicable local, state and federal operational and safety laws and regulations. For the purposes of clarification only, nothing contained herein shall operate to change the right of the Applicant/Owner of an existing Solar Facility for such Solar Facility to be a “permitted use” so long as the Solar Facility is in compliance with the required Regulations.

(6) **Signage.**

Appropriate warning signs shall be posted at the Solar Facility. The Solar Facility shall have permanent signage that identifies manufacturer’s name, safety information, emergency contact and equipment specification information. Information shall meet or exceed requirements as dictated in the National Electric Safety Code (NESC) and ANSI Z535.

(7) **Fencing/security.**

The fence surrounding the Solar Panel Array, as described above, shall comply with federal NESC requirements. Security fences, gates and warning signs must be maintained in good condition until the Solar Farm is decommissioned.

(8) **Site Access / Emergency Response.**

The Solar Farm must have an emergency response action plan which complies with requirements of OSHA 29 CFR 1910. Access to the site for emergency responders shall be provided on the site plan detailing response guidance safety concerns. The Solar Farm emergency response contact information shall be conspicuously posted on-site at the primary access point of each Solar Panel Array.

(9) **Concentrating Solar Power Facilities Prohibited.**

Concentrating Solar Power facilities are prohibited.

(10) **Noise**

The Solar Farm shall be built in such a way that noise heard by any adjacent Residence or Commercial property does not exceed 50 decibels.

(11) **Wildlife Preservation**

The Administrator shall review the proposed wildlife mitigation plan. If advised by the Administrator, such plan shall be submitted to an expert for review. There shall be thirty (30) days upon which the expert may return

all recommendations for the project. If the expert does not provide recommendations within thirty (30) days, the Administrator shall have an additional ten (10) days to provide the Applicant with reasonable modifications. The Administrator may require reasonable modifications to the wildlife mitigation plan to ensure minimal impact to the surrounding endangered wildlife due to the construction and operation of the Solar Farm.

G. Operation and Maintenance Plan.

Applicant shall submit a plan for the operation and maintenance of the Solar Facility, which shall include measures for maintaining safe access to the Solar Facility, stormwater, and erosion controls, as well as general procedures for operation and maintenance of the installation.

(1) Soil Erosion and Sediment Control Considerations.

Applicant agrees to conduct all roadwork and other site development work in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit as required by the Missouri Department of Natural Resources and comply with requirements as detailed by local jurisdictional authorities. If subject to NPDES requirements, Applicant must submit the permit for review and comment, and an erosion and sediment control plan before beginning construction. The plan must include both general “best management practices” for temporary erosion and sediment control both during and after construction and permanent drainage and erosion control measures to prevent damage to local roads or adjacent areas and to prevent sediment laden run-off into waterways.

(2) Ground Cover and Border Areas.

Ground around and under Solar Panel Array and in project site Buffer Areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:

- (a) Topsoil shall not be removed from the Property during development unless part of a remediation effort or as part of a soils management plan negotiated with the owner of the Property.
- (b) A vegetation management plan (VMP) shall be prepared addressing erosion control, managing runoff, and maintenance of soil health. Seeds should include a mix of grasses which are cool season grasses and are suitable for domestic animal grazing. The VMP shall be included as part of the request for an Operating Permit application.

- (c) Ground cover, Border Areas and maintenance practices should be developed in consultation with the local MU Extension.
- (d) A composite soil sample for every twenty (20) acres will be required. Soil sample test shall include pH, Macronutrient levels (phosphorus and potassium), Secondary and micronutrient levels (lead and cadmium), Soil texture and Organic matter amount. University Missouri Extension office can help with this requirement prior to developing vegetation management plan and landscape plan, ground cover, buffer area and maintenance practices. The vegetation management plan will include a provision to ensure no noxious weeds are grown. This test is a base line test to begin construction, and an end line test will be performed in the decommissioning process. In addition, soil sample tests shall be taken every five (5) years.

(3) Maintenance, Repair or Replacement of Facility.

- (a) Applicant shall maintain the Solar Facility until the decommissioning is complete and the Zoning Administrator has issued a “completed decommissioning project” letter to the applicant. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.
- (b) Any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state, and federal requirements. Any retrofit, replacement or refurbishment of equipment needs to be mentioned in the annual report of operations and maintenance of activity.

H. Decommissioning and Site Reclamation Plan.

(1) Plan – General Contents.

Applicant/Owner shall provide a decommissioning plan as part of the application requirements prior to receiving an Operating Permit, that describes the anticipated life of the Solar Facility; the anticipated manner in which the Solar Facility will be decommissioned; the anticipated site restoration actions, and the estimated decommissioning costs in current dollars.

(2) Plan – Financial Requirements.

The decommissioning plan shall describe the mechanism for the posting, at commencement of operations, of a performance bond, or surety bond, to ensure that funds in the amount of one hundred ten (110%) percent of the

currently estimated decommissioning costs, will be available for decommissioning and restoration. The financial assurance shall automatically renew each year or have no expiration and shall not be released until the Solar Facility has been decommissioned and the site restoration has been completed. At that time the Zoning Administrator will issue a “completed decommissioning project” letter to the Applicant/Owner.

The decommissioning plan and financial assurance shall be reviewed for accuracy by the Applicant/Owner of the Solar Facility every five (5) years and adjusted as necessary to ensure sufficient funds are available to decommission the Solar Facility over its life.

(3) **Plan – Restoration Activities**

Restoration or reclamation activities shall include, but not be limited to, the following:

- (a) Restoration of the area occupied by the Solar Facilities to as near as practicable to the same condition that existed immediately prior to construction of such facilities.
- (b) Decommission soil test will be needed to ensure soil is reclaimed at a “same value” or “better value”. Decommission soil test shall be conducted in the same manner as stated herein in Section III,G,2,d of this document.
- (c) For any part of the Solar Facility on Participating Property, the plan may incorporate agreements with the Participating Property landowner regarding leaving access roads, fences, gates, or repurposed buildings in place or regarding restoration of agricultural crops or forest resource land to the extent such a plan complies with these regulations. Any use of remaining structures must be in conformance with the regulations in effect at that time.

(4) **Decommissioning**

Following a continuous one-year period in which no electricity is generated from the Solar Facility, and if substantial action on the Solar Facility is discontinued for a period of one year, Applicant/Owner shall have eighteen (18) months to complete decommissioning of the Solar Facility. Decommissioning shall be completed in accordance with the approved decommissioning plan. Applicant/Owner shall notify the Planning and Zoning Department in writing when decommissioning is complete.

If decommissioning is not completed by the end of such period, Montgomery County shall have the right to retain the services of an

appropriate firm to decommission the Solar Facility and to use the performance bond or surety bond to pay for the cost of decommissioning.

IV. Operating Permit Fee.

The permit application fee shall be due and payable with the Operating Permit Application. The permit fee shall be ten thousand dollars (\$10,000.00). The Permit Fee shall be paid by Applicant/Owner to the County by wire transfer or Check as directed by the Zoning Administrator.

V. Repair of Roads and Bridges.

The Applicant/Owner shall be responsible for repairing the roads, highways, county right of way, or bridges that may be damaged by construction of the Solar Farm. Upon completion of the initial construction, during maintenance of the Solar Farm the Applicant/Owner shall be required to repair the roadway, highway, county right of way, or bridge to pre-construction conditions. If during the initial construction if such damage to a road, highway, county right of way, or bridge presents a danger to vehicles as determined by the Administrator, County Road and Bridge Supervisor, or County Engineer, the Applicant/Owner shall notify the Administrator and begin to repair such road, highway, or bridge damage immediately. If the Applicant/Owner does not complete repairs within a reasonable time, the Administrator may revoke the Applicant/Owner's Operating Permit and/or request the County Commission authorize such repairs. In the event the County Commission authorizes repairs, the Applicant/Owner shall pay the costs associated with repairing the road, highway, or bridge. If such costs are not promptly paid, the Administrator may revoke the Operating Permit.

VI. Annual Contribution Payment

(A) Timing and Amount of Payment

Once the Solar Facility enters commercial operation, the Applicant/Owner (or Current Owner of the Solar Facility) shall make Annual Contributions to the County in accordance with the terms and conditions of a Contribution Agreement mutually agreed upon by the County Commission and Applicant/Owner based upon the maximum rated AC production capacity multiplied by the rate of Two Thousand Five Hundred dollars (\$2,500) per MW by December 1st of each year (the "Annual Contribution Date"), beginning on the first Annual Contribution Date following the date that Applicant/Owner (or current owner) provides notice to the County that the requirements for Final Completion have been satisfied pursuant to the primary engineering, procurement, and construction agreement for the Solar Facility and continuing through the time that the Solar Facility remains in commercial operation. The Final Contribution paid in the last calendar year in which the Solar Facility produces saleable electricity on or after January 1st of that year and will be pro-rated for the number of days in operation during the final calendar year. For clarity, if the Solar Facility produces power for one hundred (100) days in a 365-day calendar year, the Final Contribution will be (100/365) times Two Thousand Five Hundred

dollars(\$2,500) per MW.

(B) Disbursement of Payment

The Annual Contribution shall be paid by Applicant/Owner (or Current Owner) to the County by wire transfer or other mutually accepted means.

(C) Contribution Agreement

At the time of Operating Permit approval, the County and Applicant/Owner shall enter into a Contribution Agreement detailing the terms and conditions for payment of the Annual Contribution including, but not limited to, any potential contribution offsets for the Solar Facility or the Applicant/Owner and providing the anticipated entire and complete contractual Contribution Schedule throughout the life of the Solar Facility. The Contribution Agreement shall be signed and accepted for the County by the County Commission. The Contribution Agreement shall be signed by the Applicant/Owner or authorized legal representative.

VII. Independent Review of the Regulations.

Montgomery County shall have the right to retain an Independent Registered Professional Engineer (IRPE) to review and ensure the Applicant/Owner has provided proof of meeting the Regulations. The Applicant/Owner for the Operating Permit shall reimburse the County for all reasonable and necessary expenses associated with the IRPE. The IRPE shall provide their assessment to the Montgomery County Planning and Zoning Department within 30-days of the Applicant/Owner submitting proof of meeting the Regulations to the Zoning Administrator.

VIII. Future Operational Requirements

Upon approval by the County of the Operating Permit, the Applicant/Owner or Current Owner and County both acknowledge that Applicant/Owner or Current Owner has received all required County approvals and materially complied with all County Laws relating to the development, construction, or operation of the Solar Facility, including, without limitation, any such County Laws applicable to the permitting, development, construction, operation, or emergency response for Solar Panels, substations, battery storage systems, electrical collection lines, communication lines, site security and access, access roads, temporary construction areas, operations and maintenance facilities, and other infrastructures relating to the Solar Facility. The Solar Facility must remain in compliance with all County Laws until the Solar Facility decommissioning is complete and such decommissioning is approved by the Administrator.

IX. Review of Planning and Zoning Decision.

An Applicant/Owner which believes that it has been aggrieved by a decision of the Administrator with respect to an Operating Permit may appeal such decision to the Montgomery County Commission for review. The appeal must be filed with the Clerk of the County Commission within thirty (30) days from the date the decision being communicated in writing directly to the

Applicant/Owner. The Applicant/Owner shall submit an appeal deposit of seven hundred fifty dollars (\$750.00) along with the appeal. The deposit shall be used to pay for the cost of processing the appeal and for the cost of the court reporter to be employed at the hearing. If the deposit is more than that required to pay for the processing and court reporter the Applicant/Owner shall be given an appropriate refund. If the deposit is insufficient the Applicant/Owner shall be required to pay the balance. The County Commission shall set a date within thirty (30) days of receipt of appeal for the hearing of the appeal at which time the Applicant/Owner will be given the opportunity to present evidence and testimony as to the grounds for the basis of the appeal. The County Commission shall thereafter determine as to whether or not the appeal should be granted and the decision of the Administrator upheld or reversed. If the Applicant is aggrieved by the final decision of the Montgomery County Commission the Applicant shall have the right to pursue an appeal in accordance with Chapter 536 RSMo.

X. Solar Garden – Permitted Use

Solar Gardens are permitted uses within any Zoning District which have been included within the Master Map. Solar Gardens are not to be used in the Solar Overlay District acreage limitations.

Standards Applicable to Solar Gardens:

(A) Scope.

These Standards shall apply only to Solar Gardens.

(B) Definitions.

Whenever the following terms are used in these Regulations, they shall have such meaning herein ascribed to them unless the context clearly indicates or requires a different meaning.

1. “Administrator” refers to the Administrator of the Planning and Zoning Department.
2. “Applicant/Owner” means the person or entity who applies for an Operating Permit for a Solar Garden and can also be the proposed owner of the Solar Garden; the term also includes the following, as applicable:
 - if Applicant/Owner applied in his or her individual capacity, then Applicant’s heirs, legal representatives, successors, and assigns:
 - if Applicant/Owner applied in his or her capacity as agent or authorized officer or official, then Applicant’s principals and their other respective agents (in their capacity as agent), heirs, legal representatives, affiliates, successors, and assigns; *or*
 - if Applicant/Owner is a tenant, then, in case Applicant abandons the Solar Facility, all the landowners and their respective heirs, legal representatives, successors, and assigns.

3. “Residence” A building habitable for people that has electricity, heat, plumbing, and windows.
4. “Planning and Zoning Department” refers to the Montgomery County Planning and Zoning Department.
5. “Operating Permit” The Permit granted by the Planning and Zoning Department to an Applicant/Owner of a Solar Facility meeting the Regulations.
6. “Property” Piece or parcel of land; tract; lot.
7. “Solar Overlay District” refers to a District in which Solar Farms will be permitted within Montgomery County.
8. “Solar Panels” the photovoltaic interconnected solar panels.
9. “Solar Panel Array” refers to a group of photovoltaic interconnected solar panels/arrays that could include electrical collection lines among panels, transformers, battery storage systems, substations and operations and maintenance facilities.
10. “Regulations” These Solar Development Regulations that describe the process for approval of a Solar Facility and the information that the Applicant/Owner must provide to the Planning and Zoning Department prior to receiving an Operating Permit for a Solar Facility.

(C) Prohibition.

1. No Solar Garden shall be constructed or operated unless the ground mounted arrays are less than one acre or are roof mounted or building integrated to the size of the building and then only if in conformity with these Regulations.

2. Upon written request of the property owner or the applicant for a Solar Garden, the County Commission may vary or waive the requirements set forth in this Section X, C upon a finding that said variance or waiver is not detrimental to the welfare of the community and is consistent with the purposes and intent of the Zoning Order and the SOD regulations. Once the acreage reaches twenty (20) acres SOD regulations come in effect.

(D) Required information.

An interested party to a planned Solar Garden may apply for permission to construct a Solar Garden by applying to the Planning and Zoning Department. An operation permit must be approved prior to the commencement of any on-site work or on-site construction of any Solar Garden components, to include but not limited to solar panels, fencing,

roadway access, vegetation planting or cable or transmission line installation.

Applicants shall provide the following information to the Zoning Administrator on a site plan:

- (1) Planned number, location and spacing of Solar Panels/Arrays.
- (2) Maximum planned number of alternating current megawatts (AC MW or just MW) which may be generated by the Solar Garden.
- (3) Planned location of overhead electric lines.
- (4) Lighting.
- (5) Anti-glare reflection coating information.
- (6) Proposed changes to landscape, grading and other information reasonably related to soil disturbance.
- (7) Project development and construction timelines.
- (8) Operation and maintenance plan.
- (9) Vegetation management and landscaping plan to include buffering or screening and the types of grasses to be used.
- (10) Decommissioning Plan if stand-alone ground mounted solar arrays. Decommissioning Plan is not necessary if roof mounted or building integrated.
- (11) Name, address, email address and phone number of the landowner.
- (12) Name, address, email address and phone number of the contact person of the Applicant/Owner.
- (13) The address and legal description of the proposed site to include the Property Parcel Numbers for each tract.
- (14) Permit from the electric company the Solar Garden will be connected to and Net Metering with.

(E) Site and structure requirements.

(1) Setbacks for ground mounted solar arrays.

Setbacks for all structures (including solar arrays) must adhere to the minimum principal setback standards for appropriate zoning district. Additionally, stand-alone ground mounted solar panels shall be installed at least two hundred (200) feet from any existing neighboring residences, have a setback from all existing property lines and easements of at least fifty (50) feet.

(2) Glare minimization.

All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic, including air traffic, or create a safety hazard. In appropriate cases, the Administrator may require anti-reflective coatings.

(3) Compliance with local, state and federal regulations.

Each Solar Garden must comply with applicable local, state and federal operational and safety laws and regulations. For the purposes of clarification only, nothing containing herein shall operate to change the right of the owner of an existing facility for such facility to be a “permitted use” so long as the facility is in compliance with required regulations.

(4) Signage.

Appropriate warning signs shall be posted at the Solar Garden. Solar Garden shall have permanent signage that identifies manufacturer’s name, safety information, emergency contact and equipment specification information. Information should match Tier II information, if applicable.

(5) Concentrating Solar Power Facilities.

Concentration solar power facilities is prohibited.

(F) Operation and maintenance plan.

Applicant shall submit a plan for the operation and maintenance of the Solar Garden, which shall include measures for maintaining safe access to the Solar Garden, stormwater, and erosion controls, as well as general procedures for operation and maintenance of the installation.

(1) Ground Cover and Border Areas.

Ground around and under Solar Panel Array and in project site buffer areas shall be planted and maintained in perennial vegetated ground cover, and meet the following standards:

- (a) Topsoil shall not be removed during development, unless part of a remediation effort.
- (b) Perennial vegetation shall be planted and maintained in a density sufficient to prevent erosion, manage runoff and build soil. Seeds should include a mix of grasses which are cool season grasses and are suitable for domestic animal grazing. A list of vegetation to be

planted must be submitted to Administrator in advance for comment and approval. The Applicant shall comply with all reasonable requirements for the Administrator with regard to the type of vegetation to be planted.

- (c) Ground cover, Border Areas and maintenance practices should be developed in consultation with the local MU Extension.
- (d) A composite soil sample for the one (1) acre will be required. Soil sample test shall include pH, Macronutrient levels (phosphorus and potassium), Secondary and micronutrient levels (lead and cadmium), Soil texture and Organic matter amount. University Missouri Extension office can help with this requirement prior to developing vegetation management plan and landscape plan, ground cover, buffer area and maintenance practices. This test is a base line test to begin construction, and an end line test will be performed in the decommissioning process

(2) Maintenance, repair or replacement of facility.

- (a) Applicant shall maintain the Solar Garden until the decommissioning is complete and the Zoning Administrator has issued a “completed decommissioning project” letter to the applicant. Maintenance shall include, but no be limited to, painting, structural repairs, and integrity of security measures, any retrofit, replacement or refurbishment of equipment shall adhere to all applicable local, state and federal requirements.
- (b) Upon removal of solar facility or solar arrays, the land must be returned to pervious state. Solar arrays shall be disposed of as stated by current disposal laws suggest.

XI. Permit Fees

The permit application fee shall be due and payable with the Operating Permit Application. The permit fee shall be five hundred dollars (\$500.00). The Permit Fee shall be paid by Applicant/Owner to the County by wire transfer or Check as directed by the Zoning Administrator.

XII. Review of Planning and Zoning Decision.

An Applicant/Owner which believes that it has been aggrieved by a decision of the Administrator with respect to an Operating Permit may appeal such decision to the Montgomery County Commission for review. The appeal must be filed with the Clerk of the County Commission within thirty (30) days from the date the decision being communicated in writing directly to the Applicant/Owner. The Applicant/Owner shall submit an appeal deposit of seven hundred fifty

dollars (\$750.00) along with the appeal. The deposit shall be used to pay for the cost of processing the appeal and for the cost of the court reporter to be employed at the hearing. If the deposit is more than that required to pay for the processing and court reporter the Applicant/Owner shall be given an appropriate refund. If the deposit is insufficient the Applicant/Owner shall be required to pay the balance. The County Commission shall set a date within thirty (30) days of receipt of appeal for the hearing of the appeal at which time the Applicant/Owner will be given the opportunity to present evidence and testimony as to the grounds for the basis of the appeal. The County Commission shall thereafter determine as to whether or not the appeal should be granted and the decision of the Administrator upheld or reversed. If the Applicant is aggrieved by the final decision of the Montgomery County Commission the Applicant shall have the right to pursue an appeal in accordance with Chapter 536 RSMo.

Effective Date: July 3, 2022

LAND / BUILDING USE	AGRICULTURAL	RESIDENTIAL	RURAL-VILLAGE	COMMERCIAL	INDUSTRIAL	FLOODPLAIN
AGRICULTURAL EQUIP. See FARM EQUIP						
AIRPORT-PRIVATE	C	N	N	C	C	C
AIRPORT-PUBLIC	C	N	N	C	C	C
ALCOHOL TREATMENT FACILITY	C	N	N	Y	Y	C
ANIMAL GROOMING*	Y	C	Y	Y	C	C
ANTIQUÉ SHOP*	Y	C	C	Y	N	C
APARTMENT BUILDING see DWELLING-MULTI-FAMILY						
APPLIANCE-SALES*	C	N	C	Y	N	C
APPLIANCE-SERVICE	Y	N	Y	Y	N	C
ASPHALT MIXING PLANT	C	N	N	C	Y	C
AUCTION BARN-LIVESTOCK	C	N	N	C	C	C
AUCTION HOUSE	C	N	C	Y	C	C
AUTOMOBILE GRAVEYARD see VEHICLE GRAVEYARD						
AUTOMOBILE REPAIR see SERVICE STATION						
AUTOMOBILE-see VEHICLE						
BACKHOE see EXCAVATING BUSINESS						
BANK*	Y	N	Y	Y	Y	C
BAR see TAVERN						
BARBER SHOP	Y	C	Y	Y	N	C
BATTERY-DISTRIBUTION	C	N	N	C	Y	C
BATTERY-MANUFACTURING	C	N	N	C	Y	C
BATTERY-STORAGE	C	N	N	C	Y	C
BATTERY STORAGE FACILITY @@@	see chapter 28					
BATTERY-TRANSFER FACILITY	C	N	N	C	Y	C
BEAUTY SHOP	Y	C	Y	Y	N	C
BED&BREAKFAST ESTABLISHMENT	Y	C	Y	C	N	C
BOARDING HOUSE*	Y	C	Y	C	N	C
BOARDING KENNEL see KENNEL						
BRICK-MANUFACTURING	C	N	N	C	Y	C
BULLDOZER see EXCAVATING BUSINESS						
BULK FUELS-REFINING*	Y	N	N	C	Y	N
BULK FUELS- SALES**	Y	N	N	C	Y	C
BULK FUELS-STORAGE **	Y	N	N	C	Y	C
BULK FUELS- TRANSFER FACILITY **	Y	N	N	C	Y	C
BUTCHER see FOOD PROCESSING PLANT						
CABIN see DWELLING-SEASONAL						
CAMPGROUND*	C	N	C	Y	N	C
CAR see AUTOMOBILE						
CARNIVAL-EQUIPMENT	C	N	N	C	C	C
CAR REPAIR see VEHICLE-SERVICE						
CAR WASH	C	N	Y	Y	Y	C
CEMENT PLANT	C	N	N	C	Y	C
CEMETERY	C	C	C	N	N	N
CHILD CARE see DAY CARE CENTER						
CLINIC-DENTAL	C	C	Y	Y	N	C
CLINIC-MEDICAL	C	C	Y	Y	N	C

LAND / BUILDING USE	AGRICULTURAL	RESIDENTIAL	RURAL-VILLAGE	COMMERCIAL	INDUSTRIAL	FLOODPLAIN
CLINIC-VETERINARY	Y	N	C	Y	Y	C
CLOTH see TEXTILE						
COMMUNICATINS TOWER	C	N	N	C	C	C
CONCRETE PLANT see Cement Plant	C	N	N	C	Y	C
CONSTRUCTION BUSINESS*	Y	C	Y	Y	C	C
CONVENTION FACILITY	C	C	C	Y	Y	C
COUNTRY CLUB see GOLF COURSE						
CRAFT SHOP*	Y	C	C	Y	N	C
DATA CENTER !@#	C	N	N	Y	Y	N
DAY CARE CENTER*	Y	C	Y	C	C	C
DENTAL CLINIC	C	C	Y	Y	N	C
DENTENTION CENTER see JAIL						
DISTRIBUTION FACILITY	C	N	C	Y	Y	C
DOG POUND See KENNEL						
DRIVING RANGE*	C	N	C	Y	C	C
DRUG TREATMENT FACILITY	C	N	N	Y	Y	C
DUMP see SOLID WASTE - DISPOSAL						
DUPLEX see DWELLING-TWO FAMILY						
DWELLING-MULTIFAMILY*	C	C	Y	C	N	C
DWELLING-OWNER/OPERATOR	Y	Y	Y	Y	Y	C
DWELLING-SASONAL*	Y	C	C	C	N	C
DWELLING-SINGLE FAMILY##@	Y	Y	Y	C	C	C
DWELLING-TWO FAMILY*	Y	C	Y	C	N	C
EARTH MOVING EQUIPMENT see EXCAVATING BUSINESS						
ELECTRIC SUBSTATION see UTILITY SUBSTATION						
ELECTONICS-MANUFACTURING	C	N	N	C	Y	C
ELECTRONICS-SALES/SERVICE	C	N	C	Y	C	C
ELEVATOR see GRAIN ELEVATOR						
EQUIPMENT SALES/SERV/RENTAL**!	C	N	N	Y	C	C
EXCAVATING-BUSINESS*	Y	N	C	C	Y	C
EXPLOSIVES FACILITY	N	N	N	N	C	C
FARM EQUIPMENT-SALES*	Y	N	C	Y	C	C
FARM EQUIPMENT-SERVICE*	Y	N	C	Y	C	C
FARM EQUIPMENT-STORAGE *	Y	N	C	Y	C	C
FAST FOOD ESTABLISHMNT	C	N	Y	Y	Y	C
FEE FISHING LAKE*	Y	N	N	N	N	C
FERTILIZER-DISTIBUTION*	C	N	N	C	Y	C
FERTILIZER-MANUFACTURING*	C	N	N	C	Y	C
FERTILIZER-SALES*	C	N	N	C	Y	C
FERTILIZER-STORAGE*	C	N	N	C	Y	C
FERTILIZER-TRANSFER FACILITY*	C	N	N	C	Y	C
FINANCIAL INSTITIUTION*	Y	N	Y	Y	Y	C
FLEA MARKET	C	N	C	C	N	C
FOOD MARKET	C	N	Y	Y	N	C
FOOD PROCESSING PLANT	C	N	N	C	Y	C
FOOD PRODUCTION PLANT	C	N	N	C	Y	C

LAND / BUILDING USE	AGRICULTURAL	RESIDENTIAL	RURAL-VILLAGE	COMMERCIAL	INDUSTRIAL	FLOODPLAIN
FORESTRY OPERATIONS	Y	Y	N	Y	Y	Y
FREIGHT TERMINAL	C	N	N	C	Y	C
FUNERAL HOME	C	N	Y	Y	N	C
FURNITURE see HOUSEHOLD FURNISHINGS						
GARDEN STORE see NURSERY*	Y	N	Y	Y	C	C
GAS see BULK FUELS						
GAS STATION	C	N	C	Y	Y	C
GAS STATION/C-STORE COMBO	C	N	C	Y	Y	C
GOLF COURSE*	Y	C	N	Y	C	C
GOLF RANGE see DRIVING RANGE						
GOVERNMENT BUILDING*	Y	C	Y	Y	Y	C
GRAIN ELEVATOR	C	N	C	C	Y	C
GRAVEYARD see CEMETERY						
GREENHOUSE*	Y	C	Y	Y	C	C
GROCERY STORE	C	N	Y	Y	N	C
GROOMING, ANIMAL see ANIMAL GROOMING						
GROUP HOME	C	C	C	Y	N	C
GUN SHOP-SALES*	C	C	C	C	N	C
GUN SHOP-SERVICE*	C	C	C	C	N	C
HAIR CARE see BARBER SHOP; BEAUTY SHOP						
HEAVY EQUIPMENT see EXCAVATING BUSINESS						
HELIPAD-PRIVATE	C	N	N	C	C	C
HELIPAD-PUBLIC	C	N	N	C	C	C
HELIPORT-PRIVATE	C	N	N	C	C	C
HELIPORT-PUBLIC	C	N	N	C	C	C
HOME-BASED BUSINESS*	Y	C	C	C	N	C
HORSE STABLE see STABLE						
HOSPICE	C	C	C	Y	N	C
HOSPITAL-PEOPLE	C	N	N	Y	N	C
HOSPITAL-VETERINARY	Y	N	C	Y	C	C
HOTEL*	C	N	C	Y	C	C
HOUSE see DWELLING						
HOUSEHOLD FURNISHING -MFG	C	C	C	C	Y	C
HOUSEHOLD FURNISHING-SALES*	C	C	C	Y	C	C
HUNTING PRESERVE*	Y	N	N	N	N	C
INVESTMENT FIRM*	Y	N	Y	Y	Y	C
JAIL-PRIVATE	C	N	C	C	C	C
JAIL-PUBLIC	C	N	C	C	C	C
JUNKYARD*	C	N	N	C	C	N
KENNEL, BOARDING-PRIVATE	C	N	C	C	N	C
KENNEL, DOG POUND	C	N	C	C	N	C
KENNEL, TRAINING-PRIVATE*	Y	N	C	C	N	C
LAKE, FISHING see FISHING LAKE, FEE						
LANDFILL see SOLIC WASTE-DISPOSAL						
LANDING STRIP-PRIVATE	C	N	N	C	C	C
LANDING STRIP-PUBLIC	C	N	N	C	C	C

LAND / BUILDING USE	AGRICULTURAL	RESIDENTIAL	RURAL-VILLAGE	COMMERCIAL	INDUSTRIAL	FLOODPLAIN
LARGE EQUIPMENT SALES*	C	N	C	Y	C	C
LARGE EQUIPMENT-SERVICE*	C	N	C	Y	C	C
LARGE EQUIPMENT-STORAGE*	C	N	C	Y	C	C
LAUNDROMAT	C	N	Y	Y	Y	C
LIQUOR BY DRINK see TAVERN						
LIQUOR STORE-BY THE CONTAINER	C	N	Y	Y	N	C
LIVESTOCK TRANSFER see TRANSFER STATION-LIVESTOCK						
LUMBER-MANUFACTURING	C	N	N	C	Y	C
LUMBER YARD-SALES	C	N	C	Y	Y	C
MACHINE SHOP	C	N	C	C	Y	C
MEAT PROCESSING see FOOD PROCESSING PLANT						
MEDICAL CLINIC	C	C	Y	Y	N	C
MEETING HALL	C	C	C	Y	Y	C
MINERAL EXTRACTION*!!	C	N	N	C	Y	C
MINIATURE GOLF	C	N	C	Y	N	C
MINING see MINERAL EXTRACTION						
MOBILE HOME- SINGLE UNIT	Y	C	Y	C	N	C
MOBILE HOME PARK	C	C	C	N	N	C
MODULAR HOME	Y	Y	Y	C	N	C
MORTUARY see FUNERAL HOME						
MOTEL	C	N	C	Y	C	C
MOVING BUSINESS**!	C	N	C	Y	C	C
NATURAL GAS see BULK FUELS						
NURSERY-LANTS, TREES*	Y	N	Y	Y	C	C
NURSING HOME	C	C	C	C	N	C
OFFICE	C	C	Y	Y	Y	C
OIL see also BULK FUELS						
PALLET-MANUFACTURING	C	N	N	C	Y	C
PALLET-SALES	C	N	N	C	Y	C
PET SHOP	C	N	C	Y	N	C
POUND see KENNEL						
PRE-SCHOOL*	Y	C	Y	C	C	C
PRINTING FACILITY	C	C	C	Y	Y	Y
PRISON-PRIVATE	C	N	C	C	C	C
PRISON-PUBLIC	C	N	C	C	C	C
PRODUCE MARKET see FOOD MARKET						
PUBLIC BUILDING	C	C	Y	Y	Y	C
PUBLICATION FACILITY	C	C	C	Y	Y	C
PUMP see WATER SYSTEM						
QUARRY	C	N	N	N	Y	C
RADIO STATION	C	N	N	Y	Y	C
REAL ESTATE OFFICE *	Y	C	Y	Y	C	C
RECREATIONAL FACILITY-PRIVATE *	C	C	C	Y	C	C
RECREATIONAL FACILITY-PUBLIC*	C	C	C	Y	C	C
RECREATIONAL VEHICLE-SALES	C	N	C	Y	C	C
RECREATIONAL VEHICLE-SERVICE	C	N	C	Y	C	C

LAND / BUILDING USE	AGRICULTURAL	RESIDENTIAL	RURAL-VILLAGE	COMMERCIAL	INDUSTRIAL	FLOODPLAIN
RECREATIONAL VEHICLE-STORAGE	C	N	C	Y	C	C
RECYCLING CENTER*	C	N	C	C	Y	C
RESIDENCE see DWELLING						
RESTAURANT*	C	N	Y	Y	C	C
ROADSIDE STAND-TEMPORARY	Y	N	Y	C	N	C
RV PARK	C	N	N	Y	N	C
SAVAGE YARD see JUNKYARD						
SAVINGS & LOAN FACILITY*	Y	N	Y	Y	Y	C
SAWMILL	C	N	N	C	Y	C
SCHOOL-PROFESSIONAL	C	N	C	C	N	C
SCHOOL, EDUCATIONAL-PRIVATE*	Y	C	Y	C	C	C
SCHOOL, EDUCATIONAL-PUBLIC	Y	Y	Y	Y	C	C
SEED DISTRIBUTION BUSINESS	Y	N	C	Y	Y	C
SERVICE STATION*	C	N	C	Y	Y	C
SEWAGE TREATMENT PLANT*	C	N	C	N	C	C
SEWER SYSTEM-SALES*	C	N	C	Y	Y	C
SEWER STSTEM-SERVICE*	C	N	C	Y	Y	C
SHOOTING RANGE-INDOOR	C	N	C	C	C	C
SHOOTING RANGE-OUTDOOR	C	N	N	N	N	C
SLAUGHTER HOUSE *	C	N	N	C	Y	C
SMALL ENGINE-SALES/SERVICE*	Y	N	C	Y	C	C
SMALL WIND ENERGY SYSTEM !!!	Y	C	C	C	C	Y
SOLAR FARM ##@ See Chapter 29						
SOLAR GARDEN ##@ See Chapter 29						
SOLID WASTE-DISPOSAL *	C	N	N	C	C	C
SOLID WASTE-STORAGE*	C	N	N	C	C	C
SOLID WASTE-TRANSFER FACILITY	C	N	N	C	C	C
SPORTING GOODS*	C	N	Y	Y	N	C
STABLE-BOARDING	Y	N	C	C	N	C
STABLE-TRAINING	Y	N	C	C	N	C
STOCK BROKERAGE see INVESTMENT FIRM						
STORAGE FACILITY	C	N	C	C	C	C
SUBDIVISION-Class 3 Major & Minor@@!	Y	Y	N/A	C	C	N
SUBDIVISION-Class 2 Major & Minor @@!	C	Y	N/A	C	C	N
SUBDIVISION-Class 1 Minor@@!	C	Y	N/A	C	C	N
SUBDIVISION-Class 1 Major @@!	N	C	N/A	C	C	N
SUBSTANCE ABUSE FACILITY see DRUG TREATMENT FACILITY						
SUPERMARKET see GROCERY STORE						
TAVERN-ALCHOHOL BY THE DRINK	C	N	C	C	N	C
TAXIDERMIST	Y	C	Y	Y	C	C
TELEPHONE SUBSTATION sees UTILITY SUBSTATION						
TELEVISION-STATION	C	N	N	Y	Y	C
TERMINAL-FREIGHT	C	N	N	C	Y	C
TERMINAL-TRUCK	C	N	N	C	Y	C
TETILE-MANUFACTURING*	C	N	C	C	Y	C
TEXTILE-PRODUCT ASSEMBLY*	C	C	C	Y	Y	C

LAND / BUILDING USE	AGRICULTURAL	RESIDENTIAL	RURAL-VILLAGE	COMMERCIAL	INDUSTRIAL	FLOODPLAIN
TEXTILE-SEWING FACILITY *	C	C	C	Y	Y	C
TOWER-COMMUNICATIONS	C	N	N	C	C	C
TRACTOR see FARM EQUIPMENT						
TRAILER SALES@*!	C	N	C	Y	C	C
TRASH see SOLID WASTE						
TRANSFER STATION-LIVESTOCK	C	N	N	C	C	C
TRUCK GRAVEYARD see VEHICLE GRAVEYARD						
TRUCK TERMINAL	C	N	N	C	Y	C
TRUCK, SALES/SERVICE	C	N	C	Y	C	C
VEHICLE RENTAL **!	C	N	C	Y	C	C
VEHICLE - GRAVEYARD *	C	N	N	C	C	N
VETERINARY CLINIC see CLINIC-VETERINARY						
VETERINARY HOSPITAL see HOSPITAL-VETERINARY						
WAREHOUSE	C	N	C	Y	Y	C
WATER SYSTEM- SALES/SERVICE *	C	N	C	Y	C	C
WEAVING see TEXTILE						
WELDING SHOP	C	N	C	C	Y	C
WELL DRILLING see WATER SYSTEM						
WILDLIFE CONFINEMENT AREA*	Y	N	N	C	C	C
WIND TURBINE !!!	C	N	N	C	C	C
WINERY *	Y	N	C	C	C	C
WOODWORKING-ASSEMBLY	C	C	C	C	Y	C
WOODWORKING-FABRICATION	C	C	C	C	Y	C

UPDATED:

*-1/22/1999

*!!-8/23/1999

@*!-11/13/2001

**!-6/20/2002

@@!-3/16/2004

**-10/17/2006

!!!-11/16/2010

@@@-8/20/2020

##@-5/19/2022

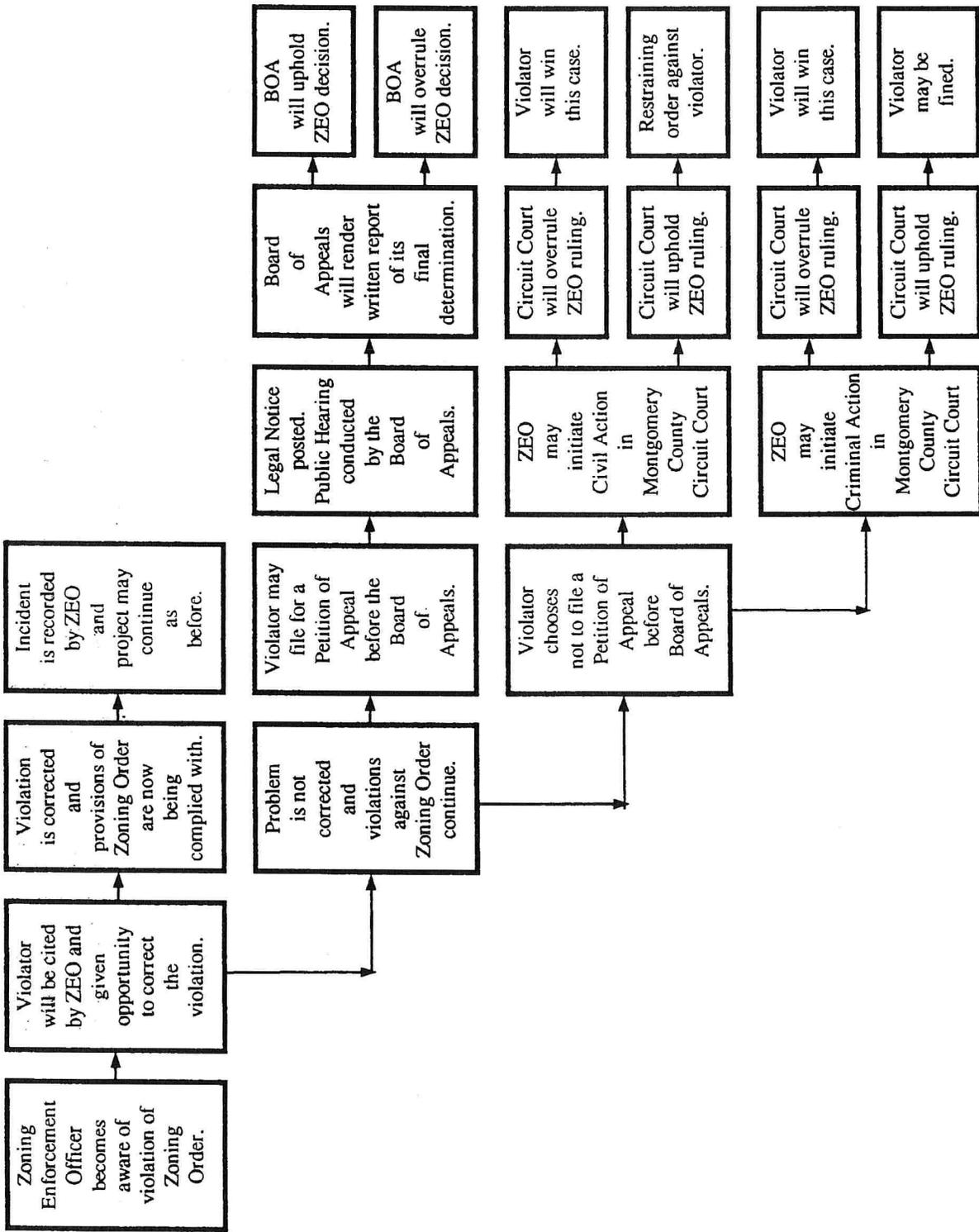
!@#-9/19/2024

APPENDIX B - FLOW CHARTS

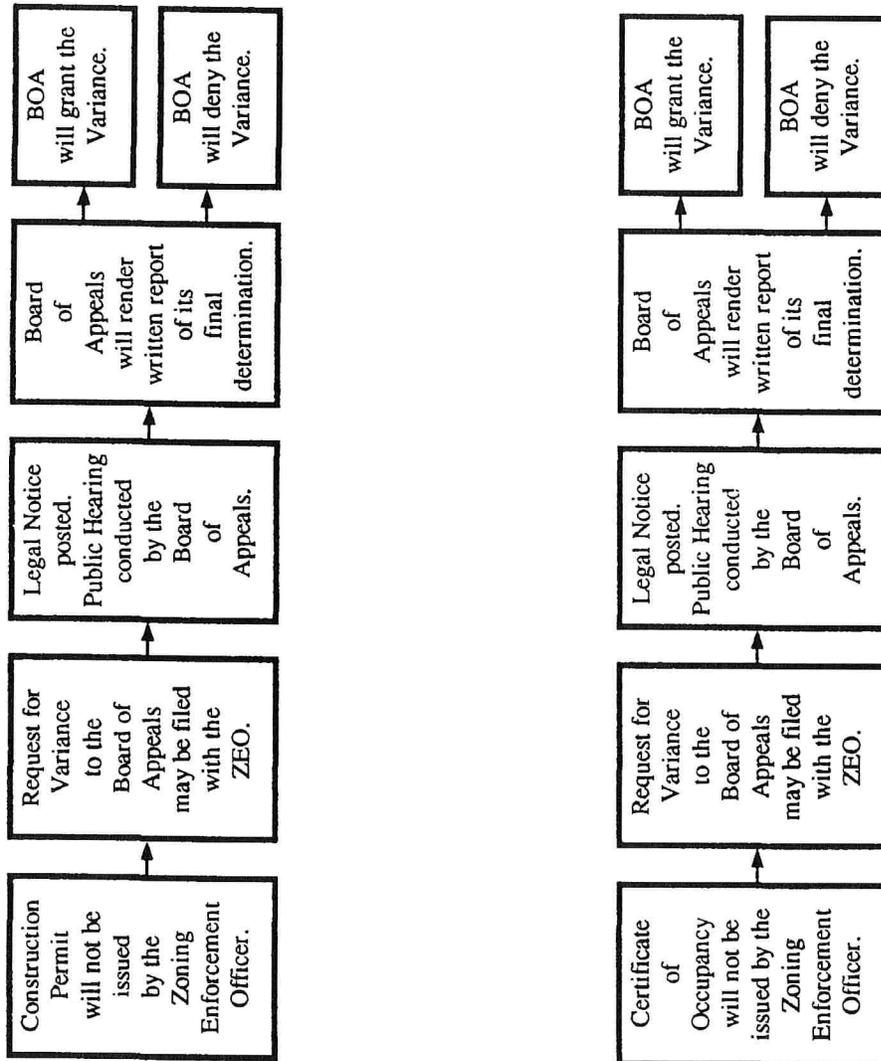
The following flow charts are intended for easy reference only. For more detail on the steps in each flow chart, refer to the appropriate chapter in the Zoning Order.

ZONING ENFORCEMENT OFFICER - PROCEDURAL FLOW CHART

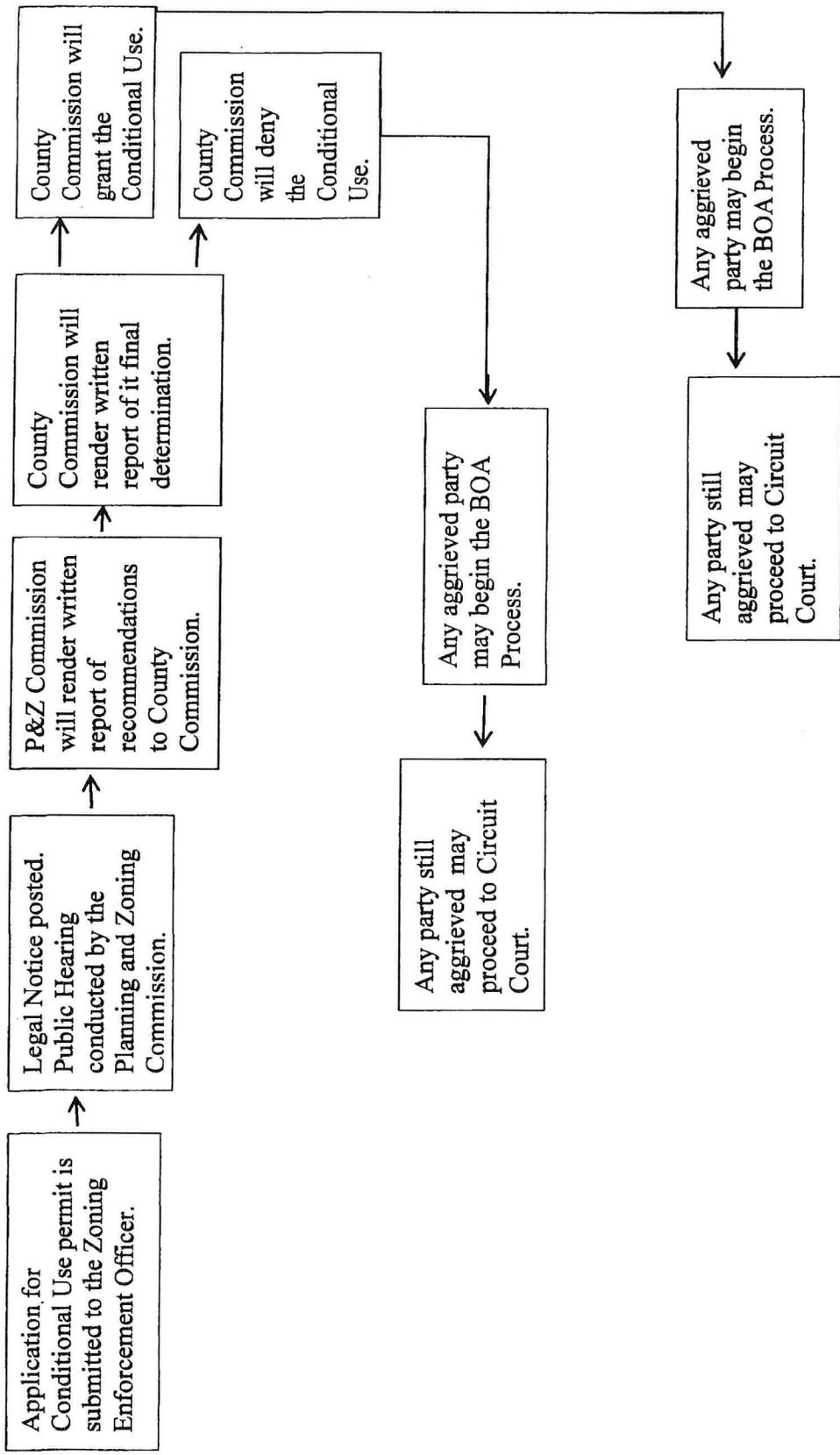
Violation of Zoning Order



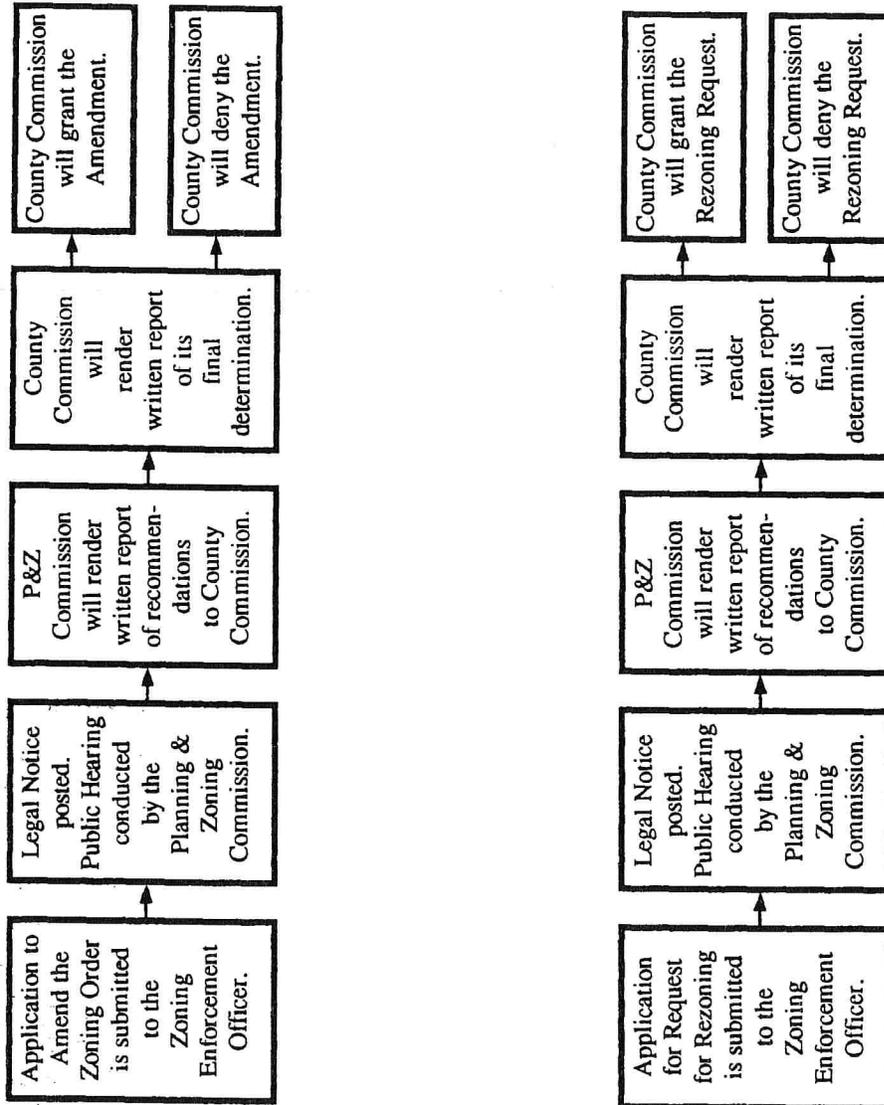
REQUEST FOR VARIANCE PROCESS



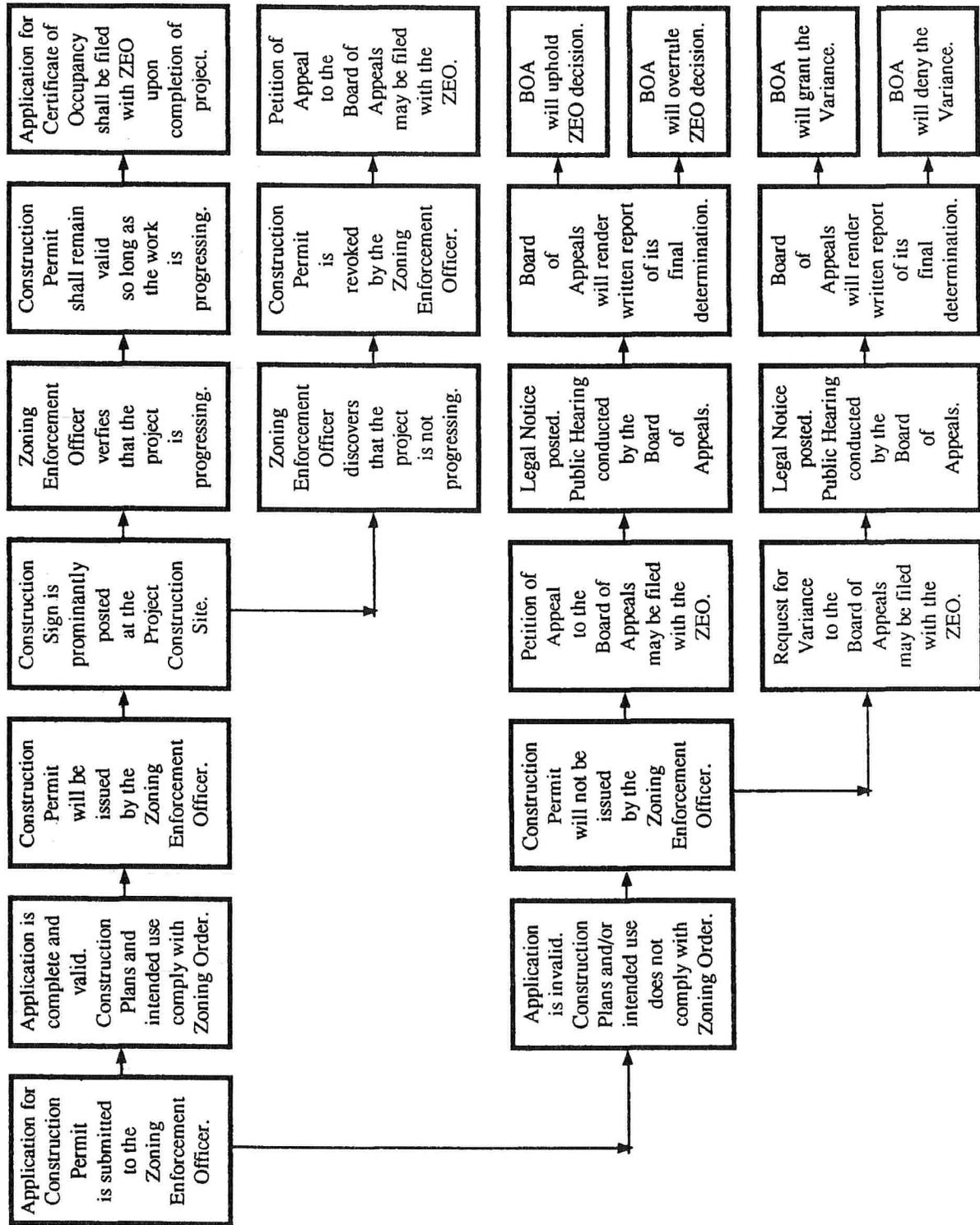
CONDITIONAL USE PERMIT PROCESS:



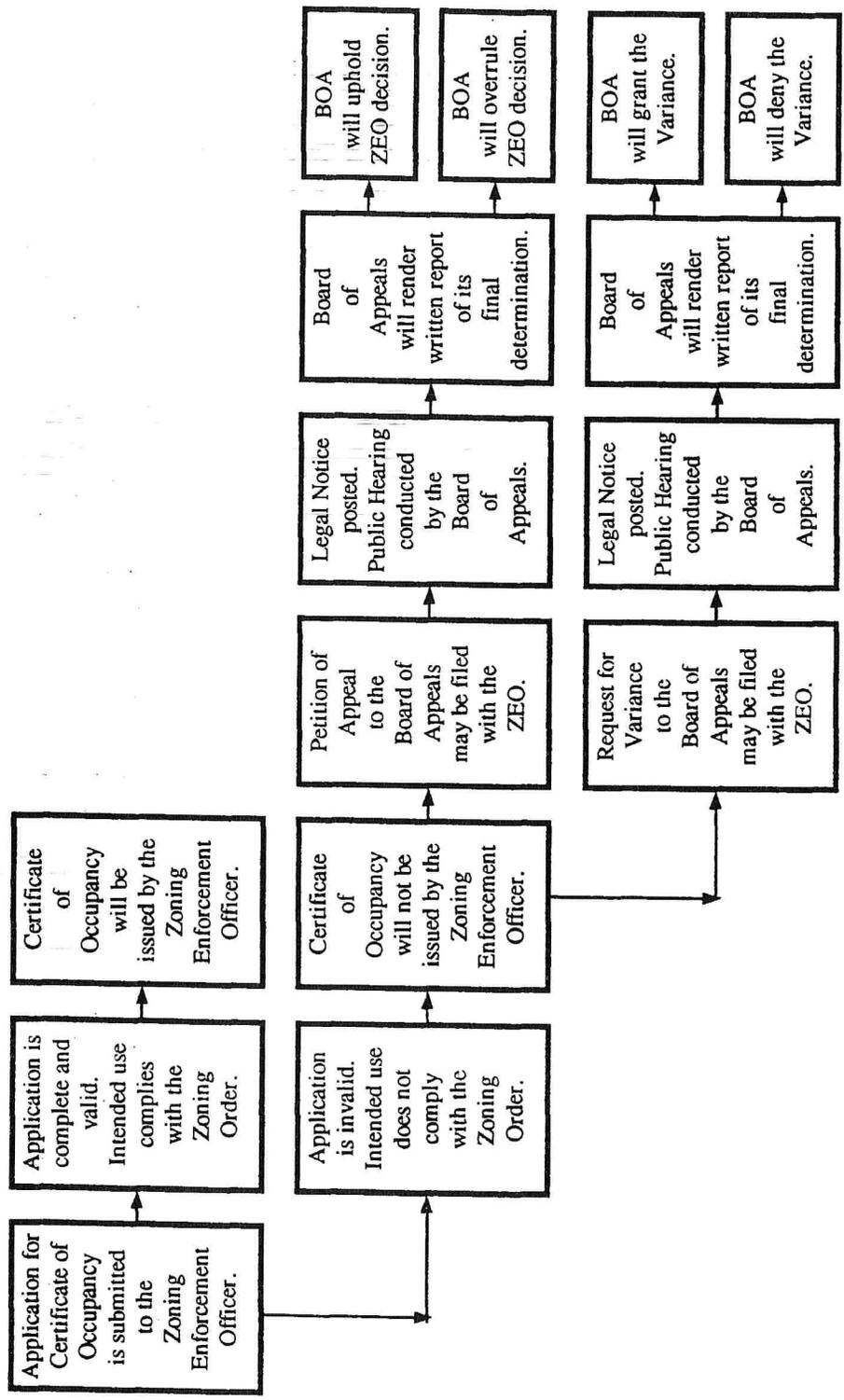
PROCESS TO AMEND ZONING ORDER TO REQUEST REZONING



CONSTRUCTION PERMIT PROCESS



CERTIFICATE OF OCCUPANCY PROCESS



(Appendix C, definitions)

APPENDIX C DEFINITIONS

For the purpose of the Zoning Order, the following words and terms used herein are defined to mean the following:

Words used in the present tense include the future; words used in the singular number include the plural and words in the plural number include the singular; the words "shall" and "must" are mandatory and not directory; the term "used for" includes the meaning "designed for" and "intended for".

100-YEAR FLOOD. See BASE FLOOD

ACCESSORY. Subordinate-secondary

ACCESSORY BUILDING. See BUILDING, ACCESSORY

ACCESSORY USE, AGRICULTURAL. Including: repair shops, sheds, garages, barns, silos, irrigation wells and pumps, well/pump houses, bunk houses, buildings and structures associated with the above. Also includes customary home and farm occupations such as mechanical repair and maintenance service, and retail distribution of feeds and supplies for farm use when treated as a home business.

ACCESSORY USE. See USE, ACCESSORY

ADULT CARE HOME. A residential facility for not more than four adults wherein care and activities are provided on an hourly or daily basis or limited nursing care is provided on a 24-hour basis. As defined and regulated by current state and/or federal laws.

AGGRIEVED PERSON. Any landowner or tenant who demonstrates that the property under his control is or will be adversely or directly or substantially impacted by a policy, guideline, Master Plan provision, action decision, ordinance, permit issuance, or regulation adopted pursuant to this Order. Any individual person(s) or any officer, department, board, bureau, or commission of a town, municipality, county or state who is affected.

AGRICULTURAL BUILDINGS/ STRUCTURES - FARM BUILDINGS/STRUCTURES. See BUILDING, AGRICULTURAL

AGRICULTURAL COMMODITIES. Agricultural products and livestock.

AGRICULTURAL DISTRICT. A Zoning District in which the primary intent is to preserve, maintain and improve the agricultural (i.e. crop, pasture, forestry and conservation) land of the county from helter-skelter, uncontrolled development.

AGRICULTURAL FEEDLOT. See FEEDLOT, AGRICULTURAL

AGRICULTURAL STRUCTURE. Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

AGRICULTURE - FARMING - FORESTRY. The planting, cultivating, harvesting and storage of grains, hay or plants, vineyards or trees commonly grown in the County and the raising and feeding of livestock horses, or poultry. Using or cultivating land for the production of agricultural crops, livestock or livestock products, forest products, poultry or poultry products, milk or dairy products, or fruit or other horticultural products.

AIR POLLUTION. The presence in the outdoor atmosphere of any air contaminant(s) or combination thereof in such quantity, of such nature or duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

AIRPORT/HELIPORT. An area of land or water that is used or intended to be used for the landing and take-off of aircraft and includes its buildings and facilities (if any), for public use.

AIRSTRIP. See LANDING STRIP, PRIVATE

ALCOHOL/ DRUG TREATMENT FACILITY. A facility licensed by the State of Missouri for the treatment of persons recovering from alcohol and/or drug abuse.

ALLEY. A right-of-way which affords a secondary means of access to abutting property.

ALTERATION. Any addition, removal, extension or change in the location of any exterior wall of a main or accessory building.

ALTERATION, STRUCTURAL. See STRUCTURAL ALTERATION

ANCHORING SYSTEM. A system of straps, anchors, and other materials used to secure a mobile home/manufactured home as approved and in accordance with the regulations of the Missouri Public Service Commission.

ANIMAL CLINIC. See VETERINARY HOSPITAL

ANIMAL OWNER. Any person, partnership, a corporation owning, keeping, or harboring one or more animals. An animal shall be deemed harbored if it is fed or sheltered for three consecutive days or more.

ANIMAL WASTES. Animal manure which is stored, transported or disposed of as an unwanted waste material and which poses a potential hazard to the land, air, or waters of the state.

APARTMENT. See DWELLING UNIT

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

ASPHALTIC CONCRETE PAVEMENT See Page 22-C of The Zoning Order.

AUTOMOBILE - See VEHICLE.

AUTOMOBILE - DERELICT See VEHICLE, DERELICT.

AUTOMOBILE GRAVEYARD/JUNDYARD. Any area or place of business maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or parts thereof.

AUTOMOBILE SERVICE STATION. See SERVICE STATION - GAS STATION

BACK YARD. See YARD, BACK/REAR

BARRIER, NATURAL OR ARTIFICIAL. Any alley, street, highway, river, lake, canal, railroad, levee, embankment, or screening by a fence or hedge. Anything built or grown that restrains or obstructs.

BASEMENT. A story having all or part, but not less than one half of its height, below ground level.

(Appendix C, definitions)

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year.

BED & BREAKFAST INN. A commercial use of a structure originally intended for single-family residential use, where at least two (2) but less than twelve (12) rooms may be used or intended for the accommodation of paying transient guests. Establishments with 12 or more rooms shall be considered motels/hotels for the purpose of this order.

BLIGHTED AREA. Any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light, or sanitary facilities or any combination of these factors are detrimental to safety, health, and morals. Any area which, by reason of the predominance of defective or inadequate street layout, insanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting or the existence of conditions which endanger life or property by fire or other causes, or any combination of such factors, retards the provision of housing accommodations or constitutes an economic or social liability or a menace to the public health, safety, morals or welfare in its present condition and use.

BLOCK. A piece or parcel of land entirely surrounded by public or private highway or streets, except alleys.

BOA. Board of Appeals.

BOARD OF APPEALS - BOA. A five-member group of persons appointed to hear appeals on the Zoning Enforcement Officer's decisions and to hear applications for a Variance. (See Chapter of The Zoning Order.)

BOARDING HOUSE. A building occupied or used as a temporary residence for individuals who are lodged by the week, by the month, with or without meals, and in which there are less than twelve (12) sleeping rooms, and in which there are no provisions for cooking in individual rooms.

BUFFER ZONE - GREENBELT. A strip of land containing landscaping or other aesthetic, obscuring features intended to buffer potentially incompatible uses.

BUILDER. The prime contractor that hires and coordinates building subcontractors or, if there is no prime contractor, the contractor that completes more than 50% of the total construction work performed on the building.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattel, or moveable property of any kind, and which is permanently affixed to the land, exclusive of fences.

BUILDING, ACCESSORY. Any building which is incidental or secondary to the principal structure on the same premises. No busses, RVs, and the like shall be considered accessory buildings. A subordinate building or a portion of the main building which is located on the same lot as the main building and the use of which is clearly incidental to the use of the main building.

BUILDING, AGRICULTURAL. Any buildings, other than dwellings, which are incidental to a farming operation.

BUILDING, ELEVATED. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

BUILDING, TEMPORARY. A structure permitted in a district required to be removed upon the expiration of the permit period. May include - recreational vehicles, temporary construction offices, or temporary business facilities used until permanent facilities can be constructed, but at no time shall it include a mobile home used as a residence. Not designed for human habitation.

BUILDING AREA. The total square footage of a lot covered by a structure measured on a horizontal plane at mean grade level, exclusive of uncovered porches, terraces, and steps.

BUILDING HEIGHT. The vertical distance from the average of the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof, to the deck of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

BUILDING LINE - BUILDING SETBACK LINE - SETBACK LINE. A line within a lot or other parcel of land parallel to a public road or street or highway right-of-way defining a portion of the lot between established setback line and said property line on which buildings or structures may not be placed. A line which establishes the required front/rear/side yards of a lot and is generally parallel with the property lines.

BULK FUELS – Refining, Sales, Storage, Transfer Facility - A facility where fuels, including liquid propane, distillate fuels, residual fuels, automotive gasoline, lubricating oils, engine oils are refined, sold, stores and/or transferred for profit.¹

BULK REGULATIONS. Regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines, Including regulations controlling: (1) maximum height, (2) maximum lot coverage, and (3) minimum size of yards and setbacks.

BUSINESS DAY. Weekdays, excluding Saturday, Sunday, and official holidays.

BUSINESS OFFICE. See OFFICE, BUSINESS AND PROFESSIONAL.

BUSINESS. Any activity engaged in by a person, or caused to be engaged in by such person, with the object of gain, benefit, or advantage, either direct or indirect.

CABIN. See DWELLING - SEASONAL

CAMPGROUND. Any parcel of land under the control of any person, organization or governmental entity wherein two or more sites for camping units are offered for use or occupancy, with or without compensation.

CAMPING UNIT. A structure, shelter, or vehicle designed and intended for occupancy by persons engaged in RVing or camping. Basic camping units include: recreational vehicle, park model, tent, camping cabin, housekeeping cabin, yurt, tepee, or other rental accommodations for enjoying the outdoor experience.

CERTIFICATE. A writing on paper certifying to the truth of something, or to status, qualifications, privileges, etc.

CERTIFICATE OF OCCUPANCY. A certification document issued by the ZEO which permits a person the use of his property, so long as the person has proved to the satisfaction of the ZEO the (1) the

¹ Rev. 10/17/06

(Appendix C, definitions)

use of the property is in conformance with the provisions of this Order and (2) the use is permissible in the Zoning District in which it is located.

CERTIFICATE OF OCCUPANCY FOR CONDITIONAL USE. A certification document issued by the ZEO which permits a person the use of his property, so long as the person has proved to the satisfaction of the ZEO that (1) the use of the property is in conformance with the provisions of this Order and (2) the use is permissible as a Conditional Use in the Zoning District in which it is located, but only after proper Public Hearing is held on this Conditional Use and approval is granted by the County Commission.

CERTIFICATE OF OCCUPANCY FOR NON-CONFORMING USE. A certification document issued by the ZEO which permits a person to continue to use his property in the same state and manner as it was on the effective date of this Order even though it is now classified as a Prohibited Use in the Zoning District in which it is located and is now a Non-Conforming Use upon enactment of this Order.

CHILD CARE CENTER. A day nursery providing care for seven or more children, for part or all of a day or night, away from the home of the parent or legal guardian.

CHIP AND SEAL ROAD SURFACE. See Page 22-A of The Zoning Order.

CIVIL ACTION. A legal action which could lead to an order by the Court against any person found to be in violation of any provision of this Order restraining such person from continuing such violation. The action could lead to a fine being imposed by the Court.

CLINIC. A building designed and used for the diagnosis and treatment of sick or injured human patients that does not include overnight care facilities.

CLINIC, ANIMAL. See VETERINARY HOSPITAL

CLINIC, PRIVATE. A nursing facility providing semi-independent living accommodations for patients being treated for substance abuse or other similar or related medical conditions.

CLUB. An organization, building or facility owned or operated by a corporation, association, or persons for social, education, or recreational purposes.

COMMERCIAL ACTIVITY. All activities of business, industry, and trade (i.e. commercial and mercantile).

COMMERCIAL DISTRICT. A Zoning District within the County for the location of businesses which provide a wide range of goods and services and which will be conveniently located near existing urban developments and/or easily accessible to major transportation routes.

COMMERCIAL FACILITY. Any building, structure, or use of open land for the conduction of a commercial activity.

COMMERCIAL FEEDLOT. See FEEDLOT, COMMERCIAL

COMMON LAND. Land being held in common ownership as established in a deed of restriction or covenant and available for the exclusive use of all the fee simple title land owners and designated in said restriction or covenants.

COMMUNICATION TOWER. Radio, television, microwave, and cellular phone transmitting and receiving towers with accessory transmitting stations.

COMPATIBILITY. The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict.

COMPREHENSIVE PLAN. See MASTER PLAN - COMPREHENSIVE PLAN

CONDITIONAL USE. To permit use that would not be appropriate generally but may be allowed with appropriate restriction upon a finding that certain conditions as detailed in this Order exist; the use or development conforms to the Master Plan, and; is compatible with the existing, surrounding neighborhood.

CONDITIONAL USE PERMIT. See CERTIFICATE OF OCCUPANCY FOR CONDITIONAL USE

CONDITION. A stipulation that certain restricting, limiting or modifying circumstances must occur.

CONSTRUCTION, NEW. The erection of a structure or substantial improvement to an existing structure which is begun after the effective date of The Order.

CONSTRUCTION, START OF. The Actual Start of Construction means the first placement or permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a mobile home on a foundation. The Actual Start of Construction for substantial improvements means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

CONSULTANT. One who gives professional or expert advice.

CONSUMER GOODS. Goods ready for consumption in satisfaction of human wants, as clothing, food, etc. and which are not utilizable in any further production.

CONTIGUOUS. Touching - in contact with.

CONVERSION. The change of the use, character, form or function of an existing building into another use.

CORNER LOT. See LOT, CORNER

COTTAGE. See DWELLING - SEASONAL

COUNTY. Montgomery County, Missouri

COUNTY COMMISSION. The administrative body of Montgomery County, Missouri.

COUNTY HIGHWAY ENGINEER. A registered professional engineer designated by the County Commission to perform professional engineering services for the County.

COUNTY REVENUES. Revenues, such as property taxes and sales taxes, generated within and received by the County and used to provide the necessary public services for the residents of the County.

COUNTY ROAD. A term denoting a tract of land maintained by the County which is used primarily for the purpose of vehicular movement and includes all of the facilities and improvements within the right-of-way.

CRIMINAL ACTION. A legal action which could lead to a fine being imposed by the court upon any person found to be in violation of any provision of this Order. Penalty can involve jail time.

(Appendix C, definitions)

CUL-DE-SAC STREET. See STREET, CUL-DE-SAC

CURB LEVEL. The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean level is the highest.

DATA CENTER. An establishment engaging in the storage, management, processing and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. (September 19, 2024)

DAYCARE CENTER - DAYCARE FACILITY. A licensed child or adult care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for individuals not related to the care provider for any part of the twenty-four (24) hour day.

DAYCARE HOME. A child or adult care program where care is given by a person licensed as a family daycare home provider for no more than ten (10) individuals not related to the provider for any part of the twenty-four (24) hour day.

DEAD-END STREET. See STREET, DEAD-END

DENSITY. The amount of buildings or structures per a given amount of land.

DEPARTMENT. The Department of Health of the State of Missouri.

DETACHED DWELLING. See DWELLING, DETACHED

DEVELOPER. The legal or beneficial owner or owners of all of the land proposed to be included in a planned development, or the duly authorized agent thereof. Also the holder of an option or contract or purchase, a lessee having a remaining term of not less than 40 years, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment and materials.

DIRECTOR. The Director of the Department of Health or the designee of the Director.

DISTRIBUTION FACILITY. See WAREHOUSE

DISTRICT, ZONING. See ZONING DISTRICT

DRAINAGEWAY. Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, ravines, or washes, in which waters flow in a definite direction or course, either continually or intermittently, and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

DREDGING. The process by which soils, mostly in the form of silt, or other surficial materials which are transported by surface water as a product of erosion into a body of water are removed for the purpose of deepening the body of water.

DRUG/ALCOHOL TREATMENT FACILITY. See ALCOHOL/DRUG TREATMENT FACILITY

DUPLEX. See DWELLING, TWO FAMILY

DWELLING. A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multi-family dwellings, boarding and lodging houses, apartment houses, but not hotels or motels.

DWELLING, ATTACHED. A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

DWELLING, DETACHED. A residential building which is entirely surrounded by space on the same lot.

DWELLING, MULTI-FAMILY - APARTMENT HOUSE - CONDOMINIUM. A residence used by three or more families, either wholly (attached) or partially a part of a larger structure (detached), with separate housekeeping and cooking facilities for each.

DWELLING - OWNER/OPERATOR A residence which is an integral part of a business. Such residence must be located on the same piece of property as the business and must be occupied solely by the owner, manager, or operator of the business.

DWELLING, SEASONAL - CABIN - COTTAGE - VACATION HOME. A residence intended for occasional short term occupancy.

DWELLING, SINGLE-FAMILY - RESIDENCE, SINGLE-FAMILY. A detached residential building designed or used for occupancy by one family exclusively.

DWELLING, TWO-FAMILY - DUPLEX. A residential building with two (2) separate living quarters intended, designed or used for occupancy by two (2) families.

DWELLING UNIT One or more rooms in a residential building or residential portion of a building which is used by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants.

EASEMENT. The right to use another person's property, but only for a limited and specifically named purpose.

ELEVATED BUILDING. See BUILDING, ELEVATED

ELIGIBLE COMMUNITY - PARTICIPATING COMMUNITY. A community or area for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

ENVIRONMENT. The aggregate of surrounding things, conditions, and/or influences.

ENVIRONMENTAL IMPACT. An assessment of a proposed project or activity to determine whether it will have significant effects on the natural and man-made environment.

EMERGENCY OPERATIONS OFFICER - EOO. That official in Montgomery County who is charged with administering the laws, ordinances, and regulations pertaining to the Flood Plain District in the County.

ENGINEER. A professional engineer registered in the State of Missouri.

EQUIPMENT - SALES/SERVICE/RENTAL - A facility for the sale, service and/or rental of equipment, such as trailers, tractors, tools.

EROSION. The process by which the ground surface is worn away by action of wind or water.

(Appendix C, definitions)

ESSENTIAL SERVICES. Overhead and underground electrical, gas, steam or water transmission or distribution systems and structures or collection, communication supply or disposal systems and structures used by public utilities or governmental departments or commissions or as required for protection of the public health, safety, or general welfare, including towers, poles, wires, drains, sewers, pipes, conduits, and cables, but not including buildings. Rev. 6/20/02

EXCAVATING BUSINESS. Commercial enterprise involving the act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

EXCAVATION. The act by which soil, earth, sand, gravel, rock, or any similar materials is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, except for normal agricultural practices, and shall include the conditions resulting therefrom.

EXCEPTION. Also called a VARIANCE.

EXISTING STRUCTURE. Any completed, permitted structure.

EXISTING MOBILE HOME PARK. See MOBILE HOME PARK

EXISTING SYSTEM. An on-site sewage disposal system in operation prior to September 1, 1995.

EXPLOSIVE FACILITY. Any building or structure or use of open land for the manufacture, storage, or sale of explosives.

EXTRACTION - EXTRACTION INDUSTRIES - EXTRACTION FACILITY. The process or business of removing, whether at ground level or from underground, precious or valuable metals, minerals, or rock either in their native state or in their ores.

FAMILY. An individual, or two or more persons, living together as a single housekeeping unit.

FARM. An area which is used for the growing of farm products such a vegetables, fruits, trees, and grain, and their storage on the area, as well as for the raising of farm animals including, but not limited to, poultry, swine, horses, cattle and sheep.

FARM BUILDINGS/STRUCTURES. See BUILDING, AGRICULTURAL

FARM EQUIPMENT New or used farm tractors, cultivating and harvesting equipment which ordinarily is attached thereto, combines, cornpickers, cotton pickers, farm trailers, and such other new or used farm equipment or machinery which are used exclusively for agricultural purposes.

FARMING. See AGRICULTURE

FEEDLOT, AGRICULTURAL. An enclosure for the purpose of feeding poultry or livestock.

FEEDLOT, COMMERCIAL. An enclosure for the purpose of custom feeding poultry or livestock designated Class I by DNR.

FEMA - F.E.M.A. Federal Emergency Management Agency

FINANCIAL INSTITUTION. Any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, or any type of insurance company.

FINDING. A determination or conclusion based on the evidence presented by a hearing body in support of its decision.

FIREWORKS STAND. A temporary or portable building or vehicle which is designed, intended or used wholly or in part for the sale of fireworks to the public.

FIRM - F.I.R.M. See FLOOD INSURANCE RATE MAP

FLOOD - FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland waters, and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD, BASE. See BASE FLOOD

FLOOD, 100-YEAR. The condition of flooding having one percent chance of annual occurrence.

FLOOD HAZARD BOUNDARY MAP - FHBM - F.H.B.M. An official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

FLOOD INSURANCE RATE MAP - FIRM - F.I.R.M. The official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN - FLOOD-PRONE AREA. Any land area susceptible to being inundated by water from any source.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage including but not limited to an emergency preparedness plans, flood control works, and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain, grading, and erosion control ordinances) and other applications of policies and any other such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

(Appendix C, definitions)

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building measured from the exterior walls, including basements and attached accessory buildings.

FLOOR, LOWEST. The lowest floor of the lowest enclosed area, including the basement.

FORESTRY. See AGRICULTURE - FARMING - FORESTRY

FRONT BUILDING LINE. See BUILDING LINE

FRONT LOT LINE. See LOT LINE, FRONT

FRONT YARD. See YARD, FRONT

GARAGE, PRIVATE. An accessory building for storage primarily of motor vehicles.

GARAGE, PUBLIC. See also SERVICE STATION.
Any premises, except those described as a private garage, used for the storage or care of power-driven vehicles, or where any such vehicles are equipped for operation, repair or are kept for remuneration, hire, or sale.

GARAGE, STORAGE. A building or portion thereof, except those defined as private or public garage, providing storage for motor vehicles.

GARBAGE DISPOSAL FACILITY. See SOLID WASTE FACILITY

GOLF COURSE. An area, course or facility for playing golf, consisting of at least nine (9) holes. Not miniature golf.

GRADE. The slope of a surface specified in percent and shown on a surface profile plan as required herein.

GRAIN ELEVATOR. A business for storing grain, the grain being handled by means of mechanical elevating and conveying devices.

GREEN SPACE. See OPEN SPACE

GRIEVANCE PROCESS. As provided for in R.S.Mo. 64.815 and 64.863.

GROSS FLOOR AREA. See FLOOR AREA, GROSS

GROUP HOME. A single-family dwelling defined and licensed by the State of Missouri in which eight (8) or fewer unrelated mentally- or physically-handicapped persons, or those living there as a safe-house or a half-way house, or those recovering from substance abuse reside along with up to two (2) additional persons who act as house parents or guardians and who need not be related to any of the persons residing in the home.

GUEST HOUSE. A second residential structure on any single parcel of land, intended solely for the temporary housing of private, non-paying guests. Mobile homes shall not be considered as guest homes.

HANDICAP. A mental or physical impairment that substantially limits one or more major life activities whether the impairment is congenital or acquired by accident, injury, or disease, and where the impairment is verified by medical findings.

HAZARDOUS WASTE FACILITY. Any building or structure or use of open land that is used for the storage, treatment or disposal of radioactive or hazardous wastes, as defined in the laws of the federal government, the State of Missouri, or Montgomery County.

HEALTH HAZARD. A condition which is likely to cause a threat to life or a serious risk to the health, safety, and welfare of the public if action to correct is not taken.

HEALTH SERVICES. Montgomery County Health Services

HEAVY EQUIPMENT. Large trucks, semi-trucks, dump trucks, and the like.

HEAVY INDUSTRY. See INDUSTRY, HEAVY

HEIGHT, MAXIMUM. A horizontal plane above and parallel to the average finished grade.

HELIPAD. An area of land that is intended, designed or used for the landing and take-off of helicopters and which shall not be open for use by the general public.

HELIPORT. See AIRPORT/HELIPORT

HISTORIC STRUCTURE. Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved program.

HOLDING TANK. A watertight tanks for temporary storage of sewage until it can be transported to a point of approved tretment and disposal.

HOME. See DWELLING, SINGLE-FAMILY

HOME BUSINESS- HOME-BASED BUSINESS - HOME OCCUPATION. Any occupation which is clearly secondary to the main use of the premises as a dwelling and does not change the character thereof. The nature of same must not adversely affect the area by reason of noise, congestion, inadequate parking, dust, fumes or other objectionable features.

HOSPICE. Residential and care facility for the terminally ill.

HOSPITAL. An institution providing medical and/or surgical care for sick or injured human patients. For both in-patients and out-patients. Includes medical service, training and research facilities.

HOSPITAL, VETERINARY. See VETERINARY HOSPITAL

(Appendix C, definitions)

HOTEL. See MOTEL

HOUSE. See DWELLING

HOUSE, BOARDING. See BOARDING HOUSE

HUMAN EXCRETA. Undigested food and by-products of metabolism which are passed out of the human body.

IMMINENT HEALTH HAZARD. A condition which is likely to cause an immediate threat to life or a serious risk to the health, safety, and welfare of the public if immediate action is not taken.

IMPROVEMENT. Any change or addition which confers a benefit on property within a definable area and may include or consist of a reimprovement of a prior improvement.

IMPROVEMENT, SUBSTANTIAL. See SUBSTANTIAL IMPROVEMENT

INDUSTRIAL DEVELOPMENT. The acquisition, clearance, grading, improving, preparing of land for industrial and commercial development and use, and the construction, reconstruction, purchase, repair of industrial and commercial improvements, buildings, plants, additions, stores, shops, shopping centers, office buildings, hotels and motels, parking garages, multi-family housing facilities, warehouses, distribution centers, machines, fixtures, structures and other facilities relating to industrial and commercial use.

INDUSTRIAL DISTRICT (M). A Zoning District within the unincorporated parts of the County for the location of businesses associated with the production, cleaning, servicing, storage, testing, repair, etc. of products, goods and materials.

INDUSTRIAL FACILITY - MANUFACTURING FACILITY. The use of any building, structure or open land in connection with, accessory to, or otherwise affiliated with light industry, heavy industry, or manufacturing.

INDUSTRIAL PARK. A tract of land which has been divided into lots upon which are constructed various types of industrial or manufacturing structures. The lots are then used for industrial or manufacturing activities.

INDUSTRIAL WASTE. Any liquid, gaseous or solid waste substances resulting from any process of industry, manufacturing trade or business, or from the development of any natural resource.

INDUSTRY, HEAVY - MANUFACTURING, HEAVY. A manufacturing or fabricating facility which produces noise, odor, smoke, dust, fumes, liquid effluent or other wastes or which could otherwise be a hazard or a nuisance to the general public.

INDUSTRY, LIGHT - MANUFACTURING, LIGHT. A manufacturing or fabricating activity which does not produce noise, odor, smoke, dust, fumes, liquid effluent or other wastes but which could otherwise be a hazard or a nuisance to the general public.

JUNK. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, iron, steel, and all other old or scrap ferrous or nonferrous materials. Shall also include junked, dismantled, ruined, or wrecked automobiles and/or parts thereof.

JUNKYARD - SALVAGE YARD. See also VEHICLE GRAVEYARD.
An establishment, area, or place of business maintained, operated or used for storing, keeping, buying, or selling of junk, or for the operation of an automobile graveyard. As defined and regulated by Missouri statutes.

KENNEL, PRIVATE. An establishment where dogs, cats or other non-food producing animals are boarded for compensation, bred, raised, or trained on a commercial basis.

LAND SURVEYOR. A land surveyor registered in the State of Missouri.

LAND USE. All activities, occupations, practices, and utilization of land space, including water, subsurface, and air space.

LAND USE PLAN. A graphic and written analysis of a desirable and feasible land use pattern giving the general location, character, extent, and the relationship of future land uses.

LANDFILL. See SOLID WASTE FACILITY

LANDING STRIP, PRIVATE. A facility for the take-off and landing of aircraft, without service for aircraft, which is intended and operated for private use.

LEVEE. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system which consists of a levee or levees and associated structures, such as closure and drainage devices that are constructed and operated in accordance with sound engineering practices.

LIGHT INDUSTRY. See INDUSTRY, LIGHT

LIGHT MANUFACTURING. See INDUSTRY, LIGHT

LOT. A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

LOT, CORNER. A lot situated at the junction of and fronting on two or more roads or highways.

LOT AREA. Total square footage within the boundaries of a lot, exclusive of any land designated for street or alley purposes.

LOT OF RECORD. A lot or parcel of land, the plat or deed of which has been recorded in the Office of the Recorder of Deeds of Montgomery County.

LOT LINE. Any line bounding a lot.

LOT LINE, FRONT. The boundary line between a lot and the street or road right-of-way on which it fronts.

(Appendix C, definitions)

LOT LINE, REAR. The lot boundary line which is opposite and most distant from the front lot line.

LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the front building line.

LOWEST FLOOR. See FLOOR, LOWEST

MACHINE SHOP - A business/factory that makes or repairs mechanical apparatus. (5/21/02)

MAJOR MODIFICATION/MAJOR REPAIR. The redesigning and alteration of an on-site sewage system by relocation of the system or a part of the system, replacement of the septic tank or construction of a new absorption field.

MANUFACTURED HOME. See MOBILE HOME; See MODULAR HOME

MANUFACTURING, HEAVY. See INDUSTRY, HEAVY

MANUFACTURING FACILITY. See INDUSTRIAL FACILITY

MAP. The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

MARQUEE. A canopy or covering structure projecting from an attached building.

MASTER PLAN - COMPREHENSIVE PLAN. The official Master Plan of Unincorporated Montgomery County, Missouri, or any portion thereof, adopted by the County Commission for the coordinated physical development of the County.

MAY. Permissive.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

MEAT PROCESSING PLANT - See Food Processing Plant (5/21/02)

MEDICAL CLINIC - A building, other than a hospital, used by licensed medical personnel for the purpose of receiving and treating patients. (5/21/02)

MEETING HALL - A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social gatherings. (5/21/02)

MINERALS EXTRACTION - The extraction of gravel, sand, and metallic and nonmetallic substances of commercial value, whether at ground level or from underground, excluding sand and gravel from water courses. (5/21/02)

MINING. See MINERALS EXTRACTION(5/21/02)

MOBILE HOME - MANUFACTURED HOME. A building for residential use which is titled, designed, engineered, and at least partially assembled in a factory and then towed to its site.

MOBILE HOME COMMUNITY. See MOBILE HOME PARK

MOBILE HOME PARK - MOBILE HOME COMMUNITY- MOBILE HOME

MOBILE HOME SITE. A plot of land for the accommodation of one (1) mobile home.

MODULAR HOME. A non-mobile housing unit that is basically fabricated at a central factory and transported to a building site where final installations are made, permanently affixing the module to the site.

MOTEL - HOTEL. A building occupied or used as a temporary residence for paying, transient guests who are lodged, with or without meals, and in which there are twelve (12) or more sleeping rooms and no provisions for cooking in individual rooms.

MOVING BUSINESS - Business of relocating residential, commercial and other personal property.

MPZC. The Montgomery County Planning & Zoning Commission.

MCZO. The Montgomery County Zoning Order.

MUNICIPALITY. Any incorporated city, town, or village.

NEW CONSTRUCTION. See CONSTRUCTION, NEW

NEW STRUCTURE. See STRUCTURE, NEW

NEW USE. See USE, NEW

NEW USE OF OLD STRUCTURE. See USE, NEW

NON-CONFORMING USE. The use of land and/or structures that does not conform to the rules and regulations of this Zoning Order but which is permitted under certain circumstances.

NUISANCE. Anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses. Sewage, human excreta or other human organic waste discharged or exposed on the owner's land or any other land from an on-site sewage disposal system in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitoes, the production of odors, or the transmission of disease to or between a person or persons, or which contaminates surface waters or groundwater.

NURSERY - TREE FARM - TRUCK FARM. A farm, garden or other cultivated land, together with accessory structures, used only for the cultivation and sale of live vegetation.

NURSING HOME. A home for the aged, the convalescent, or the infirmed in which three (3) or more persons, not of the immediate family of the owner, reside or are provided with food, shelter, and care in exchange for compensation.

OFFICE, BUSINESS OR PROFESSIONAL. Any place where the chief or principal affairs and business of any individual, company or corporation are conducted.

(Appendix C, definitions)

ON-SITE SEWAGE DISPOSAL SYSTEM. Any system handling or treatment facility receiving domestic sewage which discharges into a subsurface soil absorption system and discharges less than three thousand gallons per day.

ON-SITE SEWAGE DISPOSAL SYSTEM CONTRACTOR. Any person who constructs, alters, repairs, or extends an on-site sewage disposal system on behalf of, or under contract with, the property owner.

OPEN SPACE. Any space or area in which the preservation or restriction of the use would (1) maintain or enhance the conservation of natural or scenic resources; (2) protect natural streams or water supply; (3) promote conservation of soils, wet lands, beaches, or marshes; (4) enhance the value to the public of abutting parks, forests, wildlife preserves, nature reservations or sanctuaries or other open areas or open spaces; (5) preserve archaeological and historic sites; (6) implement the plan of the planning agency; (7) promote orderly urban or suburban development.

OVERLAY DISTRICT. A zoning district which acts in conjunction with the underlying zoning district. For example, the Flood Plain District is an overlay district for all other districts.

P&Z COMMISSION. See PLANNING & ZONING COMMISSION

PALLET MANUFACTURING/SALES - A facility where pallets are manufactured, re-manufactured, stored and/or sold. (5/21/02)

PARCEL. See LOT

PARK. An area open to the general public, and reserved for recreational, educational or scenic purposes.

PARKING SPACE. An enclosed or open area dedicated for the storage of one (1) vehicle, together with a driveway connecting the parking space with a road, street, or alley and permitting ingress to and egress from said space.

PARTICIPATING COMMUNITY. Also known as an "eligible community." A community in which the Administrator has authorized the sale of flood insurance.

PAVEMENT. An all-weather, dust-free, hard surface of asphalt, concrete or the like for travel or parking.

PERMIT. Approved document needed as required. See specific chapters in Zoning Order as applicable.

PERMITTED USE. A use that is allowed that conforms to the Zoning Order.

PERSON. Any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Missouri or any department thereof, or any political subdivision of this state, including Federal, State, and local governments and agencies.

PETITION OF APPEAL. Any request by an aggrieved person for a review of any official order, requirement, decision or determination rendered by the Zoning Enforcement Officer or any other official or agency charged with the interpretation and/or enforcement of this Zoning Order.

PET SHOP - A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles. (Excluding exotic animals and farm animals) and paraphernalia for such animals.(5/21/02)

PLANNED DEVELOPMENT. Any development which requires the approval of a Site Plan by the County Commission.

PLANNING & ZONING COMMISSION - P&Z COMMISSION - MCPZ. The Montgomery County Planning & Zoning Commission. As established pursuant to R.S.Mo. 64.805 and 64.860.

PLAT. A drawing or map of a subdivision, meeting all requirements of the County and in such form as required for purposes of recording.

PLAT, PRELIMINARY SUBDIVISION. Preliminary engineering maps, drawings, or charts and supportive material indicating the proposed layout of the subdivision meeting the requirements of this Order.

PLOT. One or more contiguous parcels of land under single ownership or control, designated by its owner at the time of filing an application for a construction permit, as a tract to be used, developed, or built upon as a unit.

PORTABLE BUILDING. A structure that can be moved when empty.

PORTLAND CEMENT CONCRETE PAVEMENT. See page 22-D of Zoning Order.

POUND. A facility operated by the state or any political subdivision of the state for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals.

PRELIMINARY PLAT. See PLAT, PRELIMINARY SUBDIVISION

PREMISES. A parcel of land together with all buildings and structures thereon.

PRE-SCHOOL - A school for children primarily between the ages of three and five, providing preparation for elementary school. (5/21/02)

PRINCIPAL USE. The main use of land or structures as distinguished from a secondary or accessory use.

PRINCIPALLY ABOVE GROUND. At least 51 percent of the actual cash value of the structure, less land value, is above ground.

PRINTING FACILITY - A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. (5/21/02)

PRISON - PUBLIC/PRIVATE - See Jail

PRIVATE. Affecting or belonging to individuals as distinct from the public generally.

PRIVATE CLINIC. See CLINIC, PRIVATE

PRIVATE CLUB. An association organized and operated either for-profit or not-for-profit for persons who are bonafide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests.

PRIVATE RECREATIONAL FACILITY. See RECREATIONAL FACILITY

(Appendix C, definitions)

PROFESSIONAL OFFICE. See OFFICE, BUSINESS OR PROFESSIONAL

PROPERTY OWNER. The person in whose name legal title to the real estate is recorded.

PUBLIC. Affecting or belonging to the general population, as distinct from private individuals.

PUBLIC BUILDING. A building owned or operated by a governmental subdivision, including but not limited to, a State, City, County or School District.

PUBLIC HEARING. A hearing held after public notice at which any person has a reasonable opportunity to be heard.

PUBLIC RECREATIONAL FACILITY. See RECREATIONAL FACILITY

PUBLIC UTILITY. Any business entity which owns or operates any plant, equipment, property, franchise, or license for the transmission of communications, transportation of goods or persons, except by pipeline, or the production, transmission, sale, delivery, or furnishing of electricity, water or steam and whose rates for goods or services have been established or approved by a federal, state, or local agency or government.

QUARRY - A site or area from which building stone, sand, gravel, mineral or fill is processed for commercial retail sales and sales to government entities. (5/21/02)

R.S.Mo. The Revised Statutes of the State of Missouri.

R.S.Mo. 610. The Missouri Sunshine Law governing public open meetings of a public governmental body.

RADIO STATION - Any place where the wireless transmission of sound by electromagnetic waves is generated and the affairs of conducting this type of business is located. (5/21/02)

REAL ESTATE OFFICE - Any place where the public can go to seek, discuss or transact the sale or lease of land and/or buildings. (5/21/02)

REAL PROPERTY. Includes land itself, whether laid out in town lots or otherwise, and all growing crops, buildings, structures, improvements and fixtures of whatever kind thereon, and all rights and privileges belonging or appertaining thereto.

REAR BUILDING LINE. See BUILDING LINE

REAR YARD DEPTH. See YARD DEPTH, REAR

REAR LOT LINE. See LOT LINE, REAR

RECREATIONAL FACILITY. Non-commercial accessory uses incidental to residential development intended for relaxation and/or exercise such as swimming pools, tennis courts, and playground equipment.

RECREATION VEHICLE CAMP. See CAMPGROUND

RECREATION VEHICLE PARK - RECREATION VEHICLE CAMP -RV PARK - RV CAMP.
See CAMPGROUND

RECYCLING CENTER. Any facility, whether publicly or privately owned, where recyclable materials such as glass, copper, aluminum, paper and plastic, but not including other solid waste or trash, are collected and processed. Any such facility shall be completely contained in an enclosed building or fence making it virtually indistinguishable from a warehouse or light manufacturing facility.

RECYCLING COLLECTION POINT. A collection point for small recyclable refuse items, such as bottles, cans and paper, located either in a container or a small structure. An incidental use that serves as

a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed at such locations.

REMEDY A VIOLATION. To bring the structure or other development into compliance with Federal, State or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

RESIDENCE. See DWELLING

RESIDENTIAL DISTRICT. A Zoning District within the County for the construction of residential units (single-, two-, and multi-family dwellings), mobile home parks, and low-density housing developments.

RETAIL. Selling directly to consumers.

RETAIL FACILITY -RETAIL SALES OPERATION. Facility for the sale of goods and services at retail to serve area residential, agricultural and commercial development, together with related parking, loading and storage facilities.

REZONING. An amendment to the Zoning Order which will change the boundaries of a Zoning District. That is, it will change how a particular tract of land is zoned.

RIGHT-OF-WAY. A dedication of land to be used generally for streets, alleys or other public uses, wherein the owner gives up his rights to the property so long as it is being used for the dedicated purpose.

ROAD SURFACE. See pages 22-A through 22-D of Zoning Order.

ROADSIDE STAND. Temporary, seasonal structure for retail sales.

RV CAMP. See CAMPGROUND

RV PARK. See CAMPGROUND

SALES LOT, RECREATIONAL VEHICLE. A parcel of land on which unoccupied recreational vehicles, whether new or used, are parked for the purpose of storage, inspection, or sale.

SALVAGE YARD. See JUNKYARD-SALVAGE YARD

(Appendix C, definitions)

SANITARY LANDFILL. A method of disposing of solid wastes on land without creating nuisances or hazards to public health or safety. As defined and regulated by current State and Federal laws.

SANITARY SEWER SYSTEM. See SEWAGE DISPOSAL SYSTEM

SCREENING. Fencing or vegetation maintained for the purpose of concealing from view the area behind such structure or vegetation to adequately reduce unsightly visual ground level view, noise, lighting, glare, blowing trash, potential nuisances, and hazardous conditions.

SECONDARY USE. See USE, ACCESSORY

SEED DISTRIBUTION BUSINESS. A facility for the sale of agricultural seed at retail to serve area agricultural development, together with related parking, loading, and storage facilities.

SERVICE STATION - GAS STATION. For retailing or dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and services customarily incidental thereto.

SETBACK LINE. See BUILDING LINE

SEWAGE OR DOMESTIC SEWAGE. Human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste and other similar waste from household or establishment appurtenances. Sewage and domestic sewage waste are further categorized as: (a) Blackwaters: waste carried off by toilets, urinals and kitchen drains; (b) Gray-waters: all domestic waste not covered in paragraph (a) including bath, lavatory, laundry and sink waste.

SEWAGE DISPOSAL SYSTEM, MAJOR MODIFICATION OR MAJOR REPAIR. The redesigning and alteration of an on-site sewage system by relocation of the system or a part of the system, replacement of the septic tank or construction of a new absorption field.

SEWAGE DISPOSAL SYSTEM NUISANCE. Sewage, human excreta or other human organic waste discharged or exposed on the owner's land or any other land from an on-site sewage disposal system in a manner that makes it a potential instrument or medium for the breeding of flies and mosquitos, the production of odors, or the transmission of disease to or between a person or persons, or which contaminates surface or groundwater.

SEWAGE DISPOSAL SYSTEM, ON-SITE. Any sewage system handling or treatment facility receiving domestic sewage which discharges into a subsurface soil absorption system and discharges less than three thousand gallons per day.

SEWAGE DISPOSAL SYSTEM CONTRACTOR, ON-SITE. Any person who constructs, alters, repairs, or extends an on-site sewage disposal system on behalf of, or under contract with, the property owner.

SHALL. Mandatory, and not discretionary.

SHOOTING RANGE. A place with targets for practice in shooting.

SHOULD. Indicates a recommendation or that which is advised but not required.

SIDE LOT LINE. See LOT LINE, SIDE

SIDE YARD. See YARD, SIDE

SIGN. Any words, numbers, figures, devices, designs, logos, or trademarks by which information is made known, such as is commonly used to identify a building, structure or object, or to designate or mention an individual, profession, firm, business, or commodity.

SINGLE-FAMILY DWELLING. See DWELLING, SINGLE-FAMILY

SITE PLAN. A document or group of documents containing sketches, text, drawings, maps, photographs or other material intended to present and explain certain elements of a proposed development, including physical design, location of building/structures, vehicular and pedestrian access, the provision of improvements, and the interrelationship of these elements.

SKIRTING - UNDERPINNING. A type of perimeter enclosure constructed of weather-resistant material which encloses the space under a mobile home from the floor joists to the ground.

SOIL SURVEY. A soil map or inventory of the soils of an area and a text describing the kinds of soils shown on the map and summarizing what is known about these soils including their classification and capabilities.

SOLID WASTE. Garbage, refuse and other discarded solid materials, except animal waste used as fertilizer, including solid waste materials resulting from residential, industrial, commercial and agricultural operations and from community activities. As defined and regulated by current State and Federal Laws.

SOLID WASTE FACILITY. Any area used for the disposal of solid waste from more than one (1) residential premise or one (1) or more commercial, industrial, manufacturing, recreational or governmental operations. As defined and regulated by current State and Federal Laws.

SPECIAL FLOOD HAZARD AREA. See AREA OF SPECIAL FLOOD HAZARD

SPECIAL HAZARD AREA. An area having special flood hazards and shown on an FHBM or FIRM as zones (numbered or unnumbered) A, AO, A1-A30, AE, OR AH.

SPOT ZONING. The awarding of a use classification to an isolated parcel of land that is detrimental or incompatible with the uses of the surrounding area.

STABLE, RIDING. Facility in which horses or ponies used exclusively for pleasure riding or driving are housed, boarded, or kept for pay, profit, hire, sale or training.

START OF CONSTRUCTION. See CONSTRUCTION, START OF

STATE COORDINATING AGENCY. That agency of the State government, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

STORAGE UNIT/FACILITY. Any building or structure where space is sold, rented, or leased to the public or to private industry for the purpose of storing goods for remuneration, profit, or livelihood.

(Appendix C, definitions)

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

STREET. A general term denoting a public or private way for the purpose of vehicular travel.

STREET LINE. The dividing line between the street and the abutting property.

STREET, CUL-DE-SAC. A short, minor local street, having only one end open for vehicular traffic, and the other end permanently terminated by a turn-around circle for vehicles.

STREET, DEAD-END. A local street similar to a cul-de-sac street except that it provides no turn-around circle at its closed end, and is not permitted in any proposed subdivision.

STRUCTURAL ALTERATION. Any change in or addition to a supporting member of a building.

STRUCTURE. Any object constructed or installed by man.

STRUCTURE, EXISTING. See EXISTING CONSTRUCTION/STRUCTURE

STRUCTURE, HISTORIC. See HISTORIC STRUCTURE

STRUCTURE, NEW. Any structure built after the effective date of this Zoning Order.

SUBDIVISION. A Subdivision shall, for the purpose of these regulations, be a tract of land that has been developed or shall be developed whether immediately or in the future with common site improvements serving either the whole tract of land or more than one subdivided unit of this land, including streets, amenities, utilities and signate, and divided into lots for sale or lease as either residential, commercial, or industrial sites. (See Chapter 25 - Subdivisions for exceptions.)

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "*start of construction*" of the improvement. This term includes structures which have incurred "*substantial damage*," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "*historic structure*," provided that the alteration will not preclude the structure's continued designation as a "*historic structure*."

SUBSURFACE SOIL ABSORPTION SYSTEM. A system for the final renovation of the sewage tank effluent and return of the renovated wastewater to the hydrologic cycle, including the lateral lines, the perforated pipes, the rock material and the absorption trenches. Included within the scope of this definition are: sewage tank absorption systems, privies, chemical toilets, single-family lagoons and other similar systems; except that a subsurface sewage disposal system does not include a sewage system regulated pursuant to chapter 644, RSMo.

TAVERN. An establishment which sells alcoholic beverages by the drink.

TEMPORARY BUILDING. See BUILDING, TEMPORARY

TOPOGRAPHIC MAP. A map showing all principal physical features of an area, including elevation, and using contouring lines which show points of equal elevation.

TRAILER SALES - Any vehicle without motive power designed for carrying property on its own structure which is normally capable of being towed by passenger automobiles, pickup trucks, sport utility vehicles, and similar self-propelled vehicles, but excluding such tow vehicles commonly known as semi-trucks, semi-tractors, or semi-truck/tractors. Also excludes any type of trailer designed for use as temporary or permanent living quarters and any trailer that falls under any other classification in this Zoning Order.

TRANSFER STATION. Any facility where solid wastes are unloaded from one means of transport and are arranged, compressed or otherwise made ready for reloading onto another means of transport for eventual disposal either elsewhere on the same premises or at some other location.

TRANSIENT GUEST. Person or persons who occupy rooms in a hotel or motel for thirty-one days or less during any calendar quarter.

TRUCK TERMINAL. A facility where trucks are loaded and unloaded, temporarily stored, or dispatched.

UNDERPINNING. See SKIRTING - UNDERPINNING

UNINCORPORATED AREA. That part of the County which is outside of any incorporated city, town, village or borough.

URBAN FRINGE. An area at the edge of an urban area usually made up of mixed agricultural and urban land uses.

URBAN SPRAWL. The irregular and uncontrolled development of urban land uses without regard to land use planning.

USAGE GRID CHART. Details the Permitted, Conditional, and Prohibited uses of land and buildings/structures within each Zoning District.

USE. Noun: Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

USE, CONDITIONAL. See CONDITIONAL USE

USE, NEW. Any use of structure or land commenced after effective date of this Order.

USE, ACCESSORY. An activity or structure incidental or secondary to the principal use on the same site (i.e. storage shed, swimming pool).

VACATION HOME. See DWELLING-SEASONAL

VARIANCE. A deviation, in an individual case, from the literal requirements of the Zoning Order where the strict adherence to all such requirements would involve undue hardship on the part of the owner, lessee, occupant of land and/or structures in order to have a reasonable use of the property.

(Appendix C, definitions)

VARIANCE/FLOODPLAIN. A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VEHICLE. Any passenger car, bus, motorcycle, light-, medium- or heavy-duty truck, pickup truck, van, motor home, and/or motorized recreational vehicle.

VEHICLE, DERELICT. Abandoned vehicle - unregistered and/or partially dismantled so as to be incapable of movement under own power.

VEHICLE GRAVEYARD. Any area or place of business maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or parts thereof.

VEHICLE RENTAL - A facility for the rental of vehicles and/or trailers. (5/21/02)

VETERINARY HOSPITAL - VETERINARY CLINIC - ANIMAL CLINIC - ANIMAL HOSPITAL.
A facility for the practice of veterinary medicine.

VIOLATION. The failure of a structure or other development to be fully compliant with the Zoning Order.

VIOLATION/FLOODPLAIN. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

WAREHOUSE - DISTRIBUTION FACILITY. A facility adapted to the reception and temporary storage of goods and merchandise.

WASTE. Sewage, human excreta or domestic sewage.

WHOLESALE FACILITY. Commercial activity which involves sales to retailers or jobbers, rather than to the general public.

WASTE. Sewage, human excreta or domestic sewage.

WASTE, DOMESTIC. Any liquid, gaseous or solid waste substances generated by a residence.

WASTE, INDUSTRIAL. See INDUSTRIAL WASTE

WINERY. Building used for the primary purpose of making wine.

WILDLIFE. Class II wildlife as defined in the current Missouri Wildlife Code.

WILDLIFE CONFINEMENT AREA. Any building, structure or fenced area for the primary purpose of confining wildlife.

YARD. The unbuilt-upon space on a building lot.

YARD, FRONT. A yard across the full width of a lot, extending from the front line of the primary building situated on such lot to the front lot line of such lot.

YARD, BACK/REAR. A yard across the full width of a lot, extending from the rear line of the primary building situated on such lot to the rear lot line of such lot.

YARD, SIDE. A yard extending from the primary building situated on a lot to the adjacent side lot line of such lot and extending entirely from the front yard to the rear yard of such lot.

YARD DEPTH. The mean horizontal distance between the building line and the lot line.

ZEO. Zoning Enforcement Officer

ZONING. A technique the principal purpose of which is to insure that the land uses of the County are properly situated in relation to one another, providing adequate space for each type of development.

ZONING DISTRICT. A portion of the unincorporated area of the County wherein the regulations of the Order are uniform.

ZONING ENFORCEMENT OFFICER. A person who is empowered to interpret and enforce the provisions of the Zoning Order by assuring compliance with the Zoning Order.

ZONING ORDER - ZONING ORDINANCE - ZONING REGULATIONS. The regulatory document which controls the zoning of the County.

APPENDIX D

SOLAR OVERLAY DISTRICT (SOD)

Section I. PURPOSE

- A. The purpose of the SOLAR OVERLAY DISTRICT (SOD) is to promote the use of solar energy and thereby 1.) to provide for the health, safety, and well-being of county residents, 2) to protect the environment and 3) to assure that land use remains productive and property values maintained while at the same time mitigating any negative impact on wildlife, natural vegetation and aesthetics.
- B. Furthermore, the SOLAR OVERLAY DISTRICT implements the following goals and policies of Montgomery County.
1. Solar Facilities involve exclusively development costs which are the responsibility of private ownership which advances the objective of having developers in rural areas pay their own way.
 2. Balances the needs of the general public for lower cost and clean energy with the goal of preserving prime agricultural land.
 3. Promotes effective wildlife and natural vegetation management while minimizing the impact on wetlands and minimizes erosion.
 4. Preserves the underlying zoning classification of the property which is subject to the Overlay District.
 5. Balances the needs of the public with the rights of private ownership of land.

Section II. APPLICABILITY

- A. These Regulations are applicable to all tracts of real estate which have been designated as part of a SOD by the Montgomery County Commission and to any application filed by real property owner, or their designee, who desires that one or more parcels of real estate be designated as a portion of a SOD.
- B. All SODs must be reflected as such on the Montgomery County Official Zoning Map or a scaled map designed by the County's mapping department which is to be attached as an Appendix to the Official Zoning Map of Montgomery County.
- C. Although the Montgomery County Commission has the inherent authority to rezone property and designate which areas are to be part of a given overlay district, it is the policy of Montgomery County that no land will be designated as part of a SOD without the consent of or at the request of the owner or owners of the subject property.

Section III. OVERLAY DISTRICT MAP

The OVERLAY DISTRICT MAP will consist of the Official Zoning Map of Montgomery County which has been annotated in clear and unambiguous markings to reflect the boundaries of the participating parcels of the SOD which have been approved by the Montgomery County Commission. The Official Zoning Map will be updated on an annual basis, if needed because of the addition of parcels to existing SOD so that the Zoning Map accurately reflects the parcels in a SOD Boundary. Between the date that any new area is designated as a portion of the SOD and the date that the Official Zoning Map is updated, all participating parcels of the SODs shall be designated by an Appendix Map attached to the Zoning Map as required in Section II. B. hereof.

Section IV. DEVELOPMENT STANDARDS

A. General Standards. (official legal description will be recorded in Record of Deed of Montgomery County, Missouri)

1. The Solar Energy Overlay District (SOD) shall have buffer zones as follows: All local, state and federal roadways and boundaries used in the following paragraph are effective as of date of approval of this document. The buffer begins at the intersection of Highway 19 and Interstate 70 westbound (the northern lanes) north two (2) miles to a point. The width of the buffer runs two (2) miles north of Interstate 70 westbound (the northern lanes), parallel along Interstate 70 westbound (the northern lanes) toward the east to the eastern most city limits of High Hill. The southern portion of the buffer will begin at the intersection of Highway 19 and Interstate 70 eastbound (the southern lanes) south one point thirty-eight (1.38) miles to a point. The width of the buffer runs one point thirty-eight (1.38) miles south of Interstate 70 eastbound (the southern lanes), parallel along Interstate 70 eastbound lanes (the southern lanes) east to the eastern most city limits of High Hill. The western portion of the buffer will begin at the intersection of Highway 19 and Strube Rd. toward the west two thousand six hundred forty (2,640) feet to a point. The width of the buffer runs two thousand six hundred forty (2,640) feet west parallel along Highway 19 in a northerly direction to Blue Bird Rd. The buffer will run from Blue Bird Rd. in a northerly direction parallel along Highway 19 at two thousand six hundred forty (2,640) feet and continue to the intersection of Highway 19 and Meyer Rd. The eastern portion of the buffer will begin at the intersection of Highway 19 and Strube Rd. toward the east two thousand six hundred forty (2,640) to a point. The Buffer runs two thousand six hundred forty (2,640) east parallel along Highway 19 in a northerly direction to point parallel of Blue Bird Rd. The buffer will run from Blue Bird Rd. in a northerly direction parallel along Highway 19 at two thousand six hundred forty (2,640) feet and continue to the intersection of Highway 19 and Meyer Rd. No solar farms are allowed in said buffer zones. Roof mounted or building integrated solar arrays are encouraged in said buffer zone.
2. The SOD can only be established in areas which are zoned as Agricultural.

3. The boundaries of any parcel of the SOD must adhere to the minimum principal setback standards for the Agricultural zoning district; provided, however, that said setbacks shall not apply to the internal property lines of participating parcels within the SOD. Additionally, Solar Panels within a SOD shall be set back at least two hundred (200) feet from Non-Participating Residences, have a setback from all existing property lines of at least 50 (fifty) feet. All property lines need to be easily identifiable.
4. In order to be designated as participating in a SOD, the area to be designated must consist of a minimum of twenty (20) contiguous acres.

B. Development Standards.

All development within the SOD must comply with the following standards in addition to the applicable requirements of the Solar Ordinance Chapter 29 of Montgomery County Zoning Order. In the event of a conflict between these Development Standards and the requirements of the underlying zoning district, these Development Standards shall control.

1. Setbacks from any area which has been designated as a “wetland” by the Missouri Department of Natural Resources (MDNR) shall be subject to the MDNR’s regulations.
2. An area requested to be designated as an area in the SOD must adjoin or be able to be accessed by at least one publicly owned and maintained road or a privately-owned road which has been dedicated to public use and which meets Montgomery County roadway standards. The primary means of ingress and egress must meet the applicable site line requirements of either the Montgomery County Road/Highway Department or the Missouri Department of Transportation. Access must be suitable for entry by emergency response vehicles, twenty-two (22) feet wide. All county road ingress/egress must have a culvert, following County guidelines about culvert placement, unless in writing from Montgomery County Road/Highway Department. The County of Montgomery has no interest in obtaining new or more roads.
3. All utility lines must be depicted on a topographical map of the subject area.
4. Solar panels must be at least 200 (two hundred) feet from the nearest Non-Participating Residence, existing as of the date of an application for participating in a SOD.
5. A security fence that meets National Electric Safety Code requirements must encircle the solar array (standard height six feet tall).

6. Screening of appropriate vegetation, trees or shrubs and/or fencing shall be required to be planted or installed around the exterior of an operating solar array where the solar array adjoins a county, state or federal roadway or which is adjacent to a Non-Participating Residence whose view includes the solar panels. All other screening and buffer requirements shall be as required by the regulations of the solar ordinance. The screening requirements required by this Section are the minimum necessary in order to obtain a designation as a participating parcel of a SOD. Any requirements to obtain an operating permit which are more restrictive than the requirements hereof shall control.
7. Only Photovoltaic Solar Panels or other panels which do not contain liquids within the panels shall be permitted.
8. In order to preclude unacceptable noise pollution beyond the boundaries of the SOD, the inverters which are necessary to convert DC to AC so that power can be transferred to the "grid" must be located at least 100 feet from all boundaries of the SOD.
9. Upon written request of the property owner or the applicant for designation of a SOD, the County Commission may vary or waive the requirements set forth in this Section IV upon a finding that said variance or waiver is not detrimental to the welfare of the community and is consistent with the purposes and intent of the Zoning Order and the SOD regulations

PLANNING & ZONING FEE SCHEDULE

CONSTRUCTION PERMIT	FEE	CERTIFICATE OF OCCUPANCY**
Residential	10 cents per sq. ft. of living area including attached garage - \$15.00 minimum	Included
Non-residential/ Commercial	10 cents per sq. ft. - \$15.00 minimum	Included
Accessory Building	5 cents per sq. ft.- \$15.00 minimum (as of August 14, 2001)	
Tower	Application Fee: \$250.00 plus \$10.00 per foot height (rev. Jan. 2008) fee not to exceed \$1500 for application of construction (8/28/14) MoStateStatue Included	
Billboards	Application Fee: \$500.00 (rev. June 2009) County license per face: \$100.00	
Subdivision/ Mobile Home Park	\$25.00 per lot	
Wind Turbine/ Small Wind Energy System	\$250.00 Application Fee plus \$10.00 per foot of Total Height (rev. Nov. 2010)	
Private Landing Strip	\$150.00	
Temporary Vending Stand	\$25.00 -60 days only	
Certificate of Occupancy required for:		
<ul style="list-style-type: none"> • All new residences • All new businesses • All business title or lease transfers • Conditional uses 		
Conditional Use Permit	\$50.00 Application fee plus cost	
Variance Request	\$50.00 Application fee plus cost	

Certificate of Occupancy of Non-Conforming use- **Free** but must be obtained within twelve (12) months after acceptance of Zoning Order or use becomes null and void.

Subdivision - \$200.00 Application fee plus costs (see above) (rev. June 2001)

Fee is doubled if permit/permission is not obtained before any project is started.

Rezoning Request - \$500.00 Application Fee plus costs per acre charge as follows:

\$75.00-less than 1 acre	\$350.00- 100 to 199.99 acres
\$100.00 1 to 4.99 acres	\$400.00 – 200 to 299.99 acres
\$150.00 -5 to 9.99 acres	\$450.00 – 300 to 399.99 acres
\$200.00 -10 to 19.99 acres	\$500.00 – 400 to 499.99 acres
\$250.00- 20 to 49.99 acres	\$550.00 – 500 or more acres
\$300.00- 50 to 99.99 acres	

Amendment to Zoning Order \$50.00 Application Fee plus costs

Petition of Appeal \$50.00 Application Fee plus costs

Zoning Materials

- Zoning Order -\$30.00
- Copies of individual pages/capters-25 cents per page

Extension of Construction Permit \$10.00

Solar Farm Operating Permit Fee- \$10,000.00 per project
Annual Contribution Payment - \$2,500.00 per maximum rated AC production capacity (effective July 3, 2022)

Solar Garden Operating Permit Fee-\$500.00 (effective July 3, 2022)

REQUEST FOR REZONING

MONTGOMERY COUNTY
MISSOURI
PLANNING & ZONING

REZONING REQUEST # | | | | | | | | | |

PLEASE PRINT CLEARLY

DATE | | | | |

PETITIONER(S) NAME _____

BUSINESS NAME _____

MAILING ADDRESS _____

CITY / STATE / ZIP _____

PHONE NUMBER(S) _____

OWNER(S) NAME _____

BUSINESS NAME _____

MAILING ADDRESS _____

CITY / STATE / ZIP _____

PHONE NUMBER(S) _____

_____ Complete legal description of subject property

_____ Present Zoning District Classification of subject property _____

_____ Proposed Zoning District reclassification of subject property _____

_____ Statement of conditions warranting the rezoning change:

_____ Statement of compatibility with Master Plan:

Please complete request on reverse side - - - >

I (We) have included the following information as required by the Zoning Enforcement Officer to process this Request for Rezoning -

<u>Required</u>	<u>Included</u>	
_____	_____	Detailed map, plot plan, and/or survey of the concerned area and all adjacent properties showing:
_____	_____	Locations and dimensions of all properties
_____	_____	Locations and dimensions of all structures
_____	_____	Existing land uses
_____	_____	Existing structure uses
_____	_____	Complete and detailed description of the proposed use of the land in the subject property
_____	_____	Complete and detailed description of the proposed use of all structures in the subject property
_____	_____	Complete legal description of all property within 1000 feet of the subject property
_____	_____	List of all property owners within 1000 feet of the subject property
_____	_____	Statement of impact upon surrounding environment
_____	_____	Other _____
_____	_____	_____
_____	_____	Other _____
_____	_____	_____
_____	_____	Other _____
_____	_____	_____

I (We) certify that all the information provided on, and included with, this Request for Rezoning is complete, accurate, and truthful. I (We) understand that if any of this information is found to be incomplete, inaccurate, or fraudulent that this Request for Rezoning will be declared Null and Void. I (We) agree to pay all costs associated with processing this Request for Rezoning.

Signature of Petitioner #1 _____
 Signature of Petitioner #2 _____
 Owner(s) Signature (If Other Than Petitioner) _____

MONTGOMERY COUNTY

On-Site Sewage Disposal Systems Ordinance

ARTICLE I Purpose:

a. This ordinance is enacted for the purpose of regulating the design, construction, modifications, and operations of an on-site sewage disposal system as defined by "Missouri Laws for On-Site Sewage Systems: in order to protect the public health, control nuisances and health hazards, and further prevent the transmission of infectious communicable diseases in Montgomery County.

ARTICLE II Authority:

a. This Ordinance is enacted under the authority vested in the County Commission of Montgomery County, Missouri under Section 192.300 RSMo.

ARTICLE III Adoption:

a. The Montgomery County Commission hereby adopts by reference the State Standards as defined in "Missouri Laws accompanied by Department of Health Rules Governing On-Site Sewage System," Section 701.025 through 701.059 RSMo., 1996 (Or Current edition) "Minimum Standards for On-Site Sewage Disposal Systems" defined under 19CSR 20-3.060; (or any other applicable CSR). The description of persons qualified to perform percolation tests or soil morphology examinations in determining soil properties for On-Site Sewage Disposal Systems defined in 19CSR 20-3.080.

ARTICLE IV Exceptions:

a. The Montgomery County Commission or its designated representative will conduct on-site sewage disposal evaluations at the request of lending institutions, Realtors, and individuals. A fee will be charged by the designated representative to implement this program.

b. Fees for permits and evaluations of existing on-site sewage disposal systems will be determined on a cost basis annually. The Montgomery County Commission or it's representative shall make recommendations based on a cost analysis. The fee for a given year shall be established by court order passed by the Montgomery County Commission.

c. All revenues generated by permit fees, and inspection fees, shall be deposited in a fund designated by the Montgomery County Commission or it's designated representative.

Any monies generated by penalties and fines shall be deposited in the School Fund of Montgomery County.

d. 701.035 RSMo "Missouri Laws for On-Site Disposal Systems" states, "Nothing in sections 701.025 through 701.059 RSMo shall be construed to prohibit a political subdivision from enacting and enforcing standards which are more stringent than the provisions of section 701.025 through 701.059 RSMo and rules promulgated pursuant thereto. Therefore in order to enact a fairer and more equitable county sewer ordinance be it known.

1. That all new installations of septic systems regardless of acreage size, shall be required to obtain a permit and install said system to current regulations.
2. There shall be required a properly sized "according to current regulations" septic tank preceding all lagoons.

ARTICLE V Board of Review:

a. The Montgomery County Commission shall be responsible for determining request for variances, appeals, and for determining violations for these regulations and shall be the Board of Review in charge of Administrative Hearings. Variances may be considered and granted by the Board of Review concerning installation and repair to on-site waste water systems as specified in 19CSR 20-3.060 chapter 6, section L.

ARTICLE VI Appeals to Board of Review:

a. The decision of the Board of Review shall be final and immediately appealable to the Circuit Court of Montgomery County, Missouri in accordance with Section 536 RSMo.

ARTICLE VII Effective Date:

a. This Ordinance becomes effective on the date adopted and certified by the Montgomery County Commission.

ARTICLE VIII Missouri Law Adopted:

a. We hereby adopt the "Missouri Laws Accompanied by Department of Health Rules Governing On-Site Sewage Systems." Revised 2/96

PROPOSED CHANGE JULY 7, 2011

ARTICLE IV Exceptions:

d. 701.035 RSMo "Missouri Laws for On-Site Disposal Systems" states, "Nothing in sections 701.025 through 701.059 RSMo shall be construed to prohibit a political subdivision from enacting and enforcing standards which are more stringent than the provisions of section 701.025 through 701.059 RSMo and rules promulgated pursuant thereto. Therefore in order to enact a fairer and more equitable county sewer ordinance be it known.

1. That all new installations of septic systems regardless of acreage size, shall be required to obtain a permit and install said system to current regulations.
2. There shall be required a properly sized "according to current regulations" septic tank preceding all lagoons.
3. That should any of the following occur:
 - A. Addition of a bedroom, bathroom, or kitchen to an existing structure
 - B. Removal of one structure and installation of another be it mobile, modular,
 - C. manufactured or stick built.

The existing sanitary sewer or lagoon system is to be "Dye" tested and site verified to assure adequate size and function for the anticipated load and it is in compliance with current regulations. These tests are to be preformed by a licensed installer or sanitarian at the owner's expense. The results are to be reported to the Montgomery County Sanitarian.

4. Any system found to be in inadequate size or is not in compliance with current regulations will need to be brought into compliance at the owners expense, and inspected again by the Montgomery County Sanitarian. A copy of the Montgomery County Sanitarian's final inspection report shall be forwarded to the Planning and Zoning enforcement Office prior to the issuance of a building permit.

MONTGOMERY COUNTY
ON-SITE SEWAGE DISPOSAL SYSTEMS ORDINANCE
AMENDED
ARTICLE IV Section d.

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WHEREAS the Montgomery County Commission proposed the above amended...
ARTICLE IV Exceptions, Section d. before the public of Montgomery County Missouri.

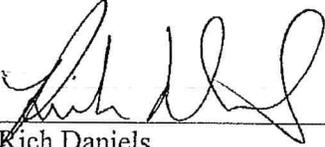
WHEREAS the Montgomery County Commission conducted a public hearing on Thursday, July 7, 2011 for the purpose of adopting said amendment to the "Montgomery County On-Site Sewage Disposal Systems Ordinance."

WHEREAS Montgomery County 1st District Commissioner Rich Daniels made the motion "the Montgomery County Commission shall on this 18th day of July 2011 adopt the above said amendment to **ARTICLE IV** Exceptions, Section d. of the Montgomery County On-Site Sewage Disposal Systems Ordinance. The effective date of this said amendment shall be the 1st day of August 2011. 2nd District Commissioner John Noltensmeyer seconded the motion. Presiding Commissioner Ryan Poston called for a vote and the result of said vote stands as follows...

Presiding Commissioner Ryan Poston – Yes
1st District Commissioner Rich Daniels – Yes
2nd District Commissioner John Noltensmeyer – Yes



Ryan D. Poston
Presiding Commissioner



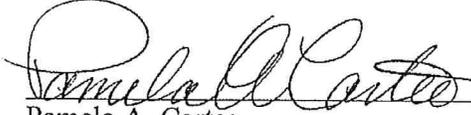
Rich Daniels
1st District Commissioner



John Noltensmeyer
2nd District Commissioner

Seal

Date 7/18/2011



Pamela A. Cartee
Clerk of the County Commission

