

# Stone County Zoning Regulations

Amendments current through June 10 2014

## ARTICLE 1, TITLE, INTENT, DEFINITIONS.

### Section 1, Title.

These Zoning Regulations, in pursuance of the authority granted by Sections 64.800 through 64.895 of the Revised Statutes of Missouri, shall be known as the "Stone County Zoning Regulations" and shall be cited as such. The map portion of these Zoning Regulations may be cited separately as the "Stone County Zoning Map".

### Section 2, Purpose and Legislative Intent.

A. The County Commission adopts these Zoning Regulations for the following purposes:

B.

1. To protect water quality.
2. To secure safety from fire, panic, and other dangers.
3. To provide adequate light and air.
4. To prevent the overcrowding of land.
5. To avoid undue concentration of population.
6. To facilitate provision of adequate facilities for transportation, water, sewage, schools, parks, and other public requirements.
7. To promote a more homogeneous relationship of land use within unincorporated areas of the County.
8. To protect property values.
9. To regulate the use of the land and to promote the orderly development of the County according to the provisions of the Comprehensive Development Plan recommended by the Planning & Zoning Commission, and adopted by the County Commission, setting out the official goals, objectives and policies related to the future development of the County.
10. To effectuate the use of other accepted purposes of zoning.

### Section 3, Definitions, Interpretations, Standards

A. General rules of construction.

1. Words that are defined in this Article shall have the meaning given in such definition.

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2. Where words have not been defined, the word shall be defined by reference to standard dictionary definitions.
3. Where there is doubt, the Planning Director shall have the right of interpretation. In construing the meaning of these Zoning Regulations, the following rules shall apply:
  - a. Words used in the present tense shall also include the future sense.
  - b. Words used in the singular number shall also include the plural, and vice versa.
  - c. The word "shall" is mandatory.
  - d. The word "may" is permissive.
  - e. The words "used" or "occupied" shall be construed to include "intended, designed or arranged to be used or occupied."
  - f. Where reference is made to the Regulations or the Zoning Regulations, it shall be construed to mean these Stone County Zoning Regulations, recommended by the Planning & Zoning Commission, and adopted by the County Commission, as originally passed and all subsequent amendments, supplements, and revisions.
  - g. Except where specified otherwise, the provisions of these Zoning Regulations shall be construed to mean the minimum standards and requirements adopted in pursuit of the purposes of these Zoning Regulations.

### Section 4, Uniformity within Zoning Districts.

These Zoning Regulations shall be uniform for each class or kind of buildings or land uses throughout each Zoning District, but the regulations in one Zoning District may differ from those in other Zoning Districts.

### Section 5, Definitions.

**Accessory use** or **accessory structure** means a use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

**Administrative officer** means the Planning & Zoning Director, who is charged with the administration of planning and zoning matters, and the Planning & Zoning Department.

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## **Agriculture** means

- a. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, silviculture, and the necessary accessory uses for handling parking, treating or storing the produce or products;
- b. provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- c. Animal feeding operations must conform to the Missouri Department of Natural Resources regulations pertaining to waste water management and odor control.

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

**Apartment hotel** means a facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom.

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

**Bed-and-breakfast facility**, also known as B&B, means a private home in which guests are accommodated in private bedrooms with private bathrooms, or in a suite of rooms including an *en suite* bathroom, or in private bedrooms with a bathroom that is shared with other guests. Breakfast may be served in the bedroom, a dining room, or the host's kitchen. B&Bs may be operated either as a secondary source of income or a primary occupation. The owners themselves must live in the private home, prepare the breakfast and clean the room, *et cetera*. If the B&B has hired staff for cleaning or cooking, the facility is no longer a B&B, but is a Hotel. Does not apply to the private quarters of the owners.

**Beginning of construction** means the incorporation of labor and material for the purpose of placing or erecting a building or structure.

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

**Board** means the **Board of Adjustment**.

**Board, Planning** means the **Planning & Zoning Commission**.

**Boarding house** means **Hotel**.

**Boat Dock Parking** means an open area, other than a public or private street or way, for the parking of motor vehicles for the parking of vehicles in conjunction with a private, community, or remote service boat dock.

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

**Building, height of** means the vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and the ridge for gable, hip or gambrel roofs.

**Building, nonconforming** means a legally existing building that fails to comply with the provisions of these Zoning Regulations that are applicable to the zone in which such building is located.

**Building permit** means a document issued by the Planning & Zoning Director, or by staff subordinate to the authority of the Director, authorizing the holder to take actions authorized by the permit.

**Building, principal** means a building or buildings in which the principal use of the building site is conducted. In any R District, any dwelling shall be deemed to be the principal building on the building site.

**Bulk limitation (floor area ratio)** means the number of square feet of floor area that is permitted for each square foot of lot area.

**Camper** means **travel trailer**.

**Campground** means any tract of land, subject to these regulations, that is used or offered on a fee-basis as a location for two (2) or more user-owned and erected tents, and providing primarily overnight or short-term accommodations.

**Camping trailer** means **travel trailer**.

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

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**Central sewer or wastewater system** means any sewer or wastewater collection or treatment system or any part of such a system that is owned, maintained and operated by a non-governmental entity.

**Change in use** means a change from one land use to another, or a change in intensity of use, e.g., from one type of equipment to another type that makes more noise, *et cetera*

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

**Commercial** means relating to the sale or barter of goods or services.

**Commercial feed lot (CFL)** means any livestock or poultry feeding operation that is carried out over short periods of time in buildings or unvegetated lots, for the purposes of fattening livestock or poultry immediately before shipment to market.

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

**Commercial motor vehicle, large** means

- a. A commercial motor vehicle designed and regularly used for carrying more than sixteen (16) passengers, including the driver, but not including a vehicle used for public school transportation; or
- b. A commercial motor vehicle license for more than eighteen (18) thousand pounds; or
- c. A panel truck regularly used for the carrying of freight or merchandise in the regular course of business; regularly advertising the name of a commercial business; and/or regularly used for responding to calls for service in the regular course of business;
- d. Examples include but are not limited to, semi-truck and trailer, box truck, dump truck, panel truck.

**Commercial trailer, large** means a trailer licensed for more than ten (10) thousand pounds.

**Commission** means the **Planning & Zoning Commission**.

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

**Comprehensive development plan**, also known as the **Master Plan**, means the Stone County Comprehensive Development Plan, which sets out official goals, objectives and policies related to the future development of the County, and is a long-range plan for the desirable use of land in the County as officially adopted, and as amended from time to time by the County Commission, after recommendation from the Planning & Zoning Commission. The purpose of the Land Use Plan is, among other purposes, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the appropriate subdividing and development of undeveloped land; and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools and other public buildings.

**Conditional use permit** is a procedure whereby the Planning & Zoning Commission may grant permission for a use that is listed as a conditional use in these Zoning Regulations. The Planning & Zoning Commission must review the application and determine whether specific conditions for protection of the area and maintenance of the character of the Zoning District in which the conditional use is proposed, are incorporated in the plans for the proposed use. A Conditional Use Permit may be approved by the Planning & Zoning Commission for a specified time period on a case by case basis. It is not necessary to show practical difficulty or hardship, as the permit is not asking for permission to violate these Zoning Regulations, but rather it must be shown that the proposed use is included in the list of conditional uses of the Zoning District in which the conditional use is proposed, and that adequate safeguards are specifically included in the plans to insure that the use will not be in any way a detriment to the locality.

**Condominium** means multi-family dwelling units intended for sale as individual single family dwelling units, providing for absolute ownership of the unit itself and an undivided interest in the common elements that are jointly owned by all condominium owners within the development.

**Concentrated Animal Feeding Operation (CAFO)** means Livestock confinement operation (LCO).

**Convalescent home** means a convalescent home, a nursing home, a rest home, or a home for the aged, recuperating, chronically ill or incurable persons, in which two (2) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of disease or injury.

**Commission, County** means the **County Commission**, the County's governing body.

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

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

**Day care operation** means either:

Day Care Home, located in the caregiver's private residence dwelling, if not more than six (6) children are kept in addition to the caregiver's own children, subject to state licensing requirements.

Day Care Group Home, located in the caregiver's private residence dwelling, if not more than ten (10) children are kept, subject to state licensing requirements;  
or

Day Care Center, a commercial business where eleven (11) or more children are kept, subject to state licensing requirements.

**District**, also known as **Zoning District**, means a defined area of the County for which these Zoning Regulations impose uniform regulations and requirements.

The term Agricultural District, or A District, means any A-1 or A-R District;

The term Residential District, or R District, means any RR-1, MH-1, UR-1, R-1, R-2, R-3, or R-4 District;

The term Office District, or O District, means any O-1 or O-2

The term Commercial District, or C District, means any C-1, C-2, or C-3 District;

The term Manufacturing District, or M District, means any M-1 or M-2 District;

The term Flood Plain District means any F-1 District;

The terms PA District or PAD means any Plot Assignment District.

**District, more restricted or less restricted** means that each of the Zoning Districts in the following listing shall be more restricted than any of the other Zoning Districts succeeding it, and each shall be less restricted than any of the other Zoning Districts preceding it: F-1, A-1, A-R, RR-1, MH-1, R-1, UR-1, R-2, R-3, R-4, O-1, O-2, C-1, C-2, C-3, M-1, M-2, PAD.

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

**Dwelling, mobile home.** See Mobile Home or Manufactured Home

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**Dwelling Unit** means one or more rooms that contain lawful cooking and sanitary facilities, inhabited by one or more persons living together and maintaining a common household, in a residential building or residential portion of a building.

**Dwelling** or **Residence** means one or more dwelling units or rooming units, and any common areas, including one-family and two-family houses, multifamily dwellings or apartment hotels.

A **single-family dwelling** or **single-family residence** is a building on a tract, parcel, or zoning lot containing one dwelling unit occupied by one household. Unless these regulations otherwise provide, only one single-family dwelling may be contained on a tract, parcel, or zoning lot.

A **two-family dwelling** or **two-family residence** is a building on a tract, parcel, or zoning lot containing two dwelling units occupied by two households.

A **multifamily dwelling** or **multi-family residence** is a building on a tract, parcel, or zoning lot containing at least three dwelling units.

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

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

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

**Farm animals** means livestock species including, but not limited to, swine, cattle, poultry, sheep, goats, horses, mules, asses, and donkeys.

**Flood plain** means lands that are susceptible to inundation, taking into account any flood control and defense works provided, based on information available from the United States Soil Conservation Service, the United States Army Corps of Engineers, or other appropriate official agency.

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**Frontage** means a portion of a site that fronts directly on a public or private street or right of way

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

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

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

**Grade, curb** means the elevation of the top of the face of the curb.

**Group Home, Non-Residential** means a single-family detached dwelling in which eight or fewer persons reside, and may include two (2) additional persons acting as staff members who need not be related to each other or to any of the persons residing in the home. Non-Residential Group Homes are classified as follows:

Rehabilitative, defined as individuals living together for short-term recuperating from drug, alcohol or other maladies requiring special care and supervision.

Corrective, defined as individuals living together as a result of penal action directing incarceration requiring special supervision.

**Group home, residential** means a single-family detached dwelling in which eight or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as staff members, house parents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

**Guest house** means **Hotel**.

**Home occupation** means any occupation carried on by the inhabitants of a dwelling that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that does not change the character thereof, and that is conducted entirely within the main or accessory building, as described by Article 4, Section 21 of these Zoning Regulations.

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**Hospital** means a building or portion thereof used for the accommodation of sick, injured or infirm persons.

**Hotel** means a building or group of buildings in which lodging is provided to the public, usually on a transient basis, but not including trailer court or recreation vehicle (RV) park, hospital, asylum, orphanage, or building where persons are housed under a restraint.

**Household or housekeeping unit** means one (1) or more related or unrelated persons living together as a single housekeeping unit in a dwelling unit.

**Industry** means storage, repair, manufacture, preparation or treatment of any article, substance or any commodity for commercial use.

**Inn** means hotel.

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

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

**Kennel, commercial** means any lot, building, structure, enclosure or premises where five (5) or more dogs over the age of six (6) months of age are kept for commercial purposes, including boarding, breeding, wholesale and retail sales of goods or animals, or the rendering of services for profit, or any facility that is classified as a regulated business by the Department of Agriculture.

**Kennel, private** means a shelter at or adjoining a private residence where more than four (4), but less than eleven (11) dogs over six (6) months of age are bred and/or kept for hunting, training, and exhibition for organized shows, field, working and/or obedience trials, or for the enjoyment of an identifiable species of dog or cat. No wholesaling of animals allowed.

**Land Use Plan** means the **Comprehensive Development Plan**.

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**Livestock confinement operation (LCO)** means commercial agricultural activities including feedlot operations, poultry operations, commercial furriers and associated uses that involve the confinement of animals in mass for the purpose of breeding, feedings, boarding, slaughter, or for the production of products for consumption or others uses.

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

**Lodging house** means **Hotel**.

**Lot** means a parcel of land identified by a number on a subdivision plat or survey recorded according to the provisions of these Zoning Regulations.

**Lot area** means the computed area within the lot lines.

**Lot, corner** means a lot located at the intersection of, and abutting on two (2) or more streets.

**Lot depth** means the mean horizontal distance between the front and rear lot lines.

**Lot, double frontage or through** means a lot that has two (2) non-intersecting sides abutting on two (2) or more streets.

**Lot, interior** means a lot other than a corner lot.

**Lot lines** means the property lines bounding the lot as defined in these Zoning Regulations.

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

**Lot line, rear** means the lot line opposite and most distant from the front lot line.

**Lot line, side** means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

**Lot line, street or alley** means a lot line separating the lot from a street or alley.

**Lot, wedge shaped** means a lot situated so that the front is either wider or narrower than the rear of the lot.

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

**Lot of record** means a separate and distinct parcel on a legally-recorded subdivision plat or a legally recorded deed filed in the office of the Recorder of Deeds of Stone County, Missouri.

**Major or secondary highway.** See Thoroughfare - Primary or Secondary

**Manufactured home** means a factory-built structure that is manufactured or constructed according to the standards of the *National Manufactured Housing Construction and Safety Standards Act of 1974*, 42 United States Code §5401 *et seq.*; 24 CFR Part 3280 and Part 3282, that became effective June 15 1976, that is built on a permanent chassis and is to be used as a place for human habitation, but that is not constructed or equipped with a permanent hitch or device allowing it to be moved other than for the purpose of moving to a permanent site, and that does not have permanently attached to its body or frame any wheels or axles.

**Master Plan** means the means the **Comprehensive Plan**.

**Maximum coverage** means the maximum amount of land that may be covered by buildings on any lot.

**Mean lot elevation** means the average elevation of a single lot.

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

**Mobile home park** means a site containing spaces with required improvements and utilities that are rented or leased for the long-term placement of mobiles homes and/or manufactured homes and that may include services and facilities for the residents. Mobile Home Park sites must be platted according to the provisions of the Subdivision Regulations.

**Mobile home subdivision** means a subdivision of single-family dwelling units that meets all the requirements set forth in the Stone County Subdivision Regulations. The principal feature that sets this subdivision apart from conventional subdivisions is that the subdivision is designed primarily, although not necessarily exclusively, for mobile homes

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or modular dwellings. Each lot is privately owned and the residential use of the land is regulated by the Stone County Subdivision Regulations and whatever deed restrictions or private covenants may be required by the subdivision developer. These dwellings are to be set up as permanent structures.

**Modular home** means a manufactured residential structure built to a nationally-recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO, having been inspected and certified at the factory that it meets said standard. A modular home shall have exterior structure materials and appearance similar to the customary single-family structures in the neighborhood and shall be permanently situated on a concrete foundation. A modular home shall be subject to the same standards as site built homes and shall be considered as single-family detached dwellings.

**Motel** means a hotel intended primarily for occupancy by persons traveling by car, in rooms usually having easy access to a parking area.

**Motor home** see Travel trailer.

**Nightly rental** means **Short-term rental**.

**Non-business area** means any area within a Residential Zoning District, including areas therein where legal non-residential uses are present.

**Nonconforming use** means a parcel of land lawfully occupied by a use that does not conform to the Zoning Regulations applicable to the Zoning District in which it is located.

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

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

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

**Parking area, private** means an open area for the same uses as private garage.

**Parking area, public** means a **parking lot**.

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**Parking lot** means an open area other than a street or other public way, used for the parking of automobiles and available to the public whether for fee, free, or as an accommodation for clients or customers.

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

**Permanent habitation** means habitation for a period of one (1) month or more.

**Permit** means a means a document issued by the Planning & Zoning Director, or by staff subordinate to the authority of the Director, authorizing the holder to take actions authorized by the permit.

**Permitted use** means the use of a structure or a tract of land allowed by the use regulations of this ordinance.

**Planning & Zoning Commission** means the **Stone County Planning & Zoning Commission**.

**Plot Assignment District (PA District or PAD)** means an area with a minimum of five (5) contiguous acres, to be planned, developed, operated, and maintained as a single entity and containing one or more structures and parcels to accommodate industrial, retail, service, commercial, office, or residential uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominate uses.

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

**Portable Building** means a pre-manufactured building, not to exceed one hundred forty-four (144) square feet mounted on skids. A portable building may be placed in the rear or side yard with ten (10) foot setback from the rear and side property boundaries. A portable building is not required to have a building permit.

**Premise** means any tract of land. A premise may consist of one (1) or more lots, tracts, or units, under single or multiple ownership that operates as a functional unit. A **shared premise**, when developed, shall also possess one or more of the following criteria: shared parking, common management; common identification; common access; or shared circulation.

**Principal use** means the primary or predominant use of any lot.

**Private person** means any natural person, partnership, corporation, or entity.

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

**Public sewer or wastewater system** means any sewer or wastewater system or any part of such a system that is owned, maintained and operated by a governmental entity.

**R District** means any approved Residential District.

**Recreational vehicle**, see Travel trailer.

**Recreational Vehicle Park or RV Park** means **travel trailer park**

**Regulations, Subdivision** means the **Stone County Subdivision Regulations**.

**Regulations, Zoning** means the **Stone County Zoning Regulations**.

**Residence or Dwelling** means one or more dwelling units or rooming units, and any common areas, including one-family and two-family houses, multifamily dwellings or apartment hotels.

A **single-family residence or single-family dwelling** is a building on a tract, parcel, or zoning lot containing one dwelling unit occupied by one household. Unless these regulations otherwise provide, only one single-family dwelling may be contained on any zoning lot.

A **two-family residence or two-family dwelling** is a building on a tract, parcel, or zoning lot containing two dwelling units occupied by two households.

A **multifamily residence or multi-family dwelling** is a building on a tract, parcel, or zoning lot containing at least three dwelling units.

**Resort** means **Hotel**.

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

**Road** means **Street**.

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

**Rooming house** means **Hotel**.

**Sewer, central** means a sewer or wastewater collection and treatment system, or any part of a system, that is permitted by the Stone County Health Department.

**Sewer, public** means a sewage collection and treatment system, or any part of a system, that is owned, maintained, and operated by a municipal or governmental entity.

**Shared premise** – see Premise

**Short-term rental** means rental of one or more residential dwelling units for a period of less than thirty (30) days. Rentals of thirty (30) days or longer are considered to be residential use, therefore are not subject to short-term rental regulations.

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

**Sign, illuminated** means a sign designed to give forth artificial light, or designed to reflect light from one or more sources, natural or artificial.

**Sign, projecting** means a sign erected on the face or outside wall of a building that projects out from the wall at any angle.

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

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

**Sinkhole watershed** means the ground surface area that provides drainage to the sinkhole.

**Site plan** means the same as Plot Plan.

**Special exception** means a procedure whereby the Board of Adjustment may grant a deviation from the requirements of these Zoning Regulations in specific cases, but only as provided and in such manner by these Zoning Regulations. (See Article 27, Section 8).

**Special use permit.** See **Conditional use permit**.

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**Stable, private** means an accessory building for the keeping of no more than four (4) horses, donkeys, mules, or ponies owned by the person living on the premises, and for which no remuneration is received.

**Stable, public** means any stable for the housing of horses, donkeys, mules, and ponies operated for remuneration, hire, sale or stabling whether or not owned by persons residing on the premises.

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

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

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

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

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

- a. Primary arterials or expressways are facilities devoted primarily to traffic movement, performing little or no land service function and should have some access control.
  1. Freeways have full access control and separation of all conflicting traffic movements, such as the interstate highway system or other freeways connecting large population centers carrying heavy volumes of traffic for long distances.
  2. Parkway are usually located within a park or park-like green area, and are restricted to non-commercial vehicles.
  3. Other expressways are generally divided highways with some grade-separated interchanges, some cross streets not carried across

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the median, and the other intersections controlled by signals or stop signs, such as primary state highway.

- b. Secondary arterials are facilities that bring traffic to and from primary arterials and accommodate major movements and traffic not served by primary arterials. Designed mainly for through traffic, secondary arterials may also perform some land service functions, particularly in low density agricultural areas. Typical secondary arterials are secondary state highways and primary county roads.
- c. Collectors are streets that serve internal traffic movements within an area, such as a subdivision, and connect the area with the arterial system such as secondary county highways (farm roads). They do not handle long through trips, but connect small communities and developed areas and also provide a land service function. Direct frontage of single-family lots on collectors is normally discouraged.
- d. Local or land access streets have the sole function of providing access to immediately adjacent land, whether industrial, commercial or residential.
- e. Minor local or land access streets are streets whose length is limited by design as a loop or cul-de-sac that will not be extended into adjacent development, normally serving not more than fifteen (15) dwelling units on a cul-de-sac or thirty (30) dwelling units on a loop.

**Street, intersecting** means any street that adjoins another street at an angle, whether or not it crosses the other.

**Structural alteration** means any change in the structural members of a building such as walls, columns, beams or girders.

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

**Subdivision Regulations** means Stone County Subdivision Regulations.

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

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

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**Tent** means a shelter consisting of sheets of fabric or other material draped over, attached to a frame of poles, or attached to a supporting rope. Smaller tents may be free-standing or attached to the ground, large tents are usually anchored using ropes tied to stakes or pegs. County Commission action: Approved

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

**Tourist court** means **Motel**.

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

**Traffic signaling device** means a sign, light(s), device, or mechanical contrivance used for the control of motor vehicular and pedestrian movement.

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

**Travel trailer, recreation vehicle**, means a portable vehicular structure built on a chassis and designed to be used on the highways, either towed or self-propelled and also designed to be used as a temporary dwelling for travel and recreational purposes.

**Travel trailer park** means any tract of land, meeting these Zoning Regulations that is used or offered as a location for two (2) or more travel trailers or similar recreational vehicles for temporary parking and providing primarily overnight or short-term accommodations.

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

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

**Utility service installation** means any structure or installation by utility company deemed to be necessary for the safe or efficient operation of that utility.

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**Vacation rental** is defined under **Short-term rental**.

**Variance** means a procedure whereby relief may be granted from the strict letter of these Zoning Regulations where it can be clearly shown that by complying with these Zoning Regulations, the owner of the property would suffer practical difficulties or unnecessary hardships. The conditions for granting a variance are stated in Article 27.

**Water supply, central** means a community or non-community water supply system that is regulated by the Missouri Department of Natural Resources.

**Water supply, public** means a water supply system that is owned, maintained, and operated by a municipal or governmental entity.

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

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

**Winery** means an establishment at which wine is made.

**Yard, front** means an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as specified in these Zoning Regulations.

**Yard, front, least depth** means the shortest distance, measured horizontally, between any part of a building and the front lot line.

**Yard, front, least depth, how measured.** Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated in said Thoroughfare Plan.

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**Yard, rear** means an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward.

**Yard, rear, least depth, how measured.** The shortest distance, measured horizontally, between any part of a building, other than such parts excepted in these Zoning Regulations, and the rear lot line.

**Yard, side** means an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified in these Zoning Regulations.

**Yard, side, least width, how measured.** Such width shall be measured from the nearest side lot line, and, in case the nearest lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan.

**Zoning map** means the Stone County Zoning Map, as is from time to time amended to reflect zoning changes. The County maintains a database in digital form, created using Geographic Information Systems (GIS) mapping software. The current Zoning Map, whether for the entire County or for smaller areas, may be printed at any time.

**Zoning certificate** means building permit or a document issued by the Planning & Zoning Director, authorizing buildings, structures, or uses consistent with the terms of these Zoning Regulations and for the purpose of carrying out and enforcing its provisions.