ARTICLE 500: PERMITS

SECTION 501 – PERMITS REQUIRED

1. The use of property may not be ~~substantially~~ changed, and ~~substantial~~ clearing, grading, or excavation of an area greater than 1 acre may not ~~be~~ commence~~d~~, and buildings or other ~~substantial~~ structures may not be constructed, erected, moved, or ~~substantially~~ altered except in accordance with and pursuant to one of the following permits (ALL structures require a permit unless specifically excluded):

    a. Zoning~~Construction~~ Permits issued by the Planning Administrator;

    b. Land Disturbance Permit issued by the Missouri Department of Natural Resources~~Planning Administrator~~;

    c. A Special-Use Permit approved~~issued~~ by the Board of Adjustment;

    d. A Conditional-Use Permit approved~~issued~~ by the Planning Commission;

    e. Other permits may also be issued in the manner prescribed by this Code.

2. A Zoning Permit, Special-Use Permit, or Conditional-Use Permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall clearly identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority.

SECTION 502 – CONSTRUCTION PERMITS

In compliance with RSMo. Section 64.650, no building or structure can be erected, modified, altered, or relocated without approval by the Planning Administrator. This requirement is intended to ensure compliance with zoning requirements such as applicable setbacks, height requirements, parking access, provision of utility services, etc. A full permit form packet should be obtained for the Planning and Zoning office. The following construction activities shall be subject to the provision of this regulation:

1. All non-agricultural structures;

2. All residential structures;

3. All commercial/office/industrial structures;

4. All non-agricultural accessory structures ~~120 square feet and larger in size~~ regardless of the permanent or temporary nature of the construction;

5. All temporary construction structures such as construction trailers, sales trailers, temporary asphalt or concrete structures, etc.;

6. Any structure so designated by the Planning Administrator with the exception that a construction permit shall not be required for any agricultural structure. Agricultural structures are constructed on Agriculturally zoned property.

SECTION 503 – PROCEDURE FOR CONSTRUCTION PERMITS

1. An application for Construction Permit may be submitted to the Planning Administrator during regular business hours. The following submittals are required at a minimum:

   a. Completed permit application;

   b. ~~Sketch plan~~ Site plan, drawn to scale, showing at a minimum the lot lines with dimensions, location of access, location of structure with dimensions, specific details for any structure for which the permit is intended, setback lines, and for lakefront projects, Ameren Missouri ownership line and FEMA floodplain line, and any other information as required by staff. Lakefront homes will be required to submit a FEMA Floodplain Development Permit prior to construction to verify that the new structure will not be in the floodplain. At the completion of the project, an Elevation Certificate must be submitted to the Floodplain Administrator (a full permit form packet should be obtained from the Planning and Zoning office);

   c. Only the property owner or trustee has the authority to request a Construction Permit. Proof of ownership, such as a warranty deed, is required to establish ~~the~~ property ownership, and either the owner must sign the application or a signed affidavit must be provided establishing permission to proceed;

   d. All appropriate approvals from applicable agencies (fire districts, water districts, sewer districts, MoDOT, MDNR, etc.);

   e. Construction Permits involving multi-family, commercial, office, or industrial development may~~will~~ require additional submittals as identified by the Planning Administrator;

   f. The Planning Administrator may require additional information as appropriate.

2. Once the Planning Administrator has verified that the application is complete and includes the required submittals it will be accepted and dated. An incomplete application will not be accepted. Any required fees will be collected at the time of the application submittal. The following process will then be followed:

a. The requested permit will be reviewed by staff for general compliance with the Unified Land-Use Code;

b. A site visit will be conducted to establish that the required setbacks will be met and that no special circumstances exist. Prior to the site visit, property lines will be marked (by string line or other method), and buildings and other improvement envelopes will be completely and accurately represented (by string line or other method);

c. The above being the case, the permit shall be issued within a reasonable time period;

d. A Construction Permit ~~can~~ covers ~~only~~ a single principal structure, but may be issued to cover accessory structures as well, so long as they are constructed at the same time, or in conjunction with a master construction plan for the site;

e. Once issued, the staff will promptly send written notice to the applicant of the approval or denial of the permit. If approved, the Planning Department will ~~post~~ mail the permit to the Applicant. ~~if appropriate space is provided in a clearly visible location or~~ The owner/developer is required to post the permit in a clearly visible location, while the construction is under way. If the permit is denied, a written explanation shall be provided;

f. A Construction Permit is valid for a maximum of one year. A single six month extension can be administratively granted before a new permit is required.

SECTION 504 – LAND DISTURBANCE PERMIT

1. Land Disturbance Permit:

A Land Disturbance Permit is required for any land disturbance activity including the installation of streets and/or utilities on any site exceeding one (1~~+~~) acre in area, and should be obtained from the Missouri Department of Natural Resources (MODNR). A copy of the MODNR permit and the required Storm Water Pollution Plan (SWPP) must be filed with Camden County Planning and Zoning prior to any permits being issued. A Land Disturbance Permit must be obtained~~can be issued to~~ for unzoned properties and/or to properties subject to zoning or rezoning applications that meet this criteria. The Land Disturbance Permit is intended to address those issues that occur during development concerning sediment and erosion control and those long-term issues that are related to storm water drainage. A copy of the Missouri Department of Natural Resources Land Disturbance Permit shall be provided to the Planning and Zoning office prior to issuance of a permit. ~~All applications for Land Disturbance Permits shall be submitted on forms provided by the Planning Department and shall contain all information as required by the Planning Administrator (see Appendix D).~~ The following are exempt from the requirement to acquire a Land Disturbance Permit:

a) All agricultural activities as defined by the Revised Statutes of Missouri;

b) Any residential site development that involves less than one (1) acre of disturbed area;

c) Any work required by Camden County that is of an emergency or corrective nature that involves public safety.

2. Sediment and Erosion Control:

a. No Zoning, Special-Use, or Conditional-Use Permit may be issued, ~~and final plat approval for subdivisions may not be given~~ with respect to any development in excess of 1 acre in area, ~~that would cause land disturbing activity~~ unless a Land Disturbance Permit issued by the Missouri Department of Natural Resources and the required Storm Water Pollution Plan has been submitted to the Camden County Planning and Zoning office;~~is requested, approved, and issued;~~

b. For purposes of this section, land disturbing activity means any use of land by any person in residential, commercial, industrial, or office development, or~~and~~ road construction and maintenance that results in a change in the natural cover or~~f~~ topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from its site of origin;

c. Any development that involves one (1) acre or more of land area that is to be cut, filled, graded, or otherwise disturbed shall submit a Sediment and Erosion Control Plan to the Missouri Department of Natural Resources for review and approval. A copy of the plans and the approval shall be a requirement to receive any ~~Land Disturbance Permit~~ permits from Camden County;

d. All development activities are required to address the issue of sediment and erosion control regardless of whether or not a Land Disturbance Permit was/is required. In the event that a complaint is received concerning sediment and erosion control from drainage resulting from land disturbance and construction activities that is verified as a valid complaint by an onsite inspection, the Planning Administrator can require such corrective action as is necessary to abate the complaint;

e. Vertical Slope Limitations: No single, vertical slope created due to topographic modifications within a development shall be allowed to span a height greater that twenty five (25) feet without providing a minimum of a six (6) foot step/shelf. The following considerations shall also apply:

   i. The restriction for a vertical slope as referenced above shall not apply to mining operations. Mining operations occur in Industrial or Agricultural zoning districts;

ii. ~~In the event that a rock face located adjacent to any residential or residential accessor area (such as parking) is made up of loose or unconsolidated materials, a secured retaining wall may be required.~~

3. Natural Drainage System:

a. To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed;

b. To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways;

c. In any area where a stream is located, no building or fill may be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank or twenty (20) feet on each side, whichever is greater.

4. Developments Must Drain Properly:

a. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

i. The retention results from a technique, practice, or device deliberately installed as part of an approved sedimentation or storm water runoff plan;

ii. The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety;

b. No surface water may be channeled or directed into a sanitary sewer;

c. Whenever practicable, the drainage system of a development shall be coordinated with and connect to the drainage systems or drainage ways on surrounding properties or streets;

d. Use of drainage swales (ditches) rather than curb and gutter and storm sewers in subdivisions is provided for in Article 1000. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction;

e. Construction specifications for drainage swales, curb and gutters, and storm drains are contained in Appendix C.

5. Storm Water Management:

All developments shall be constructed and maintained so that adjacent properties are not ~~unreasonably~~ burdened with surface waters as a result of such developments. More specifically:

a. No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby ~~unreasonable~~ causing substantial damage to such higher adjacent properties;

b. No development may be constructed or maintained so that surface waters from such development are ~~unreasonably~~ collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties;

c. To meet the standards referenced in Subsections one (1) and two (2), the base criteria for the design of a storm water drainage system for any development shall be that the rate or velocity of post-development storm water runoff shall not exceed the pre-development runoff rate or velocity;

d. Storm water on-site detention is not required in low-density, single-family residential developments where the overall density is less than or equal to one (1) dwelling unit per acre. ~~Refer to Appendix D: Technical Plan Requirements for design criteria and submittal needs.~~

6. Storm Water Management Plan Required:

A storm water management plan prepared and certified by a registered professional engineer, licensed in the State of Missouri, shall be required as listed below:

a. Major Subdivision – Prior to the recording of a final plat;

b. Multiple-Use Subdivision – Prior to the recording of a final plat;

c. Planned Unit Development (PUD) – After approval of the PUD, but before development commences;

d. Unsubdivided Developments – After approval by the Planning Commission for a Conditional Use Permit and the Planning Administrator for Permitted Uses, but before the development commences;

e. Non-Residential Developments – After approval by the Planning Commission for a Conditional Use Permit and the Planning Administrator for Permitted Uses, but before any Construction Permits are issued;

f. The Planning Commission may partially or completely waive the requirement for a certified stormwater plan if it is determined that the development is of a minor nature as to not necessitate any stormwater facilities. Such a waiver does not remove the responsibility from the developer from meeting the standards of this Code, or from managing the storm water flow from the development as required;

g. Storm water on-site detention is not required in low-density single-family residential developments where the overall density is less than or equal to one (1) dwelling unit per acre, however the developer is still responsible for mediating any flows created by the development that create issues for down stream or adjacent properties.

7. Stormwater Facility Maintenance:

a. Stormwater drainage facilities that have not been dedicated and accepted by a public entity shall be maintained by the owner or owners of the land on which they are located. Storm water detention facilities that serve more than one (1) lot or tract shall be maintained by the owners of the lots or tracts served;

b. Failure to adequately maintain a storm drainage facility is hereby declared a violation;

c. In the event that the violation is determined to be a public safety issue, the County has the right, but not the requirement, to correct the violation. The cost of such abatement may be billed to the owner or owners identified in the violation by means of a special tax bill against the property or properties involved. The tax bill shall be collected in the same manner as any other special tax bill and shall be a lien ~~i~~on the property until paid.

8. Buffers – Landscaping – Open Space:

All high intensity developments (R-3, B-2, B-3, and I-1) and all applicable Planned Unit Developments (those with land-uses similar to the above zoning districts) shall comply with the provisions of Appendix J dealing with required Buffers, Landscaping, and Open Space.

See also Appendix D.

SETION 505 – SPECIAL-USE PERMIT

1. An application for Special-Use Permit shall be submitted to the Board of Adjustment by filing a copy of the application and required submittals with the Planning Administrator during normal business hours a minimum of one (1) month prior to the public hearing when the case will be heard;

2. The Special-Use Permit is intended to provide a public hearing review process for land uses that are generally allowed in any zoning district, but which may have certain aspects that indicate a semi-judicial review is appropriate. The following is not considered an inclusive list of such land uses:

    a. Temporary Asphalt or Concrete Plant;

    b. Religious facilities beyond the normally acknowledged activities of such an institution (functions that will generate high volumes of traffic on a daily basis like a school or multi-purpose center);

    c. Reoccurring special events such as a festival or trade show in the same location for multiple years;

    d. Other uses as designated by the Planning Administrator.

3. The Board of Adjustment, upon review and consideration of an application for a Special-Use Permit, may issue such a permit with any conditions it deems appropriate. The Board of Adjustment may reject an application on the following grounds:

    a. The application is incomplete;

    b. The proposed development, construction, or use will create a ~~endanger the public health,~~ safety issue, or create traffic flows that exceed the design criteria for roadways servicing the development~~, or welfare~~;

    c. The proposed development, construction, or use will substantially harm or decrease the value of the adjoining or surrounding property;

    d. The proposed development, construction, or use will not be in harmony with the area in which it is located or will not be in general conformity with and will not promote the Master Plan.

~~4. Even if the Board of Adjustment feels that the application complies with all other provisions of this regulation, it may still deny the permit if it concludes, based upon information submitted at the hearing, that if complete, the development, more probably than not:~~

~~a. Will materially endanger the public health and safety;~~

~~b. Will substantially injure the value of adjoining or abutting property;~~

~~c. Will not be in harmony with the area in which it is to be located or will not be in general conformity with the Master Plan or any other plan adopted by the County Commission.~~

~~5.~~4. The burden of presenting a complete application to the Planning and Zoning Administrator ~~Board of Adjustment~~ shall be upon the applicant. However, if the application is rejected as incomplete, it is incumbent on the Board of Adjustment to fully explain in what way the application is incomplete and provide the applicant written notice;

~~6.~~5. The burden of presenting evidence and persuading the Board of Adjustment that the development, if completed as proposed, will comply with the requirements of this regulation shall fully and completely fall upon the applicant and/or his/her representatives;

~~7. The Board of Adjustment may, by general rule applicable to all cases, any class of cases, or on a case by case basis, refer applications to the Planning Commission to obtain its recommendation.~~

SECTION 506 – CONDITIONAL-USE PERMITS

1. An application for Conditional-Use Permit shall be submitted to the Planning Commission by filing a copy of the application and required submittals with the Planning Administrator during normal business hours a minimum of one (1) month prior to the public hearing when the case will be heard. The application is subject to Planning Administrator approval;

2. The Conditional-Use Permit is intended to provide a public hearing review process for land uses that are conditionally allowed in a particular zoning district, but which potentially have certain aspects that indicate that thorough review is appropriate. Each zoning district has a listing of the possible Conditional Use Permits allowed therein (see Article 900);

3. Subject to Subsection 4, the Planning Commission shall issue the requested permit with appropriate conditions unless it concludes, based on the information submitted at the hearing, that:

   a. The requested permit is not within its jurisdiction to decide upon;

   b. The application is incomplete;

   c. If the development is completed as proposed, it will not comply with one (1) or more requirements of the Unified Land-Use Code. Variances must be granted through the Board of Adjustment prior to issuing a Conditional Use Permit. ~~that the Planning Commission is unwilling to vary.~~

4. Even if the planning Commission feels that the application complies with all other provisions of this regulation, the Planning Commission may still deny the Conditional-Use Permit if it

concludes, based upon information submitted at the hearing, that if completed, the development, more probably than not:

a. Will, or will potentially, create a ~~materially endanger the public health and/or~~ safety issue:~~:~~

i. The impact of projected vehicular traffic volumes and site access will be detrimental to the surrounding traffic flow, pedestrian safety, and accessibility of emergency vehicles and equipment;

ii. The proposed use will significantly increase demands on fire and law enforcement services in excess of the individual demands of adjacent land users and may present a real or potential fire or public safety hazard;

iii. The increase of transit movements from vehicular traffic on abutting and area minor streets generated directly or indirectly by the use will cause significant impact to nearby land uses.

Note: Developments that involve the equivalent of 50 or more dwelling units or are expected to generate traffic of 500 or more car trips per day or have some other anticipated traffic issue should consider submitting a Traffic Impact Study to provide guidance on these issues. Such study may also be required.

b. Will s~~S~~ubstantially injure the value of adjoining or abutting property:

i. The proposed use will adversely affect the neighborhood in terms of stormwater runoff and the generation of nuisance factors such as noise, glare, heat, dust, lighting, odors, and vibrations;

ii. The frequency and duration of various indoor and outdoor activities proposed will have a harmful or damaging ~~deleterious~~ impact on the surrounding area;

iii. Appropriate measures have not been taken to screen or buffer dissimilar land uses to mitigate adverse impacts.

c. Will not be in harmony with the area in which it is to be located:

i. The proposed use is not compatible with surrounding uses and with the surrounding neighborhood;

ii. The proposed use does not exhibit compatibility with the existing zoning of adjacent and surrounding properties;

iii. The use does not comply with the standards of the Unified Land-Use Code and good planning practices;

iv. The comparative density in relation to adjacent uses on surrounding properties and in the surrounding neighborhood is not appropriate.

d. Will not be in general conformity with the Master Plan or any other plan adopted by the County Commission;

e. Where a proposed use has the potential for adverse impacts, sufficient measures have not been taken by the applicant that would negate, to an acceptable level, such potentially adverse impacts.

Note: The above factors (a) – (e) are used as guidelines for the Planning Commission to interpret and use as appropriate and are not considered to be comprehensive. It is possible that other issues can and will be considered by the Planning Commission.

5. The burden of presenting a complete application to the Planning Commission shall be upon the applicant. However, if the application is rejected as incomplete, it is incumbent on the Planning Commission to fully explain in what way the application is incomplete and provide the applicant written notice;

6. The burden of presenting evidence and of persuading the Planning Commission that the development, if completed as proposed, will comply with the requirements of this regulation shall fully and completely fall upon the applicant or the applicant's representatives.

SECTION 507 - TEMPORARY USE PERMITS

1. Medical Hardship:

A medical hardship to allow a temporary dwelling ~~manufactured home~~ to be placed on a property in conjunction with an existing residential structure is possible if the following conditions are met:

a. A notarized affidavit signed by an attending medical doctor on original letterhead briefly describing the medical issues of the patient and including a recommendation that immediate and constant care is necessary;

b. The property on which the temporary manufactured home is to be placed meets the minimum standards to support an on-site wastewater system separate from the existing dwelling and wastewater system, subject to verification by the Camden County Wastewater Department;

c. The property is not part of a subdivision with rules or covenants that preclude two (2) dwellings on one property. It is the responsibility of the applicant to ensure that all subdivision HOA requirements are met. Camden County Planning and Zoning rules and decisions regarding this matter do not supersede subdivision or HOA rules.

~~c.~~d. The temporary dwelling must be removed from the property within 6 months after the medical hardship for the person the dwelling was installed to accommodate has ceased to exist.

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2. Temporary Asphalt or Concrete Plants:

To support a state or county road project~~s~~ or other public infrastructure project it is possible to grant a temporary permit for either an asphalt plant or a concrete plant. The permit can only be issued based on certification by either MoDOT or the County Commission that such facility is needed. The permit shall address the following concerns:

a. The location of the temporary facility must not be within 600 feet of a residential dwelling;

b. Ingress and egress for truck traffic~~s~~ must be approved by either the County Highway Department or by MoDOT (for state highways);

c. The permit will be for the length of the contract not to exceed one (1) year at a time. Extensions will be addressed on a case by case basis;

d. After the facility is no longer needed and is removed, the subject property must be cleared of all visible signs that the plant existed. If the property owner has contracted to retain any clean fill resulting from the plant operations, it must be clearly specified in the permit what is to be done with the fill and when.

3. Second Dwelling Agreement:

An agreement to authorize the placement of temporary residence to be occupied pending the construction, repair, or renovation of the permanent residential building on a lot or tract may be issued as a zoning permit. The following provisions apply:

a. A Second Dwelling Agreement shall expire twelve (12) months after the date of issuance, except that the Planning Administrator may renew such permit for an additional period not to exceed six (6) months if he/she determines that such renewal is necessary to complete the

construction, repair, renovation, or restoration necessary to make the permanent residential structure habitable;

b. The applicant must certify that within sixty (60) days after the completion of the permanent residence, the temporary residence shall be completely removed from the site;

c. The temporary residence must be provided with appropriate wastewater service during the period of time it is occupied and is subject to approval by the Camden County Wastewater Department.

SECTION 508 – COMPLETING DEVELOPMENTS IN PHASES

1. A development may be constructed in portions or phases in accordance with this Code. The phasing plan must be included at the time of the permit approval and all phases must comply with the conditions of approval and the provisions herein;

2. If a development that is to be built in phases includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or stormwater improvements) then, as a part of the application for development approval, the developer shall submit a proposed schedule for completion of such improvements. Once the schedule has been approved and made a part of the permit, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule. If such common and public improvements are not covered within the phasing plan, they shall be completed in the first phase.

SECTION 509 - EXPIRATION OF PERMITS

1. Special-Use Permits and Conditional-Use Permits shall expire automatically within one (1) year after the issuance of the permit if:

   a. The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use;

   b. Less than ten percent (10%) of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has

been completed on site. With respect to phase developments this applies to the first phase only.

2. If, after some physical alteration of the land or structures begins to take place, such work is discontinued for a period of one (1) year, then the permit shall expire;

3. The Planning Administrator may extend the permit for a period of up to one (1) year when a permit would normally expire if it is concluded that:

   a. The recipient has proceeded with due diligence and in good faith;

   b. Conditions have not change-d so substantially as to warrant a new application;

   c. No violations of the provisions of the regulation exist. Successive extensions may be granted based on the same findings.

4. A development is considered to be in an approved state based on the affirmative vote by the Planning Commission or the Board of Adjustment. Based on that approved status, the Planning Administrator shall be responsible for the issuance of all required permits. The Planning Administrator is required to provide -timely notice of permit approval or denial to the applicant.

SECTION 510 – SUCCESSORS AND ASSIGNS

Permits authorize the permittee to make use of land and structures in a particular way. Most permits are transferable subject to the following conditions:

1. No person may make use of the land or structures except in full accordance with the terms and requirements of that permit;

2. The terms, conditions, and requirements of the permit shall apply to and restrict the use of land and structures not only with respect to all persons or entities that own any interest in the development, but to any successors or assigns that may acquire interest in the development over time. This shall apply to all phases of the development.

SECTION 511 – AMENDMENTS AND MODIFICATIONS OF PERMITS

~~1. Insignificant deviations from the permits issued by the Board of Adjustment, Planning Commission, and Planning Administrator are permissible, and the Planning Administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernable impact on the neighboring properties, the general public, or those intended to occupy or use the proposed development;~~

~~2. Minor design modifications or changes in permits are permitted with the approval of the permit issuing authority. Such permission may be gained without formal application, public hearing, or payment of additional fees. Minor design modifications are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development;~~

~~3.~~1. All ~~other~~ requests for changes in approved plans will be processed as new applications. In the process of acting on the new applications, the permitting authority may assess additional conditions, but the applicant retains the right to reject the additional conditions by withdrawing the requested changes and proceeding with the original approval;

~~4. The Planning Administrator shall determine which category the proposed modifications fall into;~~

~~5.~~2. Approval of all changes must be given in writing to the applicant in a timely manner.

SECTION 512 – RECONSIDERATION OF BOARD ACTION

1. Whenever the Board of Adjustment or Planning Commission disapproves a permit request for any other reason than an incomplete application, such action may not be reconsidered by the respective body at a later time unless the applicant can clearly demonstrate that:

   a. Circumstances affecting the property that is the subject of the application have substantially changed;

   ~~a.~~

   b. New information is available that could not with reasonable diligence have been presented at the previous hearing. A request to be reheard on this basis must be submitted to the Planning Administrator within ninety (90) days of the date of the denial. ~~Such a request does not extend the period within which an appeal must be taken~~.

2. Notwithstanding subsection one (1), the Planning Commission and the Board of Adjustment may at any time reconsider a new application affecting a~~the same~~ property where ~~as~~ an application had previously been denied. A new application is one that significantly differs in a substantial manner from the one previously considered.

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SECTION 513 – DEVELOPMENT EXEMPT FROM PERMIT REQUIREMENTS

The following activities or uses shall be exempt from any permit or plan review process. ~~,~~ H~~h~~owever such uses or activities remain fully subject to all other provisions in the Unified Land-Use Code:

1. **Public Projects:**

   The construction of any public street or other public way, grounds, building, structures, or public utility, by a governmental agency. This includes publicly owned utility services as have been authorized or ordered by the Public Service Commission.

2. **Underground Mining Operations:**

   Underground mining operations where the entrance is through an existing shaft or shafts or through a shaft or shafts not located within the area shown within a floodway, floodway fringe, or flood hazard area.

3. **Maintenance Activities:**

   Maintenance activities involving any structure or land area.

4. **Agricultural:**

   The use or intended use of land, with or without accessory structures, for the purpose of agriculture (See RSMo Section 137.016.1(2)~~1~~; Article 900).

   Note: The land must meet the following statutory definition of agricultural: "Agricultural and horticultural property", all real property used for agricultural purposes and devoted primarily to the raising and harvesting of crops; to the feeding, breeding, and management of livestock which shall include breeding, showing, and boarding of horses; to dairying, or to any other combination thereof; and buildings and structures customarily associated with farming, agricultural, and horticultural uses. Agricultural and horticultural property shall also include land devoted to and qualifying for payment or other compensation under a soil conservation or agricultural assistance program under an agreement with an agency of the federal government. Agricultural and horticultural property shall further include land and improvements, exclusive of structures, on privately owned airports that qualify as reli~~v~~ever airports under the National Plan of Integrated Airports System, to receive federal airport improvement project funds through the Federal Aviation Administration. Real property classified as forest croplands shall not be agricultural or horticultural property so long as it is classified as forest croplands and shall be taxed in accordance with the laws enacted to implement Section 7 or Article X of the Missouri

Constitution. Agricultural and horticultural property shall also include any sawmill or plan~~n~~ing mill defined in the U.S. Department of Labor's Standard Industrial Classification (SIC) Manual under Industry Group 242 with the SIC number 2421. RSMo Section 137.016.1(2).

5. **Emergency Sediment and Control Facilities:**

Any grading, cutting, filling, and other land disturbance activities carried out in response to an~~d~~ on-going or past storm event to mediate the effects of sediment and erosion.

SECTIONS 514 THROUGH 517 RESERVED

ARTICLE 600: APPEALS, VARIANCES, AND ZONING MAP INTERPRETATION

SECTION 601 – APPEALS

1. ~~-~~An appeal from any final order or decision of the Planning Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Planning Administrator and the Board of Adjustment, a written notice of appeal specifying the grounds thereof. This can be achieved by using the forms provided for this purpose from the Planning and Zoning Department. When the appeal is submitted, it must at a minimum include such information as will clearly identify the issue, the property involved, and the applicant, including contact information. The Planning Administrator shall accept the application and date it. Any required fees shall be collected at the time of the application submittal.

~~2. An appeal of any final order or decision of the Planning Commission may be taken to the Board of Adjustment by any person aggrieved, except as set forth in RSMo. Section 64.590. The application procedures are the same as subsection one (1) above.~~

~~3.~~2. An appeal from the Planning Administrator's final order or decision must be taken to the Board of Adjustment within thirty (30) days of the date of the decision or order being appealed from. Application forms for such an appeal are available in the Planning and Zoning Department.

~~4.~~3. An appeal from the Planning Commission's final order or decision must be taken to the Board of Adjustment within sixty (60) days of the date of the decision or order being appealed from. Application forms for such an appeal are available in the Planning and Zoning Department.

~~5.~~4. Whenever an appeal is filed, a date for a public hearing will be established at the next convenient time for the Board of Adjustment. Applications are required a minimum of thirty (30) days prior to the next regularly scheduled public hearing for the Board of Adjustment. Public notices will be provided in accordance with Article 300, Section 308. All materials in addition to the required application to be submitted for review shall be submitted to the Planning and Zoning Department a minimum of ten (10) calendar days prior to the public hearing.

~~6.~~5. An appeal stays all actions by the Planning Administrator seeking enforcement of, or compliance with, the order or decision he or she made pursuant to Section 315 (1-7) that was appealed, unless the Planning Administrator certifies to the Board of Adjustment that ~~-~~(because of the facts stated in the certification) a stay would, in his or her opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by an order by the Board of Adjustment or a court, issued on the application of the party seeking the stay. Further, no construction or other activity may take place on the subject property during the appeal process.

~~7.~~6. The Board of Adjustment may reverse, affirm (wholly or in part), or modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the case before it. ~~To this end, the board shall have all the powers of the officer or entity from whom the appeal is taken.~~

~~8.~~7. When an appeal has been granted, the Planning Administrator shall prepare a Decision of Record ~~of Decision~~ that will detail the appeal~~-~~, approval, and any circumstances of the approval. The Decision of Record ~~of Decision~~ will be signed by the Chairman of the Board of Adjustment and the Planning Administrator. A copy of the Decision of Record ~~of Decision~~ shall be sent to the applicant in a timely manner.

SECTION 602 – VARIANCES

1. An application for variance shall be submitted to the Board of Adjustment by filing a copy of the appropriate application with required submittals to the Planning Administrator in the Planning and Zoning Department. Applications will be handled in the same manner as applications for a Special-Use Permit in conformity with the provisions of Article 500.

2. The Board of Adjustment my grant a variance if it finds that:

   a. If the applicant complies strictly with the provisions of this Code, they cannot make reasonable use of their property;

   b. The hardship is:

      i. Specific to the applicant's land;

ii. Not a result of personal circumstances or the applicant's own actions;

iii. Not generally applicable to nearby property;

iv. Essentially unique in nature.

3. In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

4. A variance may be issued for an indefinite duration or for a specified duration only.

5. When a variance has been granted, the Planning Administrator shall prepare a ~~Record of~~ Decision of Record that will detail the approval and any conditions of approval. The ~~Record of~~ Decision of Record will be signed by the Chairman of the Board of Adjustment and the Planning Administrator. A copy of the same shall be sent to the applicant in a timely manner. The variance as granted and all conditions of approval shall be enforceable in the same manner as any other applicable regulation herein.

SECTION 603 – INTERPRETATION OF THE ZO~~I~~NING MAP

1. The Board of Adjustment is authorized to interpret the zoning map and to pass judgement upon disputed questions of lot lines, ~~or~~ district boundary lines, and similar questions. If such questions arise in the context of an appeal from a decision of the Planning Administrator, they shall be handled as provided in Section 601.

2. The Board of Adjustment shall follow the boundary guidelines from Section 604 when making a boundary interpretation.

~~3. An application for zoning map interpretation by the Board of Adjustment shall be submitted in the same manner as a variance from Section 602.~~

SECTION 604 – BOUNDARY INTERPRETATION GUIDELINES

1. When a property owner wishes to have a single parcel of property divided into multiple zoning classifications and the desired division does not correspond to a section line, or any other previously recognized legal division, it shall be the responsibility of the property owner to establish the legally defined boundary between the various segments of the parcel by legal description and survey.

2. Where boundaries are defined by lot lines, which are recorded with the Camden County Recorder of Deeds, said lot lines shall be construed to be the true boundary.

3. Where boundaries are defined by road rights-of-way, the boundary between two (2) zoning classifications or districts shall be the centerline of the right-of-way.

4. Where boundaries are defined by the Lake of the Ozarks, the classification and/or use prescribed for the parcels of land adjoining the lake extend to the Ameren Missouri ownership line for that specific property ~~shall continue into the lake following lot lines extended to the 645 foot elevation, or the center line of the cove, whichever comes first.~~

5. Where a project is astride a boundary of the zoned area of the County, the entire project shall be considered as being within the Camden County Planning and Zoning District, and shall therefore be required to meet all requirements as set forth in this Code.

~~6. Where parcels of ground as legally defined by the Camden County recorder of Deeds cross section lines, the Board of Adjustment may designate the property in one section as having a different zoning designation than the property in another section. Where boundaries are so located that they follow lot lines, such lot lines shall be construed to be the boundaries.~~

~~7.~~6. In cases where legal definitions of property boundaries have been lost or destroyed, it shall be the responsibility of the titleholder, or their designated agent, to have a certified survey executed and the record of said survey filed with the Camden County Recorder of Deeds.

ARTICLE 700: ENFORCEMENT AND REVIEW

SECTION 701 – GENERAL PROVISIONS AND COMPLAINTS

A violation of this Code, and/or RSMo. Sections 64.510 to 64.690, shall subject the violator(s) to an investigation by the Planning and Zoning Department and may lead to civil penalties, criminal penalties, or both, depending on the severity and circumstances of the violation. See RSMo. Section 64.690.

~~Whenever the Planning Administrator receives a written, signed, and notarized, complaint alleging a violation of this Code, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.~~

SECTION 702 – PERSONS LIABLE

The owner, tenant, or occupant, of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation

that is contrary to the requirements of the Unified Land-Use Code may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided. In situations of violation, all parties responsible for the violation, in whole or in part, are individually subject to the remedies of enforcement for such violation.

SECTION 703 – PURPOSE AND INTENT FOR COMPLIANCE

It is the express intention of the enforcement procedures herein to ensure all persons who may be liable comply with applicable Missouri statutes and the provisions and regulations contained within this Code. To ensure such compliance, Camden County shall pursue the criminal and civil actions allowed pursuant to Missouri law to the extent such actions are necessary. See Section 705.

SECTION 704 – PROCEDURES UPON DISCOVERY OF VIOLATION

1. If the Planning Administrator finds that any provision of the Code is being violated, a Stop Work Order shall be immediately issued and he or she shall send a written notice to the person(s) or entity(s) responsible for the violation. This written notice will indicate the nature of the violation and order the action necessary to correct it as well as the time frame for making the correction. Additional written notices may be sent at the Planning Administrator's discretion but are not required. See RSMo. Section 64.690.4.

2. The Planning Administrator shall determine, in his or her sole discretion, the time frame in which a violation must be corrected by the violating party, but in no instance shall the initial correction period be more than thirty (30) days. The Planning Administrator may extend the correction period if he/she determines that the violating party has made and continues to make a good faith effort to cure or otherwise correct the violation.

3. The final written notice of a violation (and the initial written notice may be the final notice) shall state what action the Planning Administrator intends to take if the violation is not corrected and shall advise that the decision may be appealed to the Board of Adjustment.

4. Notwithstanding the foregoing, in cases when the delay would seriously threaten~~d~~ the effective enforcement of this Code or pose a danger to the public health, safety, or welfare, the Planning Administrator may seek enforcement without prior written notice by invoking the penalties and/or remedies authorized in Article 700.

SECTION 705 – PENALTIES AND REMEDIES FOR VIOLATIONS

1. In the event a violation exists for a property under an active Planning and Zoning permit of any kind (Construction, Zoning, Special-Use, Conditional-Use, etc.), the Planning Administrator may suspend the permit, temporarily making that permit inactive. No work of any kind other than to

correct the violation, or with the express permission of the Planning Administrator, may progress in the fulfillment of a permit that has been suspended. The permit will remain suspended until the Planning Administrator has verified that all corrective measures to remove or cure the violation have taken place.

2. To gain compliance with the Unified Land-Use Code, the Planning Administrator may refer the violation to the County Prosecutor for potential criminal investigation and prosecution, and/or may refer the violation to the County's attorney(s) for a potential civil action. The filing of a civil action, such as an injunction, will take place only if so authorized by the Camden County Commission.

3. Violations of this Code, and/or failure to comply with any of these requirements, including violations of any conditions established in connection with grants of zoning designations, variances, or permits, may constitute a Class A Misdemeanor, punishable by ~~a~~ fine ~~of up to $1,000.00~~, or a maximum of one (1) year imprisonment, or both, under Missouri law. A criminal case is filed against violator(s) through the County Prosecutor's Office. See RSMo. Section 64.690. Fines for violations are as follows:

a. A-1, A-R, P-1, P-2, R-1 and R-2 zoned properties:

i. Cases involving a violation where no permit was obtained but the project is compliant with all provisions of the Camden County Unified Land Use Code, the fine for a first offense shall be $500.00 plus a double permit fee for ALL parties that participated in creating the violation, which at a minimum shall be the owner of the property where the violation has occurred and the contractor(s) performing the work. Subsequent violations of this nature shall carry a $2,500.00 fine plus a double permit fee, with the possibility of imprisonment. Further, ANY contractor that violates a Stop Work Order will be subject to fines and penalties. The project shall be considered compliant after all fines and fees have been paid.

ii. Cases involving a violation where no permit was obtained and violations of the Camden County Unified Land Use Code exist, the fine for a first offense shall be $1,000.00 plus a double permit fee for ALL parties that participated in creating the violation, which at a minimum shall be the owner of the property where the violation has occurred and the contractor(s) performing the work. Further, any violations of the Camden County Unified Land Use Code must be brought into compliance to complete the cure process. Subsequent violations of this nature shall carry up to a $5,000.00 fine plus a double permit fee, with the possibility of imprisonment. Further, ANY contractor that violates a Stop Work Order will be subject to fines and penalties. Payment of fines and fees does not make the project compliant. The property owner must gain compliance either through the variance process or by removing/modifying the non compliant portion of the project to meet the requirements of the Camden County Unified Land Use Code.

iii. Cases involving a violation where a permit was obtained, but violations of the Camden County Unified Land Use Code exist, the fine for a first offense shall be $500.00 plus a double permit fee for ALL parties that participated in creating the violation, which at a minimum shall be the owner of the

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property where the violation has occurred and the contractor(s) performing the work. Further, any violations of the Camden County Unified Land Use Code must be brought into compliance to complete the cure process. Subsequent violations of this nature shall carry up to a $5,000.00 fine plus a double permit fee, with the possibility of imprisonment. Further, ANY contractor that violates a Stop Work Order will be subject to fines and penalties. Payment of fines and fees does not make the project compliant. The property owner must gain compliance either through the variance process or by removing/modifying the non compliant portion of the project to meet the requirements of the Camden County Unified Land Use Code.

b. R-3, R-4, B-1, B-2, B-3, and I-1 zoned properties:

i. Cases involving a violation where no permit was obtained but the project is compliant with all provisions of the Camden County Unified Land Use Code, the fine for a first offense shall be $1,500.00 plus a double permit fee for ALL parties that participated in creating the violation, which at a minimum shall be the owner of the property where the violation has occurred and the contractor(s) performing the work. Further, ANY contractor that violates a Stop Work Order will be subject to fines and penalties. Subsequent violations of this nature shall carry up to a $5,000.00 fine plus a double permit fee, with the possibility of imprisonment. The project shall be considered compliant after all fines and fees have been paid.

ii. Cases involving a violation where no permit was obtained and violations of the Camden County Unified Land Use Code exist, the fine for a first offense shall be $5,000.00 plus a double permit fee for ALL parties that participated in creating the violation, which at a minimum shall be the owner of the property where the violation has occurred and the contractor(s) performing the work. Further, any violations of the Camden County Unified Land Use Code must be brought into compliance to complete the cure process. Subsequent violations of this nature shall carry up to a $10,000.00 fine plus a double permit fee, with the possibility of imprisonment. Further, ANY contractor that violates a Stop Work Order will be subject to fines and penalties. Payment of fines and fees does not make the project compliant. The property owner must gain compliance either through the variance process or by removing/modifying the non compliant portion of the project to meet the requirements of the Camden County Unified Land Use Code.

iii. Cases involving a violation where a permit was obtained, but violations of the Camden County Unified Land Use Code exist, the fine for a first offense shall be $2,000.00 plus a double permit fee for ALL parties that participated in creating the violation, which at a minimum shall be the owner of the property where the violation has occurred and the contractor(s) performing the work. Further, any violations of the Camden County Unified Land Use Code must be brought into compliance to complete the cure process. Subsequent violations of this nature shall carry up to a $7,500.00 fine plus a double permit fee, with the possibility of imprisonment. Further, ANY contractor that violates a Stop Work Order will be subject to fines and penalties. Payment of fines and fees does not make the project compliant. The property owner must gain compliance either through the variance process or by

removing/modifying the non compliant portion of the project to meet the requirements of the Camden County Unified Land Use Code.

~~3.~~

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4. The Planning Administrator may invoke any one (1) or all of the foregoing penalties and remedies to enforce this Code for repeat offenders.

SECTION 706 – PERMIT SUSPENSION OR REVOCATION

1. A Construction, Zoning, Special-Use, or Conditional-Use Permit may be suspended or revoked by the Planning Administrator if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Code, or any additional requirements lawfully imposed by the permit issuing entity.

2. Before a Special-Use Permit or Conditional-Use Permit can be suspended or revoked, the permit recipient must be informed in writing of the alleged grounds for suspension or revocation and informed that the decision or order can be appealed to the Board of Adjustment. Once revoked, the permit recipient may re-submit an application for the permit following the original procedure and undergoing the same process that was followed as a new request.

3. No person may continue to make use of land or buildings in the manner authorized by any permit after such permit has been suspended or revoked.

4. Variances, zoning map changes, and amendments to this Code cannot be revoked in the same manner as a permit.

ARTICLE 800: NONCONFORMING USES

SECTION 801 – DEFINITIONS

The words and phrases used in this section shall have the meaning indicated below:

1. **Dimensional Nonconformity:**

   A nonconforming situation that occurs when the height, size, or minimum floor space of a structure, or the relationship between an existing building or buildings and other buildings or lot

lines, does not conform to the regulations applicable to the district in which the property is located.

2. **Effective Date of This Code:**

Whenever this Article refers to the effective date of this Code, the reference shall be deemed to include the effective date of any amendments to this Code , and the most current version of the Code shall be used to determine if the use or structures ~~if the amendment, rather than this Code as originally adopted,~~ creates a nonconforming situation.

3. **Expenditure:**

A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial change(s) in position (note: ~~-~~the allowed expenditure for restoration or repairs of nonconforming property caps the total amount that may be spent; a person may not avoid this cap by doing restoration and/or repairs incrementally).

4. **Nonconforming Lot:**

A lot existing at the effective date of this Code (and not created for the purposes of evading the restrictions of this Code) that does not meet the minimum area requirement of the district in which the lot is located, except that such a lot created pursuant to a provision of this or any prior Code allowing the creation of lots smaller than normal minimums shall not constitute a conforming lot.

5. **Nonconforming Project:**

Any structure, development, or undertaking that is incomplete on the effective date of this Code and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

6. **Nonconforming Situation:**

An existing lot or structure or use of an existing lot or structure that, on the effective date of this Code, does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. For example, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitation, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Code, or because land or buildings are used for purposes made unlawful by this Code.

7. **Nonconforming Structure:**

Any structure which does not conform to the regulation of structures for this Code for the district in which it is located either at the effective date of this C~~o~~ode or as a result of subsequent amendments which may be incorporated into this Code, but was either conforming or not subject to regulation previously.

8. **Nonconforming Use:**

A use that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located (for example, a commercial office building in a residential district may be a nonconforming use). The term also includes the activity that constitutes the use made of the property (for example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use).

SECTION 802 – CONTINUATION OF NONCONFORMING SITUATIONS AND COMPLETION OF NONCONFORMING PROJECTS

1. Unless otherwise specifically provided in the Code, and subject to the restrictions set forth in this Article, nonconforming situations that were otherwise lawful on the effective date of this Code may be continued.

2. Nonconforming projects may be completed only in accordance with the provisions in this Article.

SECTION 803 – NONCONFORMING LOTS

1. This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished only in accordance with this Article.

2. When a nonconforming lot can be used in conformity with all of the regulations (other than the area and width requirements) applicable to the district in which the lot is located, then the lot may be used as proposed. ~~However, no use that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.~~ Administrative approval is required before construction may begin.

3. When the use proposed for a nonconforming lot is one that is conforming in all respects except that the applicable setback requirements cannot reasonably be complied with, then the entity authorized by the Code to issue a permit for the proposed use (the ~~Planning Administrator or~~ Board of Adjustment) may allow deviations from the applicable setback requirements if it finds that:

a. The property cannot reasonably be developed for the use proposed without such deviations;

b. These deviations are necessitated by the size or shape of the nonconforming lot;

c. The property can be developed as proposed without any significant~~ly~~ adverse impact on surrounding properties ~~or the public health or safety~~.

4. For purposes of Subsection (3), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

5. Any plat, subdivision, development, or Planned Unit Development (PUD) that has received at least sketch plan approval from the Planning Commission on the effective date of this Code, or after the adoption of applicable amendments to this Code, shall be subject to the requirements of this Code. This provision shall not apply to the portions of those plats, subdivisions, developments, or Planned Unit Developments (PUDs) reserved as future development sites (where no lot lines are shown), if such sites were established prior to the adoption of this Code.

6. Development of lots within existing subdivisions, developments, and Planned Unit Developments (PUDs) shall adhere to the provisions of this Code to the greatest extent possible.

7. In areas where multi-family housing was designated, but no building layout was shown, the density as indicated on the most recently approved plat shall be allowed, provided the developer meets the provisions of this Code to the greatest extent possible.

SECTION 804 – NONCONFORMING USES OR BUILDINGS

1. Unless required by law or order, no existing building, structure, or premises that is nonconforming, or is devoted to a use that is nonconforming and/or not permitted by the zoning regulations applicable to the zoning district in which such building, structure, or premises is located, shall be enlarged, extended, reconstructed, substituted, or structurally altered, unless the use thereof is changed to a use permitted in the zoning district in which such building or premises is located, and except as follows:

   a. Substitution or Extension. When authorized by the Planning Commission, the substitution of a nonconforming use for another nonconforming use, or the extension of a nonconforming use may be made;

   b. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed back to a nonconforming use;

c. Where at the effective date of the adoption of this Code or amendments hereto, a lot of record exists and is held in separate ownership but fails to meet the minimum requirements for area or width of the zoning district in which it is located, such lot may have one (1) single family dwelling and customary accessory building erected upon it provided that:

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

ii. Said lot is able to meet the yard requirements of the zoning district in which it is located. A variance is obtainable through approval by the Board of Adjustment.

d. When authorized by the Planning Commission, the extension or completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, providing that such lot was under the same ownership as the lot in question on the date the use of such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building;

e. When authorized by the Planning Commission, a nonconforming use may be extended throughout those parts of a building designed or arranged for such use before the date it became nonconforming, if no structural alterations except those required by law are made therein;

f. Discontinuance. No building, structure, or premises where a nonconforming use has ceased for one (1) year or more shall again be put to a nonconforming use. Whenever the Planning Administrator has knowledge that a property has not been used in a nonconforming manner for a period of one (1) year, the Planning Administrator shall notify the owner and user of the nonconforming use building that if they would like the opportunity to continue the nonconforming use then they must show cause to do so to the Planning Commission at the next appropriate meeting of the Planning Commission. The Planning Commission shall then, upon review, make a recommendation to the County Commission whether to retain the nonconforming use, or to re-zone as appropriate if needed;

g. Replacing Damaged and/or Aging Buildings. Any nonconforming building or structure damaged ~~more than fifty percent (50%) of its then fair market value, exclusive of the foundation(s), at the time of the damage, including damage~~ by fire, flood, explosion, wind, earthquake, war, riot, or other calamity, or Act of God, may ~~shall not~~ be restored or reconstructed and used as before such happening, as long as the original footprint of the structure can be identified or ascertained. This also includes voluntary complete demolition and reconstruction of any nonconforming structure so long as it does not exceed the footprint of the original structure. Additional stories may be added to the nonconforming structure so long as the original footprint is not exceeded. Additions to building size are allowed so long as the additions themselves meet the requirements of the zoning district in which the building is located. The nonconforming portion of the original structure is allowed to continue to exist. Prior to reconstruction, a survey of the original foundation shall be completed to

establish the allowed building envelope. Structures must be located entirely on the subject property regardless of the location of the original structure, and if the original structure was over the property line, reconstruction of the nonconforming structure shall maintain a minimum of a one (1) foot setback on all sides with the exclusion of the lakefront. Previously prepared surveys showing the building location on the lot are acceptable. This provision applies to accessory structures, decks, and walkways as well. No structure may be built on Ameren Missouri owned property without obtaining a permit from same. All structures subject to reconstruction must meet Camden County wastewater requirements. This section shall also apply to voluntary demolition and reconstruction of nonconforming structures. ~~If such damage is less than fifty percent (50%) of its then fair market value, exclusive of the foundation(s), then it may be restored, reconstructed, or used as before, provided that it be done within twelve (12) months of such happening, and provided that such damage is not done willfully or intentionally by any person with financial gain.~~ This provision is subject to, and must remain in compliance with, the Camden County Floodplain Ordinance;

h. Repairs and Alterations. Such repairs and maintenance work as required to maintain sound condition may be made to a nonconforming building or structure. ~~, provided no structural alterations shall be made, except such as are required by law, and/or authorized by the Planning Administrator, the Planning Commission, and/or the Board of Adjustment as appropriate.~~

ARTICLE 900: ZONING DISTRICTS AND ZONING MAP

SECTION 901 – ZONING DISTRICTS

The Camden County Lake District Planning and Zoning Area is hereby divided into regions or districts in accordance with the authority granted by RSMo. Section 64.620 that regulate and restrict, by adoption of the Unified Land-Use Code, in the unincorporated portions of the County, the height, number or stories, ~~and~~ size of buildings, ~~the percentage of lots that may be occupied~~, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence, or other purposes, including areas for agriculture, forestry, and recreation.

Based on RSMo. Section 64.630, these districts may be of such number, shape, and area as may be deemed best suited to carry out the purpose of RSMo. Sections 64.510 to 64.690, and shall be shown upon the County's zoning plan. Within these districts the erection, construction, reconstruction, alteration, repair, relocation, or maintenance of buildings or structures and the use of land and lots may be regulated and restricted.

The following zoning districts are established:

A-1: Agricultural

A-R: Agricultural – Residential

P-1: Parks and Reserves

P-2: Commercial Parks

R-1: Low Density Residential

R-2: Medium Density Residential

R-3: High Density Residential

R-4: Manufactured Home Parks

B-1: Office/Low Impact Commercial

B-2: General Commercial

B-3: High Impact Commercial

I-1: Industrial

MU-1: Low Density Mixed Use Commercial/Residential

MU-2: High Density Mixed Use Commercial/Residential

PUD: Planned Unit Development

SECTION 902 - UNZONED AREAS

1. **Unzoned Areas:**

Unzoned property, regardless of its location or owner, shall be subject to all applicable regulations in this Code.

a. Procedure for Zoning an Unzoned Area:

The procedure for zoning unzoned property shall match the procedure for rezoning a previously zoned area, including all notice and hearing requirements mandated under this Code and Missouri law.

b. Authority to Zone an Unzoned Area:

The Planning Commission may, on its own authority, or at the request of an applicant, make a zoning recommendation regarding unzoned property to the Camden County Commission. The Camden County Commission shall then make the final zoning decision for the unzoned property. Both the decision of the Planning Commission and the decision of the Camden County Commission are subject to the same hearing and notice requirements as for a rezoning, as stated above.

SECTION 903 – EXEMPTIONS AND LIMITATIONS

1. Regulations adopted pursuant to the authority granted to the Camden County Commission through RSMo. Section 64.005 and RSMo. Section 64.007 (enabling the creation of a County District Planning Commission and authorizing the District Planning Commission to establish a district plan and Planning and Zoning Regulations) shall not apply to agricultural or horticultural property as defined in RSMo. Section 137.016. See Article 200: Definitions; See also RSMo. Section 137.016.

2. Building regulations and restrictions applicable to unincorporated areas (e.g., the allowable height, number of stories, size of buildings, percentage of lots that may be occupied, size of yards, etc.) shall not apply to the raising of crops, livestock, orchards, or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation. Rice farming or flood irrigation means small berms of not more than eighteen (18) inches high placed around a field to hold water for use for growing rice or for irrigation. See RSMo. Section 64.620.

3. Such regulations and restrictions shall also not apply to the erection, maintenance, repair, alteration, or extension of farm buildings or farm structures used for such purposes in an area not within the area shown on the flood hazard area map. See RSMo. Section 64.620.

4. Such regulations and restrictions shall also not apply to underground mining where the entrance is through an existing shaft or shafts or through a shaft or shafts not within the area shown on the flood hazard area map. See RSMo. Section 64.620.

5. These regulations shall not authorize interference with such public utility services as may have been or may hereafter be~~y~~ authorized, or ordered by the Public Service Commission (PSC), or by permit of the County Commission, as the case may be.

SECTION 905 – A-R: AGRICULTURAL/RESIDENTIAL

1. Purpose of District:

a. This district is intended to preserve the predominant rural character of the land while allowing certain non-agricultural uses.

b. The district allows for low-density residential uses for areas outside the normal residential districts, which are not suited for agricultural uses.

2. Principal Permitted Uses:

a. Single family dwellings to include site built homes, modular homes, and Class A and Class B manufactured homes;

b. Agricultural and horticultural property as defined in RSMo. Section 137.016, and Article 200 (this includes the raising of crops, livestock, orchards, or forestry, and to seasonal or temporary impoundments used for rice farming or flood irrigation);

c. Private nursery and greenhouse operations;

d. Hunting, fishing, and propagation of wildlife:

e. Cemeteries;

f. Public building or facility erected by a governmental agency;

g. Private kennel;

h. Private non-commercial recreational areas;

i. Group homes, if the maximum residential density does not exceed a total of ten (10) persons;

j. Churches, schools, public buildings, structures, and properties of recreational, cultural, administrative or public service that produce less than 3,000 gallons of wastewater per day

and which have a minimum lot area of five (5) acres (must be in compliance with Camden County Wastewater regulations).

3. **Accessory Uses:**

   a. Accessory Uses, buildings, and structures customarily incidental to the aforesaid permitted uses;

   b. Living quarters of persons employed on the premises that are not rented or otherwise used as a separate dwelling;

   c. Temporary buildings for uses that are incidental to construction work, which will be removed at the completion of or abandonment of the construction work;

   d. Day care homes, if not more than six (6) children are kept and are in compliance with the laws of the State of Missouri.

4. **Conditional Use Permits:**

   a. Schools, cultural, administrative, or public buildings. Churches and other places of worship expected to exceed 3,000 gallons of wastewater per day, excluding overnight shelters and temporary outdoor revivals (must be in compliance with MDNR wastewater regulations);

   b. Bed and Breakfast;

   c. Golf Course with clubhouse and driving range as accessory uses (Miniature golf courses are not included);

   d. Major or Multiple-Use Subdivisions;

   e. Private commercial recreational areas;

   f. Commercial cemeteries, including mausoleums provided that the new cemetery contains an area not less than twenty (20) acres;

   g. Commercial kennels, animal hospitals, veterinary clinics, or kennels;

   h. Day Care Homes if not more than ten (10) children are kept with a maximum of two (2) overlap and are in compliance with the laws of the State of Missouri;

   i. Special events that are non-commercial in nature.

5. **Height, Density, and Yard Requirements:**

All tracts and lots of property within an A-R zoning district created after the effective date of these regulations:

a. Shall have a minimum width dimension of one hundred fifty (150) feet measured through the building area of the lot (between the front and rear setbacks) measured perpendicular to the centerline of the lot. RSMo 64.620.

b. Shall have a minimum area of three (3) acres;

c. The maximum height of any structure shall be fifty (50) feet above the finished grade;

d. Lots and tracts located in the A-R: -Agricultural/Residential Zoning District may not include the area of road rights-of-way;

e. Minimum yard setback requirements:

   i. Minimum front setbacks:

      a. Forty (40) feet from any publicly maintained roadway;

      b. Thirty (30) feet from any privately maintained roadway.

   ii. Minimum side yard setback – Twenty (20) feet;

   iii. Minimum rear yard setback – Twenty (20) feet.

f. This section shall not apply to the erection, maintenance, repair, alteration, or extension of farm buildings or farm structures used for such purpose in an area not within the areas shown on the flood hazard area map. RSMo. 64.620.

g. This section shall not apply to the raising of crops, livestock, orchards, or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation. (See definition in Section 802(2), RSMo. 64.620).

h. This section does not authorize interference with such public utility services as may have been, or may hereafter be authorized, or ordered by the Public Service Commission (PSC), or by permit of the County Commission, as the case may be. RSMo. 64.620.

SECTION 906 – P-1: PARKS AND RESERVES

1. **Purpose of District:**

   a. This district provides for those public recreational areas that exist or may exist in the County.

   b. The district also provides for the non-structural use of environmentally sensitive areas for recreational and conservation purposes.

2. **Principal Permitted Uses:**

   a. National, state, and local public parks and reserves, to include natural parks, public access areas, and public game areas;

   b. Those areas where floodplains, wetlands, conservation lands, and other public and private no build areas exist or are established;

   c. Agricultural and horticultural property as defined in RSMo. Section 137.016 and Article 200. This includes the raising of crops, livestock, orchards, or forestry, and seasonal or temporary impoundments used for rice farming or flood irrigation;

   d. Hunting, fishing, and propagation of wildlife.

3. **Accessory Uses:**

   a. Accessory uses, buildings, and structures customarily incidental to the aforesaid permitted uses;

   b. Public buildings and structures incidental to the aforesaid permitted uses.

4. **Conditional Use Permits:**

   a. Private non-commercial recreational areas;

   b. Public and private game areas (baseball, softball, soccer, etc.) that do not involve significant impervious surface areas (gravel, clay, asphalt, or concrete);

   c. Public golf courses;

   d. Special Events.

5. **Height, Density, and Yard Requirements:**

All tracts and lots of property within a P-1 zoning district created after the effective date of these regulations:

a. Shall have a minimum area of three (10~~3~~) acres. ~~RSMo. Section 64.620.~~

b. The maximum height of any structure shall be fifty (50) feet above the finished grade;

c. At least ninety seven percent (97%) of any property within the P-1 zoning district designation must be maintained as green space;

d. Lots and tracts located in the P1: Parks and Reserves Zoning District may include the areas of road rights-of-way;

e. Minimum yard setback requirements:

i. Minimum front yard setback – Fifty (50) feet;

ii. Minimum side yard setback – Twenty (20) feet;

iii. Minimum rear yard setback – Fifty (50) feet.

f. This section shall not apply to the erection, maintenance, repair , alteration, or extension of farm buildings or farm structures used for such purposes in an area not within the area shown on the flood hazard area map. RSMo. Section 64.620;

g. This section shall not apply to the raising of crops, livestock, orchards, or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation (See definition in Section 802(2), RSMo. Section 64.620);

h. This section does not authorize interference with such public utility services as may have been or may hereafter be authorized or ordered by the Public Service Commission (PSC) or by permit of the County Commission, as the case may be. RSMo. Section 64.620.

SECTION 907 – P-2: COMMERCIAL PARKS

1. **Purpose of District:**

a. This zoning district provides for those public and private recreational uses that involve commercial applications.

b. The district also provides for the limited structural use of environmentally sensitive areas for recreational and conservation purposes.

c. The uses provided for in this district allow relatively high traffic and the establishment of overnight facilities.

2. Principal Permitted Uses:

a. Any use included as a principal permitted use in the P-1 zoning district;

b. Camping facilities (primarily primitive for church, youth, commercial) that provide the necessary water and sanitary facilities for overnight occupation, with an aggregate maximum of six (6)~~but only limited provision of/for~~ structural sleeping facilities (cabins or recreational vehicles);

c. Public and private golf courses (to~~n~~ include pro shop);

d. Commercial recreational facilities (e.g., wild animal parks, dude ranch) that include substantial green or open areas.

3. Accessory Uses:

a. Accessory uses, buildings, and structures customarily incidental to the aforesaid permitted uses;

b. Public buildings and structures incidental to the aforesaid permitted uses;

c. Living quarters for persons employed on the premises that are not rented or otherwise used as a dwelling unit (primarily for security purposes).

4. Conditional Use Permits:

a. Recreational vehicle park (See Appendix F~~rticle 900, Section 913~~);

b. Amusement rides and mechanical recreational facilities;

c. Special events.

5. Height, Density, and Yard Requirements:

All tracts and lots of property within a P-2 zoning district created after the effective date of these regulations:

a. Shall have a minimum area of five (10~~5~~) acres. ~~RSMo. 64.620~~;

b. The maximum height of any structure shall be fifty (50) feet above the finished grade;

c. At least ninety four percent (94%) of any property within the P-2 zoning district designation must be maintained as green or open space;

d. Lots and tracts located in the P-2: ~~-~~Commercial Parks Zoning District may include the area of road rights-of-way;

e. Minimum yard setback requirements:

   1. Minimum front yard setback – Forty (40) feet;

   2. Minimum side yard setback – Twenty (20) feet;

   3. Minimum rear yard setback – Forty (40) feet;

f. This section shall not apply to the erection, maintenance, repair, alteration, or extension of farm buildings or farm structure used for such purposes in an area not within the area shown on the flood hazard area map. RSMo. 64.620.

g. This section shall not apply to the raising of crops, livestock, orchards, or forestry, or to seasonal or temporary impoundments used for rice farming or flood irrigation (See definition in Section 802(2), RSMo. 64.620).

h. This section does not authorize interference with such public utility services as may have been, or may hereafter be authorized, or ordered by the Public Service Commission (PSC), or by permit of the County Commission, as the case may be. RSMo. 64.620.

SECTION 915 – I-1: INDUSTRIAL

1. **Purpose of District:**

a. This zoning district is intended to provide for those establishments that can expect high volumes of commercial or service traffic.

b. The district is intended to provide a location for industrial, manufacturing, and warehousing to provide goods and services to meet the regular needs of the business community.

2. Principal Permitted Uses:

a. Warehouse Distribution Centers (break bulk and transportation);

b. Dry cleaning facilities;

c. Recycling centers and transfer stations;

d. Quarries, mining, and extraction sites;

e. Manufacturing facilities, including ~~-~~processing, creating, repairing, renovating, painting, cleaning, assembly of goods, merchandise and equipment, and similar uses;

f. Truck or bus terminals;

g. Water and sewage treatment plants;

h. Commercial power generation plants;

i. Warehousing to include self-storage facilities;

j. Dock assembly;

k. Salvage operations;

l. Sanitary landfills;

m. Food processing and packaging facilities.

~~m.~~ n. Concrete mixing and delivery facilities (ready mix concrete plants).

3. Accessory Uses:

a. Any accessory use or structure customarily accessory and incidental to the listed principal permitted uses including product sales;

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b. Smoke-stacks, water towers, and other facilities that exceed the normal height limits, but are a normal and expected structure to serve the principal permitted use.

4. Conditional Use Permits:

a. Any use not previously listed as a principal permitted use in any other district or that does not more properly belong to another district considering the intensity of the use and any characteristics of the districts;

b. Any use listed as a permitted use in the I-1 zoning district that qualifies as a lake frontage development must be reviewed as a Conditional-Use Permit to address the special issues concerning such a location.

5. Height, Density, and Yard Requirements:

All tracts and lots of property within an I-1 Zoning district created after the effective date of these regulations:

a. The maximum height of any structure, excluding utility structures, shall be one hundred and twenty (120) feet above the average finished grade;

b. Shall have a minimum road frontage dimension of one hundred (100) feet;

c. Lots and tracts in the I-1: Industrial Zoning District do not have a minimum lot size;

d. A maximum of eighty five percent (85%) of the development site shall be covered with impervious cover;

e. Lots and tracts located in the I-1: Industrial Zoning District shall not include the area of road rights-of-way;

f. This section shall not apply to underground mining where the entrance is through an existing shaft, or shafts, or through a shaft or shafts not within the area shown on the flood hazard map (See RSMo. Section 64.620);

g. Minimum setback requirements:

i. Minimum front setback – Fifty (50) feet;

ii. Minimum side setback – Twenty (20) feet;

iii. Minimum rear setback – Forty (40) feet.

SECTION 916 – MU-1: LOW DENSITY MIXED USE

1. Purpose of District

a. This zoning district is intended for low density mixed use development combining uses normally found in the R-1, R-2, and B-1 zoning districts.

b. Provision is also made for such educational, recreational, and religious uses as are customarily associated with residential uses to provide the basic elements of a residential area in combination with the low density commercial use.

c. This district is intended for those establishments that can expect low to moderate volumes of consumer traffic and low volumes of commercial and service vehicle traffic.

d. This district provides a location for administrative and professional offices.

e. Neighborhood and local commercial uses intended to primarily serve residents and citizens of the nearby area.

f. The principal use of land is to provide an area for smaller structures in a landscaped setting.

g. This type of development can serve as a buffer between more intense retail and office uses and established residential neighborhoods.

2. Principal Permitted Uses

a. Single family dwellings to include site built homes and residential units with four (4) or less dwelling units;

b. Office and administrative uses such as government offices, professional offices, financial offices, real estate offices, and other similar uses;

c. Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pickup, shoe repair, self-service laundromats, funeral homes, and other similar uses;

d. Restaurants and cafes excluding dancing and live music or those with drive-in, or drive-up service;

e. Retail establishments located within a completely enclosed building and that do not exceed 10,000 square feet in area;

f. Day care center for children or adults provided that not more than twenty (20) individuals are kept with no more than a five (5) person overlap, that meets State of Missouri licensing requirements;

g. Churches and other places of worship excluding overnight shelters and temporary outdoor revivals;

h. Educational facilities of general instruction including cultural, administrative, and/or public buildings;

i. Emergency medical transportation stations;

j. Fire Stations;

k. Medical clinics and veterinary facilities to include doctors' offices;

l. Pet shop, animal hospital, veterinary clinic, kennel (not for boarding);

m. Commercial bakery.

n. Residential group homes in accordance with state and federal law;

3. Accessory Uses

a. Neighborhood parks, swimming pools, playgrounds, recreational and community center buildings and grounds, public golf courses, tennis courts, and similar public recreational uses;

b. Garages for parking or private use;

c. Gazebos and similar out buildings;

d. Noncommercial studios and workshops;

e. Patios, decks, and similar structures;

f. Utility facilities;.

g. Sufficient parking and loading sites required to serve the principal use;

h. Home Occupations/Residential Based Businesses (for home occupations that may be located in a residential unit):

i. A Residential Based Business may involve land uses that normally are not allowed in an R-1 or R-2 zoning district as long as they are scaled to a less intensive level and/or are conditionally approved so as to be compatible to the surrounding area. Nothing in this Section shall be construed to be more restrictive than 71.990 of the Missouri Revised Statutes (RSMO) of 2022.

ii. A Residential Based Business must meet the following criteria:

a. No more than one (1) person other than a member of the immediate family occupying the dwelling shall be employed;

b. Not more than 30% of the gross square footage of the dwelling can be devoted to the Residential Based Business either within the dwelling or in an accessory building;

c. In no way shall the premises (property or structures) be altered, or the business allowed to operate, in a manner that would cause the property or structures to differ from its normal residential character;

d. No truck traffic shall be generated by the business that would be greater in kind or intensity from a normal residential land use;

e. No outdoor display of goods or outdoor storage of materials used in the Residential Based Business shall be permitted;

f. Only one (1) nameplate not to exceed an area of four (4) square feet may be displayed. It shall not be illuminated or otherwise physically appear as a nuisance;

g. The use shall not generate noise, vibration, glare, fumes, odor, or electrical interference beyond what normally occurs in a residential area.

iii. The business must operate from a residential structure or a residential accessory structure. Construction of a structure solely for the Residential Based Business is not allowed.

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4. Conditional Use Permits

a. Churches and other places of worship expected to exceed 3,000 gallons of wastewater per day, including overnight shelters at a church or place of worship, and excluding temporary outdoor revivals;

b. Educational facilities of general instruction including cultural, administrative, and/or public buildings, expected to exceed 3,000 gallons of wastewater per day;

c. Fraternal or private clubs (including country clubs);

d. Bed and Breakfast.

e. Banking and financial institutions with drive-up or drive through facilities;

f. Restaurants with drive-up or drive through service or that have outdoor dining areas;

g. Medical clinics with pharmacies;

h. Self-Storage Facilities (Indoor storage only);

i. Any use listed as a permitted use in the MU-1 Low Density Mixed Use zoning district that qualifies as a lake frontage development must be reviewed as a conditional-use permit to address the special issues concerning such a location.

5. Height, Density, and Yard Requirements

All tracts and lots of property within an MU-1 zoning district created after the effective date of these regulations:

a. Shall have a minimum road frontage dimension of eighty (80) feet;

b. Shall have a minimum lot size of 10,000 square feet;

c. A maximum of 50% of the development site shall be covered with impervious cover (roofs, parking, sidewalks, etc.);

d. Lots and tracts located in the MU-1 Low Density Mixed Use zoning district shall not include the area of road rights-of-way;

e. Swimming pools are subject to all setback requirements, with the limited exception of lakefront pools. Lakefront pools have a lake setback of zero (0) feet;

f. Minimum setback requirements:

All setbacks will be measured from the exterior wall or deck footing closest to the corresponding property line. All overhangs have a maximum measurement of 24".

Two (2) story structure with a basement (or the lowest level of the structure) counting as a story:

i. Minimum front setback – Thirty (30) feet;
ii. Minimum side setback – Twenty (20) feet;
iii. Minimum rear setback – Twenty (20) feet.

Structures with more than two (2) stories, with a basement (or the lowest level of the structure) counting as a story:

i. Minimum front setback – Number of stories times fifteen (15) feet;
ii. Minimum side setback – Number of stories times twelve (12) feet;
iii. Minimum rear setback – Number of stories times twelve (12) feet.

Note: The front is generally the side of the lot that fronts a street. For corner lots, the narrowest side fronting the street is considered the front.

g. For lakefront residential lots the lakefront setback will be zero (0) feet (shall reference Ameren Ownership and FEMA floodplain).

SECTION 917 – MU-2: HIGH DENSITY MIXED USE

1. Purpose of District

a. This zoning district is intended for medium to high density mixed use development combining uses normally found in the R-3, B-2, and B-3 zoning districts.

b. Provision is also made for such educational, recreational, and religious uses as are customarily associated with residential uses to provide the basic elements of a residential area in combination with the medium density commercial use.

c. This district is intended for those establishments that can expect medium to high volumes of consumer, commercial and service vehicle traffic.

d. This district is intended to provide a location for retail trade, medium to high density residential, or both, and to provide services to meet the regular needs and convenience of the residents and visitors.

e. The principal use of land is for general retail business activity and high density residential.

f. This type of development can serve as a buffer between low density commercial, mixed use, or high density residential and medium to high density commercial.

2. Principal Permitted Uses

a. Any use included as a principal permitted use in the MU-1, R-3, B-2 and B-3 zoning districts;

b. Residential structures with five (5) or more dwelling units such as apartments, condominiums, timeshares, and other similar residential structures;

c. Institutional (hospital, nursing, rest, or convalescent homes as well as educational or religious facilities) on a site not less than five (5) acres and provided that not more than 50% of the site can be covered with impervious surfaces;

d. Children's day care center provided that not more than ten (10) children are kept with no more than a two (2) child overlap that meets State of Missouri licensing requirements;

e. Recreational vehicle (RV) condominium plat, camper/travel trailer parks, and tiny home developments. Tiny homes shall have a minimum square footage of 400 square feet, and a maximum square footage of 600 square feet. See Appendix F for lot size, density, and other requirements for this development;

f. Automobile, truck, trailer, farm implement, boat sales, and marine supply establishments for display, hire, sales, and repair. This includes sales lots, provided that all operations, other than display and sales, shall be contained within a completely enclosed building;

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g. Motor vehicle repair and service facilities to include drive-up service, but with no outdoor storage of wrecks, vehicle parts, or salvaged materials;

h. Banks and financial companies, including drive-in type, department and variety stores, specialty shops, studios, including commercial broadcasting schools;

i. Bars, restaurants, cocktail lounges, liquor stores, billiard parlors, pool halls, bowling alleys, and similar uses provided that such use is conducted within a completely enclosed building;

j. Drive-in eating and drinking establishments, summer gardens, and road houses, with or without entertainment and dancing;

k. Indoor theatres;

l. Hotels, motels, and other lodging enterprises;

m. Carpenter shops, electrical, plumbing, and heating shops, printing, publishing, or lithographing shops, funeral or mortuary, and furniture upholstering provided that any such use be conducted within a completely enclosed building;

n. Pet shop, animal hospital, veterinary clinic or kennel;

o. Skating rinks, dance halls, arcades, bakery, laundry, or commercial greenhouses;

p. Outdoor advertising structure;

q. Commercial marina;

r. Self-storage facilities (indoor storage only).

3. Accessory Uses

a. Any accessory use listed for the R-3, B-2 and B-3 zoning districts;

b. Any accessory use or structure customarily accessory and incidental to the listed principal permitted uses;

c. Property management or sales office, model unit, or dwelling;

d. Storage or parking area to serve residents or business.

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4. Conditional Use Permits

a. Any use that has not been addressed as a Principal Permitted Use;

b. Children's day care center provided that not more than twenty (20) children are kept with no more than a five (5) child overlap that meets State of Missouri licensing requirements;

c. Gaming or gambling facilities;

d. Any use listed as a permitted use in the MU-2 High Density Mixed Use zoning district that qualifies as a lake frontage development must be reviewed as a conditional-use permit to address the special issues concerning such a location.

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5. Height, Density, and Yard Requirements

All tracts and lots of property within an MU-2 zoning district, excluding those for utility facilities, created after the effective date of these regulations:

a. Shall have a minimum road frontage dimension of Ninety (90) feet;

b. Shall have a minimum lot area of 20,000 square feet. Multi-family units will be allowed a density of 17 units per acre when the applicant has demonstrated that the dwelling to be constructed will have proper wastewater facilities permitted by the Camden County Wastewater Department or MDNR, and all other conditions of this Code are met;

c. The maximum height of any structure shall be one hundred twenty (120) feet above the finished grade.

d. Lots and tracts located in the R-3 High Density Residential Zoning District shall not include the area of road rights-of-way;

e. A maximum of 75% of the residential lot or tract shall be covered with impervious cover (roofs, parking, sidewalks, etc.), unless served by an MDNR approved centralized wastewater system and or served by a stormwater management/retention facility;

f. Setback requirements apply to both public and private roads;

g. Swimming pools are subject to all setback requirements, with the limited exception of lakefront pools. Lakefront pools are not subject to lakefront setbacks;

h. Minimum setback requirements:

All setbacks will be measured from the exterior wall or deck footing closest to the corresponding property line. All overhangs have a maximum measurement of 24".

Two (2) story structure with a basement (or the lowest level of the structure) counting as a story:

i. Minimum front setback – Forty (40) feet;
ii. Minimum side setback – Twenty (20) feet;
iii. Minimum rear setback – Thirty (30) feet.

Structures with more than two (2) stories, with a basement (or the lowest level of the structure) counting as a story:

i. Minimum front setback – Number of stories times twenty (20) feet;
ii. Minimum side setback – Number of stories times twelve (12) feet;
iii. Minimum rear setback – Number of stories times fifteen (15) feet.

Note: The front is generally the side of the lot that fronts a street. For corner lots, the narrowest side fronting the street is considered the front.

i. For lakefront lots, the lakefront setback will be zero (0) feet.

SECTION 918~~6~~ – SUPPLEMENTAL ZONING PROVISIONS (Specific Prohibitions and Exclusions)

1. **Permissible Uses and Specific Exclusions:**

   a. The presumption established by this Code is that all legitimate uses of land are permissible within at least one (1) zoning district included in this Article.

   b. Without limiting the generality of the foregoing provision, the following uses are specifically prohibited in all districts:

i. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials without specific approval by Special-Use Permit (and the Fire District if applicable).

ii. The use of a ~~travel trailer or~~ tent as a temporary or permanent residence.

iii. ~~Use of a motor vehicle parked on a lot as a structure in which, out or which, or from which any goods are sold or stored, any services performed, or other business is conducted, except the use of mobile health vehicles and bookmobiles.~~

iv. Use of a manufactured home (mobile home) for any purpose other than a residence. If the structure has been designed and built to be used as an office structure~~s~~ then it can be used for that purpose and for meeting rooms, classroom, and other similar uses.

v. Storage outside of a substantially enclosed structure of more than two (2) motor vehicles that are unlicensed or are not operational.

2. Supplemental Setback Provisions:

a. Subject to other provisions of this Code, no portion of any building, or any freestanding structure, may be located on any property closer to any other property line or street right-of-way than is authorized in the zoning district provisions.

i. Building setback lines are to be measured from the actual right-of way line.~~, however in the event that the property line is not readily determinable, it is allowable to measure a front or side setback line from the from the centerline of the roadway, with the understanding that if this measurement later proves to be inaccurate (through a survey or other means), the true location of the required setback is determined from the right-of-way line.~~

ii. As used in this Section, the term "building" includes any substantial structure, which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

1. Fuel pumps and overhead canopies and roofs.

2. Fences along lot boundaries adjacent or perpendicular to public street rights-of-way if such fence is substantially opaque and could obstruct sight distances.

b. Where building setback lines are established either on a recorded plat or in a recorded declaration of covenants and/or restrictions, any building constructed after the effective date of this Code shall comply with the existing recorded setback lines. The applicant for a

building permit shall have the burden of providing the Planning Administrator with sufficient documentation that the lot or tract was created prior to the effective date of this Code and the plat or recorded declaration establishing such setback lines.

c. Where no building setback lines are established in a recorded document, any building constructed after the effective date of this Code shall locate the proposed structure so that the same meets the requirements of any applicable Building Code for ~~fore~~ safety, ~~and~~ the requirements of the Camden County Planning and Zoning Department/Code, and the requirements of the Camden County Wastewater Department, the State Department of Health and Senior Services and/or the Missouri Department of Natural Resources with respect to the location of any onsite wastewater treatment system and drinking water supply. The applicant for a building permit shall have the burden of providing the Planning Administrator with sufficient documentation of compliance with these requirements. The setback requirements established for the zoning district in which the existing lot or tract of land is located shall be presumed to satisfy the requirements of this paragraph.

SECTION 9197 – PLANNED UNIT DEVELOPMENT (PUD)

A Planned Unit Development (PUD) is a site specific zoning district tailored to a specific location and use(s). PUDs allow greater flexibility, but the overall development quality must be equal to or better than what would be required by standard zoning. It is the responsibility of the PUD applicant to provide a justification for the PUD zoning, including both how the proposed development standards deviate from those in a standard zoning district, and in what ways the development exceeds the typical standards.

1. General Requirements and Purpose:

PUD zoning must comply with all applicable underlying zoning requirements and/or the Camden County Commission must approve any and all necessary rezoning designations or mixed uses for the PUD, following the same procedure as for any other type of rezoning. If the PUD has multiple phases, the Camden County Commission must approve necessary rezoning designations or mixed use for each phase. Decisions of record from the Planning Commission and the Camden County Commission should state the type(s) of zoning classification(s) for the PUD, and if applicable, the type(s) of zoning classification(s) for each phase of the PUD.

The following list sets forth the objectives of PUDs in Camden County:

a. To permit flexibility in site design by taking into consideration varying topographic conditions present within the proposed site.

b. To achieve more efficient use of the land, which can result from larger scale developments.

c. To encourage the provision of open space and other amenities that will create quality developments.

d. To protect and preserve scenic assets and natural features and to have these features incorporated within the development.

e. To ~~foster a more stable community by~~ provide~~ing~~ a variety and balance of housing types and living environments.

f. To encourage and permit variety in the location of buildings, roads, parking facilities, and other infrastructure activities.

g. To increase the safety of pedestrian and vehicular traffic by reducing the number of traffic conflict points within a development (PUDs require a traffic impact study before they can be approved).

2. Application and Processing Procedure:

a. Pre-Application Conference:

The developer must schedule a pre-application conference with the Planning Administrator. Sufficient graphical representation of the proposed development must be brought to this meeting as to provide a significant level of discussion. At a minimum, the plans must show the topography, existing natural and built features, planned infrastructure, proposed structures and land uses, and what variations from the existing zoning district(s) are proposed. These documents must be drawn to scale. This conference is required but it is not a regulatory proceeding and is intended as a service to the developer.

b. Application:

The application for a PUD is processed using the forms and procedures that are~~is~~ used for a Conditional-Use Permit. The significant difference is in the required submittals that must be provided at the time the application is presented. Additionally, the fees will be a combination of those required for a Conditional-Use Permit plus a Preliminary Plat. The following is a listing of the minimum submittal requirements:

i. Completed application.

ii. Development (or area) plan, drawn to scale.

iii. Property ownership information (Warranty Deed).

iv. Complete legal description of the property involved in the proposal.

v. Detailed written description of the proposed development.

vi. Traffic Impact Study.

c. Development Plan (or PUD Plan):

The development plan is a combination of the graphical and written description of the proposed PUD. At a minimum it must include:

i. Name of the proposed PUD project.

ii. Scale, date, north arrow, and developer's name.

iii. A key map showing the PUD in relation to the surrounding area.

iv. Existing: -A graphical representation of the project and the area within two hundred (200) feet of the project that depicts the names of subdivisions, layout of all streets (with names if existing), right-of-way widths, easements, sidewalks, location and size of existing infrastructure (sewer, water, storm water, etc.).

v. Proposed: -A graphical representation of the proposed development depicting all structures, land uses, infrastructure improvements, amenities, open space, lot layout, basic dimensions, and any other information necessary to clearly represent the proposal.

vi. Topography with a minimum resolution of ~~at least~~ a five (5) foot contour interval. Identify the location of any significant topographic features (springs, streams, lake, sinkholes, etc.). Identify those features to be retained and incorporated into the development.

vii. The substance of any covenants, grants of easements, development controls or restrictions, or other devices proposed to be imposed upon the use of land, buildings and structures, and facilities.

viii. Proposed phasing plan or stages of development (if multiple).

ix. The number, size, and location of all lots, land uses, and structures must be clearly represented.

x. Residential data:

1. Estimated total and type of residential units.

2. Amount of land to be dedicated to each residential land use.

3. Proposed setbacks, height requirements, and lot sizes, must be listed with clear representation that they do or do not differ from those required by the Unified Land-Use Code.

xi. Commercial data:

1. Estimated total building square footage by land use type.

2. Percentage of building coverage by land use type.

3. Total parking and loading/unloading areas to be provided.

4. Proposed setbacks, height requirements, and lot sizes must be listed with clear representation that they do or do not differ from those required by the Unified Land-Use Code.

xii. The type(s) of zoning classification(s) intended for the PUD and/or each phase of the PUD.

xiii. Any additional information deemed necessary by the Planning Administrator to adequately illustrate the proposed development.

d. <u>Approval of PUD:</u>

Due to the complex nature of a PUD, and the need for ample time to review PUD applications and requests, the Planning Commission shall not have the option to move any PUD applications and requests to "Old Business" and vote on them the first time they are heard.

e. <u>Denial of PUD:</u>

If the Planning Commission denies the PUD zoning ~~recommendation~~ requested, a clear statement of the reasons for denial must be made, and the developer will have the ability to request a one (1) month stay in the decision to provide him or her the opportunity to revise the plan. Then, the Planning Commission shall have the right to recommend approving or denying the revised plan again~~, but no further revision periods will be allowed~~. Even in the case of a revised PUD plan, the Planning Commission shall not have the option to move the request to "Old Business" and vote on it the first time the revisions are heard.

f. <u>Final Approval of PUD:</u>

As with any zoning designation change request, the Camden County Commission shall make the final decision on whether or not PUD zoning will be granted to the property.

g. Hearing and Notice Requirements:

Both the decision of the Planning Commission and the decision of the Camden County Commission are subject to the same hearing and notice requirements as for any other type of zoning or rezoning (See Article 300, Article 1400).

h. Procedures, Plats, and Permits:

In general, development of the PUD shall proceed using the standard procedures for construction and the development of subdivisions. Final plats will be prepared and submitted in the same manner as for any other development and all necessary Zoning and Construction Permits shall be acquired.

3. Standards for Development Plan Approval:

a. The minimum land area for a PUD project is ten (10)~~twenty (20)~~ acres. It is possible for the Planning Commission and the Camden County Commission to address a smaller area as a PUD, but only when the topographic limits of the property strongly lend itself to such a decision (for example, a peninsula of land surrounded by a lake).

b. The average density of development within the PUD shall remain the same as would be permitted if the area were to be developed in a conventional manner. Average density is to be calculated as the total gross land area of the property. However, the development (buildings and lots) so permitted may be clustered and located irrespective of the normal yard setback requirements in order to create a smaller network of streets and utility lines and to create additional open space for the enjoyment of the residents.

c. The proposed development shall be adequately served by public facilities and services such as highways, streets, easements, drainage courses, storm water retention~~,~~ and detention facilities, water and sanitary facilities, in a manner acceptable to the Planning Commission and the Camden County Commission. All such facilities will be required to be permitted by the appropriate agency.

d. Open space, individual properties, and all other elements of the PUD are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and the surrounding land. All created open spaces shall be permanently secured as such to the satisfaction of the Planning Commission and the Camden Cunty Commission.

e. The location of the proposed land uses, layout of the site, and its relation to streets providing access to it, shall be such that the traffic to, from, and within the development, and the concentration of persons in connection therewith, will not be hazardous or inconvenient to the project or neighborhood. In applying this standard, the Planning Commission and the Camden County Commission should consider among other things, convenient routes for pedestrian traffic (especially children), the relationship of the project to thoroughfares and street intersections, and the general character and intensity of the existing and potential development in the area.

f. When considering the development as a whole, the Planning Commission and the Camden County Commission may authorize the combination of land uses on lots or within buildings so long as such combinations of use are reasonable and serve the resident and general public. An example of this may be the establishment of a community center on a large project where some light commercial uses would exist at street level, yet the upper floors of the same structures could be higher density residential land uses.

4. Effect of PUD Approval:

a. The approval by the Planning Commission and the Camden County Commission of the PUD shall assure the applicant that, provided that all land development, platting, and construction is diligently pursued in compliance to the development plan, Missouri law, and the Code, all approvals, permits, and final plats will be forthcoming.

b. The approval of a PUD is considered valid as long as the phasing plan or stage plan is followed and the development is completed in a timely manner. With due regard to acquiring all necessary permits and the effect of weather, any development that sits idle and/or has not had a final plat recorded for two (2) years will be considered expired and a new review process will be required. The Planning Administrator may extend this period in one (1) year increments if the circumstances warrant such an extension.

c. Approval of the PUD shall be recognized as the developer's right to begin construction of the development.

5. Amendment of a PUD Project:

a. Any proposed change in a PUD that constitutes a minor change, but does not constitute a zoning or rezoning of the property, can be approved by the Planning Administrator. No increase in the number of lots, increase in the intensity of use, or change in land use can be considered a minor change.

b. If the Planning Administrator decides that the proposed change is of significant magnitude as to significantly alter the nature or character of the development, and/or the proposed change constitutes a zoning or rezoning of the property, ~~then the proposed change constitutes a~~

~~zoning or rezoning of the property,~~ then the proposed change will be considered an amendment and the amendment will be required to be submitted to the Planning Commission for public hearing and a recommendation, and ultimately approved or rejected by the Camden County Commission, in the same manner as a zoning or rezoning request.