

*Township of Colfax, MO  
Thursday, March 20, 2025*

# Chapter Z-100. Zoning Regulations

## Article I. General Provisions

### Section Z-100.010. Short Title.

[Zoning Ordinance, 1-20-2021]

This Chapter shall be known and may be cited and referred to as the "Zoning Ordinance of Colfax Township."

### Section Z-100.020. Definitions.

[Zoning Ordinance, 1-20-2021]

As used in this Chapter, the words, terms and phrases defined in this Article shall have the meaning given herein, unless otherwise specifically defined, or unless the context clearly requires otherwise. Further, throughout the text of this Chapter, unless the context clearly requires otherwise, the present tense includes the future tense, the singular number shall include the plural and the plural shall include the singular; the word "shall" is mandatory, and the word "may" is permissive; the word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel"; for regulatory purposes the word "structure" shall include the term "use" and vice versa.

#### **ACCESSORY STRUCTURE**

A structure subordinate to the principal use of the land or building on the same lot and serving a purpose customarily incidental to the principal structure.

#### **AGRICULTURAL USE**

Any use of land defined for purposes of Chapter 65.677, RSMo., which is specifically exempted from zoning regulations and which fits the said description as the raising of crops, orchards, or forestry or with respect to the erection, maintenance, repair, alteration, or extension of farm buildings or farm structures.

#### **BUILDING**

Any structure for the shelter, purpose or enclosures of persons, animals, chattels, or property of any kind, and when separated, shall be deemed a separate building.

#### **BUILDING LINE**

A line measured across the width of a lot at a point where a structure is placed in accordance with the minimum setback requirements of this Chapter.

#### **BUILDING, HEIGHT OF**

The vertical distance from the grade at a building line to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

#### **CABIN, SEASONAL OR RECREATIONAL**

A residence, or dwelling structure, occupied only on a part-time basis and not requiring public services such as school and transportation or year-round maintenance of roads by a governmental subdivision.

#### **CAMPGROUND**

Campground means any of the following:

1. A developed campground or camping resort can be any privately or municipally owned parcel or tract of land accessible by automobile or other engine-driven vehicle designed, maintained, intended or used for the purposes of supplying accommodations for overnight use by recreational vehicles, open to the public and designated as a developed campground and set aside for free or paying camping purposes.
2. A walk-in campground is equivalent to a developed campground or camping resort except that it is not accessible by motor-driven vehicles.

### **CLUSTER SUBDIVISION**

A change from the conventional pattern of subdivision development which groups housing units into relatively tight units while providing a unified network of open space and incorporating minimum lot area and lot width requirements within such a unified network of open space.

### **COMPREHENSIVE PLAN**

The policies, statements, goals, and interrelated plans for private and public land and water use, transportation, and community facilities, including recommendations for plan execution, documented in text, ordinances and maps which constitute the guide for future development of the Township.

### **COUNTY COMMISSION**

The county commission of the County of DeKalb, Missouri.

### **DEPENDENT RECREATIONAL VEHICLE**

A recreational vehicle which is dependent upon camp facilities for toilet and lavatory.

### **DWELLING**

Any building or portion thereof designed or used exclusively as a residence or sleeping place of one (1) or more persons, but not including a tent, cabin, trailer, or mobile home, boardinghouse, hotel or motel.

### **DWELLING, TWO-FAMILY**

A building or portion thereof designed for or occupied by two (2) families living independently of each other, including a duplex or semidetached dwelling.

### **ESSENTIAL SERVICES**

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, main drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduit cables, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

### **FAMILY**

Any person or group of persons, whether or not related by blood or marriage, occupying a single dwelling unit.

### **FARM, COMMERCIAL**

Agriculture of a primarily commercial nature, including, but not limited to, livestock, confinement facilities where the assets are held by passive investors not involved in the day-to-day management of the agricultural enterprise, feed lots, large poultry rearing operations, or other agricultural endeavors for profit of a commercial scale with passive investors or which have clearly demonstrable impacts on land uses, water quality, air emissions, and or environmental factors which can be demonstrated.

### **FARM, HOBBY**

The pursuit of a hobby and or family-type agricultural activities; including minimum cropland tillage and animal agriculture for personal and family use, including boarding facilities for horses.

### **HOME OCCUPATION**

Home occupations or professional offices, provided that no such use occupies more than twenty-five percent (25%) of the total floor area of the dwelling or accessory building. Provided, further, that not more than one (1) non-resident is employed on the premises. Such use does not include an activity that would

create a nuisance or otherwise be incompatible with the surrounding land uses, as determined by the Zoning Commission.

### **JUNK or SALVAGE**

Any establishment, place of business, or place of storage or deposit, which is maintained, operated or used for storing, keeping, buying or selling junk, wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts, whether maintained in connection with another business or not, where waste, body or discarded materials stored is equal in bulk to two (2) or more motor vehicles, or which are to be resold for used parts or old iron, metal, glass, or other discarded material.

### **KENNEL**

Any structure or premises or commercial activity on which two (2) or more dogs over three (3) months of age are kept and raised for compensation.

### **LOT**

Any parcel of land subject to the provisions of this Chapter, and capable of being described with such definiteness that its location and boundaries may be established by legal description.

### **LOT FRONTAGE**

The front of a lot shall be construed to be the portion of the lot nearest the street, road, or a body of water if the lot abuts water. When the lot abuts a body of water, the shoreline shall be considered front yard.

### **LOT OF RECORD**

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Recorder of Deeds.

### **LOT WIDTH**

The distance between the side lot lines, measured at the building line.

### **MANUFACTURED HOUSING**

A factory-built single-family structure built to the federal Manufactured Home Construction and Safety Standards Act,<sup>[1]</sup> transportable in one (1) or more sections, built on a permanent chassis, and used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. (See also "mobile home.")

### **MANUFACTURED HOUSING PARK**

A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

### **MOBILE HOME**

A transportable factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.<sup>[2]</sup>

### **MODULAR HOME UNIT**

A factory-fabricated, transportable building unit designed to be used by itself or to be incorporated with similar units at a building site, for use in residential, commercial, educational, or industrial settings, etc. Upon construction, such units are indistinguishable in appearance from conventionally built structures. For the purposes of this Chapter, modular home units are considered as permissible single-family dwellings in appropriate districts.

### **MOTEL, MOTOR COURT, MOTOR LODGE or TOURIST COURT**

Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of transients in automobiles.

**MUNICIPALITY**

Any municipal corporation, including those with the powers provided by statute pursuant to law.

**NON-CONFORMITY**

Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of this Chapter that would not have been permitted to become established under the terms of this Chapter as now written, if the ordinance had been in effect prior to the date that it was established, recorded or authorized.

**NORMAL HIGH WATER MARK**

A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence thereof upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

**NUISANCE, MIXED**

A nuisance which is both a public nuisance (see below) and a private nuisance (see below) at the same time; it interferes with a right of the general public and also interferes with a particular person's use and enjoyment of his or her land.

**NUISANCE, PRIVATE**

An actionable interference with a person's interest in the private use and enjoyment of his or her land. A private nuisance offends only a particular person or persons.

**NUISANCE, PUBLIC (COMMON)**

An unreasonable interference with a right common to the general public. It is behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of the general community. A public nuisance offends the public at large or a segment of the public.

**OFFICIAL ZONING MAP**

A map adopted in accordance with Chapter 65, RSMo., which may show existing county roads and state aid highways, proposed future county roads and highways and the area needed for widening existing county roads and highways, an official map may show the location of existing public land and facilities and other land needed for public purposes, including zone districts, proposed uses and arrangements of land for parks, playgrounds, schools, and other public buildings, civic centers, and travel service facilities.

**PARKING SPACE, OFF-STREET**

Any off-street parking space shall comprise not less than one hundred eighty (180) square feet of parking area, plus necessary maneuvering incidental to parking or unparking shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.

**PERMIT**

A permit is required as per Section 65.687, RSMo. (After the appointment or designation of such officer or official, no building or other structure shall be erected, constructed, reconstructed, enlarged or altered, or repaired in such manner as to prolong the life of the building, nor shall the use of any land be changed without a permit issued by such officer or official.)

**PERSON**

A firm, association, organization, partnership, trust, company, or corporation as well as an individual.

**PUBLIC WATER**

A body of water capable of substantial benefit to the public for public use. For the purposes of this Chapter, this shall be construed to mean any lake, pond or flowage of twenty-five (25) acres or more in size, or any river or stream with a total drainage area of at least two (2) square miles or more, which has the potential to support any type of recreational pursuit or water supply purpose. A body of water created by a private user where there is no previous shoreland as defined herein shall be exempt from the provisions of this Chapter as they pertain to shoreland management.

**RECREATIONAL CAMPING VEHICLE**

The words "recreational camping vehicle" shall mean any of the following:

1. Travel trailer, a vehicular, portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and/or vacation uses, permanently identified as "travel trailer" by the manufacturer of the vehicle.
2. Pickup coach, a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
3. Motor home, a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of the self-propelled vehicle.
4. Camping trailer means a folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

#### **SANITARY STATION**

A facility used for removing and disposing of wastes from recreational vehicle holding tanks.

#### **SERVICE BUILDING**

A structure housing toilet, lavatory and other facilities as may be required by this Chapter.

#### **SETBACK**

The minimum horizontal distance between a structure and the normal high water mark, road center line, road right-of-way line, front, side, or rear lot lines.

#### **SHORELINE**

All lands located within three hundred (300) feet of the normal high water mark of a body of water defined herein as public water.

#### **SIGN**

A name identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, institution, organization, idea, or business.

#### **STRUCTURE**

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, walls, fences, signboards, and billboards.

#### **UNINCORPORATED AREA**

That area lying outside the incorporated limits of any city or village.

#### **USE**

The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

#### **VARIANCE**

Any modification or variation of the provisions of the ordinance where it is determined pursuant to the provisions of this Chapter that by reason of exceptional circumstances, the strict enforcement of the ordinance would cause unnecessary hardship.

#### **YARD**

A required open space unoccupied and unobstructed by any structure or portion of a structure, from thirty (30) inches above the ground level of the graded lot upward; provided, however, that fences, utility poles, lawn lights, antennae, and related minor equipment may be permitted in any yard provided that they do not create a traffic safety hazard.

#### **YARD, FRONT**

A yard extending across the front of a lot between the side yard lines and lying between the center line of the street, highway, or water's edge and the building line.

#### **YARD, REAR**

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots there will be no rear yard. In the case of corner lots the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.

#### **YARD, SIDE**

A yard extending from the rear line of the required front yard to the rear lot line.

#### **ZONING ADMINISTRATOR**

The Zoning Administrator of Colfax Township or his/her authorized representative.

[1] *Editor's Note: See 42 U.S.C.A. § 5401 et seq.*

[2] *Editor's Note: See 42 U.S.C.A. § 5401 et seq.*

### **Section Z-100.030. through Section Z-100.060. (Reserved)**

## **Article II. Zoning District Regulations**

### **Section Z-100.070. Zoning Districts.**

[Zoning Ordinance, 1-20-2021]

- A. For the purpose of this Chapter, the unincorporated areas of the Township are hereby divided into zoning districts, as shown on an official Zoning Map which, together with all explanatory information thereon, is hereby incorporated by reference and declared to be a part of this Chapter. The zoning districts shall be known as:
- "A-1" Agricultural District
  - "A-2" Agricultural-Fringe District
  - "C-1" General Commercial District
  - "I-1" Industrial
- B. A certified copy of the Official Zoning Map, together with any amendments thereto is properly attested and on file with the Township Clerk of Colfax Township, Missouri.
- C. Where uncertainty exists with respect to the boundaries of the various districts shown on the Zoning District Map, the following rules shall apply:
1. Where a boundary line is given a position within a street, highway right-of-way, alley or stream, it shall be deemed to be in the center of the street, highway right-of-way, alley or stream, and if the actual location of such street, highway right-of-way, alley or street varies slightly from the location as shown on the Zoning District Map, then the actual location shall control.
  2. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
  3. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
  4. In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale shown on the Zoning District Map.

- D. Whenever any street, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right-of-way, or similar area shall be extended automatically to the center of such vacation and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district or district nearest the portion vacated shall be extended automatically to include all the vacated area.
- E. A 911 address is required before a building permit can be issued.

## Section Z-100.080. "A-1" Agricultural District Regulations.

[Zoning Ordinance, 1-20-2021]

- A. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the "A-1" Agricultural District. The purpose of the "A-1" Agricultural District is to ensure that land areas within Colfax Township which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operation and irretrievably deplete agricultural lands.
1. Permitted Uses. Permitted uses may include, but are not limited to, the following:
    - a. Commercial agriculture.
    - b. Conservation areas for fauna/flora.
    - c. Dairy farming.
    - d. Dwelling unit, farm.
    - e. Dwelling unit, nonfarm.
    - f. Farm.
    - g. Farm buildings.
    - h. Forest preserve.
    - i. Game refuge.
    - j. Grazing and forage.
    - k. Home occupations.
    - l. Nurseries.
    - m. Raising of farm animals and production of farm products.
    - n. Transmission and distribution lines, and pipelines of public utility companies with an existing public rights-of-way, and essential services and utilities to serve the permitted uses.
    - o. Uses customarily accessory to farm operations.
    - p. Uses and structures customarily accessory to nonfarm dwellings.
    - q. Storage, retail or wholesale marketing, or processing of agricultural products into value-added agricultural products is a permitted to use in a farming operation if more than fifty percent (50%) of the stored, processed, or merchandise products are produced by the farm operator.
    - r. Cider mills or wineries selling product, in the tasting room, derived from crops grown or processed primarily on site.
    - s. Direct marketing of produce at any farmers market, on-farm market or roadside stand.

- t. Seasonal "U-pick" fruit and vegetable operations.
  - u. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
2. Special Uses. (Also referred to as conditional uses):
- a. The following uses of land maybe permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article VII.
    - (1) Commercial scale animal confinements.
    - (2) Institutions for the confinement of inmates or prisoners.
    - (3) Kennels and riding stables.
    - (4) Junk yards or salvage yards.
    - (5) Pipelines.
    - (6) Telephone, telegraph, and power transmission towers, poles, and lines to include transformers, substations, relay and repeater stations, microwave transmission towers, equipment housing and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and other communication relay towers.
    - (7) Forest connected industrial operations such as pulp and paper production plants and permanent sawmills.
    - (8) Other structures and buildings related to essential or public services requiring new rights-of-way across farmland.
    - (9) Sanitary landfills or solid waste processing facility, or waste tire processing facility.
    - (10) Alcohol- and drug-abuse centers.
    - (11) Massage parlors.
    - (12) Bath house.
    - (13) Adult bookstore or adult entertainment facility.
    - (14) Modeling studio.
    - (15) Juice bar with adult entertainment.
    - (16) Wind Energy District, in which one (1) or more towers are utilized to convert kinetic wind energy into electrical energy.
    - (17) Wind energy for agricultural or residential use in which wind towers are used to convert kinetic wind energy into electrical energy.
    - (18) Food sales/processing, processing any fruits/produce.
    - (19) Bed-and-breakfast.
    - (20) Restaurant operations related to the agricultural use on the site.
  - b. Permitted uses in Subsection **(A)(1)(q)** through **(A)(1)(u)** above and special uses in Subsection **(A)(2)(a)(18)** through **(A)(2)(a)(20)** above may include any or all of the following ancillary agriculturally related uses and some non-agriculturally related uses, so long as the general agricultural character of the farm is maintained.
    - (1) Value-added agricultural products or activities such as education tours or processing facilities, etc.



- (2) Bakeries selling baked goods containing produce primarily grown on site.
  - (3) Playgrounds or equipment typical of a school playground, such as slides, swings, etc. (not including motorized vehicles or rides).
  - (4) Petting farms, animal displays, and pony rides.
  - (5) Wagon, sleigh, and hayrides.
  - (6) Nature trails.
  - (7) Open-air or covered picnic areas with restrooms.
  - (8) Educational classes, lectures, seminars, Historical agricultural exhibits.
  - (9) Kitchen facilities, processing/cooking items for sale.
  - (10) Gift shops for the sale of agricultural products and agriculturally related products.
  - (11) Gift shops for the sale of non-agricultural products such as antiques or crafts, limited to twenty-five percent (25%) of gross sales.
3. Height, Area And Lot Size Regulations. The following requirements shall be observed:
- a. Height. The maximum height of all buildings/structures requiring a building permit shall be thirty-five (35) feet and not over two and one-half (2 1/2) stories.
  - b. Area. The following requirements shall be observed:
    - (1) Minimum lot area: four (4) acres.
    - (2) Minimum lot frontage: Frontage at the building line shall be two hundred fifty (250) feet.
    - (3) Minimum setbacks:
      - (a) Rear yard: seventy-five (75) feet.
      - (b) Side yard: fifty (50) feet.
      - (c) Front yard: See Article III.
    - (4) Sign setbacks shall be subject to Article III.

## Section Z-100.090. "A-2" Agricultural-Fringe District Regulations.

[Zoning Ordinance, 1-20-2021]

- A. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the "A-2" Agricultural-Fringe District. The purpose of this district is to provide for low-density development on large lot areas not served by a public sewer system, as well as provided for year-round, seasonal agriculture and related development throughout the township.
1. Permitted Uses. A building or premises shall be used only for the following purposes:
    - a. Dwelling unit, farm.
    - b. Dwelling unit, nonfarm.
    - c. Customary accessory uses, provided such uses are clearly incidental to the primary use.
    - d. Any use permitted in the "A-1" Agricultural District, to include any restrictions imposed upon such use in said district.
    - e. Farmland and livestock.

2. Special Uses. The following uses of land may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article VII.
  - a. Public and semi-public uses, including, but not limited to, the following: hospitals, rest homes, homes for the aged, public and private schools, churches, public parks, fire and police stations, historic sites, sewage disposal plants, maintenance repair or storage buildings for non-agricultural uses, solid waste transfer stations.
  - b. Utility transmitting serves such as: telephone, microwave, power transmission, towers, poles and lines, including transformers, substations, relay and repeater stations, equipment, natural gas or oil pipelines, pumping stations, housing and other necessary appurtenant equipment and structures.
  - c. Home occupations.
  - d. Kennels, commercial animal confinements, and similar uses.
  - e. Junk yards and salvage yards.
  - f. Sanitary landfills, solid waste processing facility, waste tire processing facility.
  - g. Alcohol- and drug-abuse centers.
  - h. Massage parlors.
  - i. Bath house.
  - j. Adult bookstore or adult entertainment facility.
  - k. Modeling studio.
  - l. Juice bar with adult entertainment.
3. Height, Area, And Lot Size Regulations. The following requirements shall be observed:
  - a. Height. The maximum height of all buildings/structures requiring a building permit shall be thirty-five (35) feet and not over two and one-half (2 1/2) stories.
  - b. Area. The following requirements shall be observed:
    - (1) Minimum lot area: four (4) acres.
    - (2) Minimum lot frontage: Frontage at the building line shall be two hundred fifty (250) feet.
    - (3) Minimum setbacks:
      - (a) Rear yard: seventy-five (75) feet.
      - (b) Side yard: fifty (50) feet.
      - (c) Front yard: See Article III.
    - (4) Sign setbacks shall be subject to Article III.

## Section Z-100.100. "C-1" General Commercial District Regulations.

[Zoning Ordinance, 1-20-2021]

- A. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the "C-1" General Commercial District. The purpose of the district is to provide for the orderly and attractive grouping, at appropriate locations, of retail stores, shops, offices, and similar commercial establishments.

1. Permitted Uses. Uses may include, but are not necessarily limited to, the following:
  - a. Retail stores and shops offering convenience goods and services.
  - b. Business and professional offices.
  - c. Banks and savings and loan offices.
  - d. Public and semi-public buildings and institutions.
  - e. Commercial entertainment facilities.
  - f. Laundromats.
  - g. Restaurants.
  - h. Taverns.
  - i. Medical and dental clinics.
  - j. Auto service stations and maintenance facilities.
  - k. Recreation service oriented facilities.
  - l. Motels and tourist homes.
  - m. Rooming houses and boardinghouses.
  - n. Essential services and utilities to serve the principal permitted uses.
2. Special Uses. The following uses maybe permitted upon the issuance of a special use permit in accordance with procedures and standards contained in Article **VII**.
  - a. Public and semi-public conditional uses as stated in the "A-1" Agricultural-Fringe District.
  - b. New and used car sales establishments.
  - c. Wholesaling establishments.
  - d. Transportation terminals.
  - e. Farm implements sales firms.
  - f. Outdoor theaters.
  - g. Miniature golf, go-carts, and amusement parks.
  - h. Drive-in establishments offering in-car service to customers.
  - i. Residential units.
  - j. Trucking excavating activity.
  - k. Junk yards or salvage yards.
  - l. Solid waste processing facility, waste tire processing facility.
  - m. Sanitary landfills.
  - n. Alcohol- and drug-abuse centers.
  - o. Massage parlors.
  - p. Bath house.
  - q. Adult bookstore or adult entertainment.

- r. Modeling studio.
  - s. Juice bar with adult entertainment.
3. Height And Area Requirements. The following minimum requirements shall be observed:
- a. Minimum lot area: four (4) acres.
  - b. Minimum lot frontage: The minimum lot frontage at the building line shall be two hundred fifty (250) feet.
  - c. Minimum setbacks:
    - (1) Rear yard: fifty (50) feet;
    - (2) Side yard: seventy (70) feet;
    - (3) Front yard: thirty (30) feet.
  - d. Setback requirements from highways and roads subject to Section **Z-100.210(C)**.
4. Parking And Loading Requirements. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section **Z-100.470**.
5. Signs And Sign Placement. Shall be subject to the provisions of Section **Z-100.480**.

## Section Z-100.110. "I-1" Industrial District Regulations.

[Zoning Ordinance, 1-20-2021]

- A. The regulations set forth in this Section, or set forth elsewhere in this Chapter when referred to in this Section, are the regulations of the "I-1" Industrial District. The purpose of the "I-1" Industrial District is to provide areas for light industrial uses that create a minimum amount of nuisance outside the plant; are conducted entirely within closed buildings; use the open area around such buildings only for limited storage of raw materials or manufactured products and provide for enclosed loading and unloading berths where feasible.
- 1. Permitted Uses. Uses may include, but are not necessarily limited to, the following:
    - a. Manufacturing. Manufacturing or processes including assembling, fabricating, altering, converting, finishing, processing, treating and packaging; providing, that such use will not be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibrations, radiation, refuse matter or water-carried waste.
    - b. Warehousing, Storage And Wholesaling. The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use, except any combustible materials and/or flammable liquids.
    - c. Agricultural Uses and Agricultural Enterprises.
  - 2. Special Uses. The following uses may be permitted upon the issuance of a special use permit in accordance with procedures and standards in Article **VII**.
    - a. General. Any use listed above, provided that any objectionable features, normally associated with these uses, such as hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, waste, will be ameliorated, controlled or eliminated through design, mechanical devices, screen planting and/or walls and other measures as specified by the Planning and Zoning Commission.
    - b. Residential. Dwellings, dwelling units, and residences of any kind, including hotels, motels, rooming houses and tourist homes.

- c. Institutional. Schools, child-care centers, homes for the aged and similar institutions for human care, except where they are incidental to a principal permitted use.
  - d. Landfills, Solid Waste Processing Facility, Waste Tire Processing Facility. Public commercial with special use permit.
3. Height And Area Requirements. The following minimum requirements shall be observed:
- a. Minimum lot area: four (4) acres.
  - b. Minimum lot frontage: The minimum frontage at the building line shall be two hundred fifty (250) feet.
  - c. Maximum lot coverage, including accessory buildings: forty percent (40%).
  - d. Minimum setbacks.
    - (1) Rear yard: seventy-five (75) feet;
    - (2) Side yard: fifty (50) feet;
    - (3) Front yard: thirty (30) feet.
  - e. Setback requirements from highways and roads subject to Section **Z-100.210(C)**.
4. Parking And Loading Requirements. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section **Z-100.470**.
5. Sign And Sign Placement. Shall be subject to the provisions of Article **III**.

**Section Z-100.120. through Section Z-100.190. (Reserved)**

**Article III. General Development Standards**

**Section Z-100.200. In General.**

[Zoning Ordinance, 1-20-2021]

The provisions of this Chapter shall be construed to be minimum requirements. This Chapter shall be read and applied in conjunction with all other applicable governmental statutes, ordinances, codes, and regulations, including, but not limited to, solid waste, sewage and agricultural waste disposal regulations pro-regulated by State agencies. Wherever there exists a conflict between this Chapter and any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive requirement shall govern.

**Section Z-100.210. Yard And Setback Requirements.**

[Zoning Ordinance, 1-20-2021]

- A. Yard Space, General. The required yard space for each building; structure or use shall fall entirely upon land within a district or districts in which the use is permitted.
- B. Minimum Lot Size, Setback/Coverage Requirement. The following table shall apply:

District	Lot Area Per Unit (acres)	Lot Width (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
A-1	5	300	50	75
A-2	4	250	50	75

District	Lot Area Per Unit (acres)	Lot Width (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)
C-1	4	250	50	75
I-1	4	250	50	75
S-1	See Article VII			

**C. Setback Requirements On Highway and Roads:**

1. All State aid and U.S. numbered highways are hereby designated as Class A highways. The building setback line for Class A highways and for any other roads designated as major roads on official maps in effect in DeKalb County shall be one hundred (100) feet from the center line of the highway or thirty (30) feet from the right-of-way line, whichever is greater.
2. All Township roads not otherwise designated are hereby classified as Class B highways. The setback for Class B highways and for streets other than major and arterial roads designated as such on official maps in effect in the County shall be sixty-three (63) feet from the center line of the roadway or thirty (30) feet from the right-of-way line, whichever is greater.
3. Minor, readily removable structures such as signs and temporary buildings may be placed within setback lines so long as they are otherwise permitted by this Chapter.

**Section Z-100.220. Visual Clearance At Intersections.**

[Zoning Ordinance, 1-20-2021]

In each quadrant of every street intersection, there shall be designated a visual clearance triangle bounded by the road center line and a line connecting them three hundred (300) feet from a Class A highway and two hundred (200) feet from a Class B roadway. If two (2) highways of a different class intersect, the largest distance shall apply to both center lines. Within this triangle, no object over three (3) feet in height above these roadways shall be allowed if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten (10) feet and located to a minimum of thirty (30) feet apart.

**Section Z-100.230. Access Driveways.**

[Zoning Ordinance, 1-20-2021]

Access driveways to highways/roadways from abutting properties shall comply with the following requirement:

Class of Highway	Minimum Distance of Highway Frontage Between Access Driveways For Separate Land Uses (feet)
Class A Highways	150 apart
Class B Highways	75 apart

**Section Z-100.240. Excessive Height Permitted.**

[Zoning Ordinance, 1-20-2021]

Heights of the following structures may exceed ordinance limits for the district in which it is to be located with the approval of the Township Zoning Commission.

**Section Z-100.250. Accessory Uses And Structures.**

[Zoning Ordinance, 1-20-2021]

Any permanent, roofed structure serving as an accessory use, if attached to the principal building, shall be considered to be a part of the principal building. If such structure is a building and is not attached to the principal building, it shall conform to the setback, and other dimensional requirements of the district within which it is located. For the purposes of this Chapter, accessory use shall not apply to small movable utility sheds of one hundred (100) square feet or less normally constructed on skids.

## Section Z-100.260. Drainage, Sanitation And Water Supply.

[Zoning Ordinance, 1-20-2021]

- A. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reasons of adverse soil conditions, steep slopes, shallow impermeable rock, periodic flooding, or where the lowest floor level is less than four (4) feet above the highest groundwater level.
- B. No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with minimum standards promulgated by the Missouri Department of Natural Resources.
- C. The Township Zoning Administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a private waste disposal system unless the system meets those regulations in force and effect which may, from time to time, be adopted by the County Commission or by the Missouri Department of Natural Resources.
- D. Where connection is not made to a public water system, no residential use shall be permitted unless provision is made for a safe and adequate supply of drinking water located on the premises.

## Section Z-100.270. Land Uses Affecting Abutting Property Owners — Special Provisions.

[Zoning Ordinance, 1-20-2021]

- A. The Zoning Commission may require that land uses which affect abutting properties and which are listed as "conditional/special uses" in this Chapter adhere to special provisions. Examples of such land uses which affect abutting property owners may include, but are not necessarily limited to, activities such as blasting, mining, land filling, the construction and operation of facilities for incarceration of prisoners, larger scale subdivisions, tourist camps, recreational vehicle camps, incinerators, or similar land uses. The Zoning Commission may require that the developer for any such land use prepare an "environmental assessment" for those developments which, in the opinion of the Zoning Commission, has an impact on surrounding land uses by reason of scale of development, odors, litter, off-site seismic impacts, smoke or haze, downstream water quality impacts, and other similar environmental or human impacts. Such environmental assessment shall include a detailed discussion prepared by a professional engineer or another person who by training and experience would qualify as an expert in the environmental assessment, of the following topics: proposed activities; area land uses; bedrock geology and soil conditions at the site; possible objectionable features of the development proposal; mitigating measures to ameliorate problems or to lessen impacts; and alternatives to the proposed development.
- B. The Zoning Commission may require that such environmental assessments be prepared for each such objectionable land use, or any extension thereof, and may impose a review fee as determined by the Planning and Zoning Commission per review of an environmental assessment in order to compensate the Township for the hiring or retaining of professional services to review the proposed development.

## Section Z-100.280. Fire Safety.

**[Zoning Ordinance, 1-20-2021]**

- A. **Compliance Required.** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazards, including possible potential hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such a manner or in such amount as to adversely affect the surrounding area.
- B. **Portable Fire Extinguisher.** All buildings used in and for public, commercial, and industrial activities shall have a minimum of one (1) wall-mounted ten-pound type ABC-rated fire extinguisher for each room containing three thousand (3,000) square feet or less of the protected building area. Travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed one hundred (100) feet.
- C. **Fire Emergency Exit Signs and Routing.** All buildings used in and for public, commercial, and industrial activities shall have exit routes that must be adequately lighted so that a personal with normal vision can see along the exit route and each exit must be clearly visible and marked by a sign reading "Exit." Additional requirements include the following:
1. Each exit route door must be free of decorations or signs that obscure the visibility of the exit route door.
  2. If the direction of travel to the exit or exit discharge is not immediately apparent, signs must be posted along the exit access indicating the direction of travel to the nearest exit and exit discharge. Additionally, the line of sight to an exit sign must clearly be visible at all times.
  3. Each doorway or passage along an exit access that could be mistaken for an exit must be marked "Not an Exit" or similar designation, or be identified by a sign indicating its actual use (e.g., closet).
  4. Each exit sign must be illuminated to a surface value of at least five (5) foot-candles (54 lux) by a reliable light source and be distinctive in color. Self-luminous or electroluminescent signs that have a minimum luminance surface value of at least six-hundredths (0.06) foot-lambert are permitted.
  5. Each exit sign must have the word "Exit" in plainly legible letters not less than six (6) inches [15.2 centimeters (cm)] high, with the principal strokes of the letters in the word "Exit" not less than three-fourths (3/4) inch (1.9 cm) wide.

**Section Z-100.290. through Section Z-100.360. (Reserved)****Article IV. Manufactured Homes, Manufactured Home Parks, Recreational Camping Areas****Section Z-100.370. In General.**

[Zoning Ordinance, 1-20-2021]

It is the purpose of this regulation to permit the development of manufactured home parks and recreational camping areas for recreation vehicles in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such development.

**Section Z-100.380. Manufactured Homes And Manufactured Home Parks — General Requirements.**

[Zoning Ordinance, 1-20-2021]



A. It shall be unlawful for any person to construct, alter, or extend any manufactured home park, structures or uses within the park unless he or she holds a valid permit issued by the Zoning Administrator upon compliance with all provisions of this Chapter. In addition to all other requirements imposed by law, the following regulations shall be observed:

1. **Manufactured Homes And Manufactured Home Parks Permitted.** Permits may be issued for manufactured homes and manufactured home parks only in districts "A-1" and "A-2."
2. **Area And Yard Requirements.** Manufactured home parks shall comply with all area and yard requirements prescribed for such uses in the district in which located.
3. **Lot Area Occupancy.** The buildings and trailers in any manufactured home park, together with any non-accessory buildings already on the lot, shall not occupy in the aggregate more than twenty-five percent (25%) of the area of the lot.
4. **Parking.** All areas used for automobile access and parking shall comply with the applicable provisions of this Chapter, provided that there shall be at least two paved off-street parking spaces for each manufactured home lot and one (1) additional space for each four (4) such lots to accommodate guests if adequate space is not available on interior streets.
5. **Landscaping — Unused Areas.** All areas not used for access parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscape strip of land not less than ten (10) feet in width and thirty (30) feet adjoining residential districts shall be established and maintained within the manufactured home park along its exterior boundaries.
6. **Accessory Buildings.** All manufactured homes which are established as a single dwelling unit or within a manufactured home park shall have an accessory building or garage for storage purposes for each mobile home unit. The size of the accessory building shall be a minimum of four (4) feet by six (6) feet.

## Section Z-100.390. Manufactured Home Park — Submission Of Plat.

[Zoning Ordinance, 1-20-2021]

- A. An application for the establishment of a manufactured home park shall be filed with the Zoning Administrator and must be accompanied by a plat, drawn to scale and certified by a registered land surveyor, civil engineer or architect. Such drawing shall include, but not necessarily be limited to, the following:
1. Accurate dimensions of the proposed manufactured home park.
  2. The number, location and size of all manufactured home lots.
  3. The location and width of roadways, walkways, approaches and method of ingress and egress from public highways.
  4. The complete electrical service installation, wire service outlets and lighting facilities, complete layout of unit parking spaces and the number of square feet therein, together with the dimensions thereof.
  5. The location of electric power or gas distribution systems, water mains or wells or water supply outlets for domestic water users, location of sanitary facilities, wash-rooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, fire hydrants, and other buildings, structures or uses contemplated for use by the applicant.

## Section Z-100.400. Manufactured Home Park — Requirements.

[Zoning Ordinance, 1-20-2021]

A. Mobile parks shall be designed and maintained in accordance with the following requirements:

1. Park Area. The minimum manufactured home park area shall be five (5) acres.
2. Lot Area. The minimum lot area per manufactured home unit site within the park shall be five thousand (5,000) square feet.
3. Lot Width. The minimum lot width per manufactured home unit within the park shall be fifty (50) feet. Each lot shall be clearly defined by a permanent marker in the ground.
4. Access. Each park shall abut upon a public street and each manufactured home lot shall have direct access to a private hard surface road.
5. Manufactured Home Sitting. Manufactured homes shall be located at least twenty-five (25) feet from any public street right-of-way or highway right-of-way, and at least twenty-five (25) feet from a manufactured home park boundary. There shall be a minimum distance of twenty-five (25) feet between an individual manufactured home and the right-of-way of a manufactured home park street or common parking area or other common areas. Manufactured homes and their additions shall be separated by at least fourteen (14) feet; provided, that manufactured homes placed end-to-end may have a clearance of fifteen (15) feet where opposing rear walls are staggered.
6. Concrete Slab. Each manufactured home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack (if any). Said slab shall have minimum horizontal dimensions of eight (8) feet by ten (10) feet and minimum thickness of four (4) inches.
7. Utilities. No building, plumbing, heating and electrical requirements other than those adopted pursuant to any applicable local, State, or Federal code or regulations shall be required. A sanitary sewer or septic system and a minimum four (4) inches mam water system shall be installed in accordance with county and State specifications.
8. Interior Streets. The minimum roadway width of interior one-way streets with parking permitted on one side shall be twenty-one (21) feet. The minimum roadway width of two-way streets with parking permitted on two sides shall be forty (40) feet and paved according to Township specifications for streets and roads maintained in good condition and lighted at night.
9. Recreation Areas. There shall be provided within each manufactured home park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area of five thousand (5,000) square feet in the aggregate or one hundred (100), two hundred (200) square feet for each manufactured home space in said park, whichever is the greatest. The recreation sites shall be furnished, equipped and maintained for the use of manufactured home families.
10. Length Of Occupancy. No manufactured home or trailer shall remain in a manufactured home or trailer park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.
11. Anchorage And Tie-Down. Every parking space for manufactured homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. Where concrete platforms are provided for the parking of units, anchorage may be by eyelets imbedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift as required in Section 906 for buildings and structures of the 1976 National Building Code of the American Insurance Association, based upon the size and weight of the units. Every manufactured home shall be required to have the devices for anchorage and tie-downs attached to the manufactured home.
12. Manufactured Home Skirting. Every unit within the park shall be skirted.
13. Fire Protection. Unless it is possible to provide adequate fire protection from fire hydrants on public streets, the developer shall run a minimum four-inch water main and locate fire hydrants within the manufactured home park. No manufactured home lot shall be more than five hundred (500) feet from

a fire hydrant, this distance to be measured upon the hard surface of the manufactured home park street.

14. **Manufactured Home Additions.** It shall be unlawful to construct, erect, attach, or cause to be constructed, erected, or attached any enclosure room, wing, annex, entrance, porch, or other similar structure to any manufactured home or on any manufactured home lot unless the same is so designed and constructed of compatible material retaining the basic design of the original manufactured home; provided, further, that the total of such additional structure or structures shall not exceed twenty-five percent (25%) of the square footage of the basic unit. Moveable awnings or shades and screened enclosures which can be stored or moved in the manufactured home may be used. No such awnings or screened enclosures shall be left on a manufactured home lot unless a manufactured home is also parked on the lot. Building permits shall be required for additions or alterations to a manufactured home or other structure within the manufactured home park.
15. **Maintenance.** It shall be the responsibility of the manufactured home park owner to see that good housekeeping and living conditions are maintained in the manufactured home park at all times. Each manufactured home lot shall be landscaped or maintained in grass. No unused building materials, debris, or rubbish shall be allowed to accumulate. No outside storage shall be permitted of oil drums, or trailer equipment, unless it be effectively screened or concealed.
16. **Vehicle Storage.** No more than two (2) motor vehicles shall be stored or kept on any manufactured home lot. No vehicle shall be dismantled, nor shall mechanical work except for minor repair nature be done on any vehicle on a manufactured home lot; nor shall any automotive vehicle that is not in an operable condition be parked, stored, or kept on a manufactured home lot or in a manufactured home park, except a vehicle that became inoperable when it was in the manufactured home park and then it shall not be parked in that condition for a period of more than seven (7) days.

## Section Z-100.410. through Section Z-100.460. (Reserved)

## Article V. Supplementary Regulations

### Section Z-100.470. Off-Street Loading And Parking.

[Zoning Ordinance, 1-20-2021]

- A. **Loading.** Space for off-street loading and unloading of vehicles shall be provided for every building used or designed for commercial, industrial, manufacturing or warehousing purposes. One (1) such space shall be provided for every ten thousand (10,000) square feet of floor area or fraction thereof, and such spaces shall be a minimum of ten (10) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.
- B. **Parking.** Off-street automobile parking or storage space shall be provided on every lot on which any new structures are hereafter established. Such space shall be provided with vehicular access to a street or alley and shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. When a structure is enlarged, the required off-street parking space shall be provided for the enlarged portion. If a use is changed to a different use requiring more space, the additional amount of parking shall be provided. In addition, the following minimum standards shall apply:
  1. **Parking Space, Off-Street.** An off-street parking space shall comprise not less than one hundred eighty (180) square feet of parking area, plus necessary maneuvering space. Space for maneuvering incidental to parking or unparking shall not encroach upon any public right-of-way. Every off-street parking space shall be accessible to a public roadway.
  2. **Residential Dwelling.** One (1) parking space for each dwelling or unit.
  3. **Tourist Accommodations.** One (1) parking space for each room or unit.

4. Theater, Stadium, Auditorium, Church, Or Other Places Of Public Assembly. One (1) parking space for each five (5) seats, based on maximum seating capacity.
5. Stores And Other Retail Business Establishments. One (1) parking space for each one hundred (100) square feet of total floor area. (Square footage is to be based on all but retail storage.)
6. Office Buildings. One (1) parking space for each two hundred (200) square feet of office floor space.
7. Industrial, Manufacturing Or Wholesale Establishments. One (1) parking space for each three (3) workers. Based on peak employment.
8. Restaurants, Supper Clubs, Taverns And Bars. One (1) parking space for each five (5) seats, based on maximum seating capacity.
9. Off-Street Parking Areas. Whether public or private, for more than five (5) vehicles shall be effectively screened by a fence, wall or evergreen plant material, if visible from a residential or public zone district. All public or private parking areas shall be separated from the right-of-way of any public road or street by means of a sod strip not less than three (3) feet in width between the right-of-way line and the parking area.

## Section Z-100.480. Signs And Billboards.

[Zoning Ordinance, 1-20-2021]

- A. It is the intent of this Section to permit business signs wherever they are moderate in size and design and consistent with the public safety and welfare of the surrounding areas.
  1. Permit Required. Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within Colfax Township until a permit has been issued by the Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type, number, location and use regulations affecting each zoning district.
  2. Exceptions. A permit shall not be required for the following classes of signs:
    - a. Class A Signs. Official traffic control signals and informational notice erected by Federal, State, or local units of government.
    - b. Class B Signs. On-premises real estate signs, residential identification, warning and similar signs not greater than six (6) square feet in area.
    - c. Class C Signs. Political signs, promoting a candidate for public office or a ballot proposal shall be permitted six (6) months prior to the election date and shall be removed no later than three (3) weeks after the election day by the candidate or by the committee.
  3. Prohibited Characteristics Of Signs:
    - a. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.
    - b. No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
    - c. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
    - d. No sign shall exceed the maximum height limitation of the district in which it is located.
  4. Classification Of Signs Requiring Permit:
    - a. Class C Signs. On-premises signs which advertise a business activity or service performed on the property.

- (1) Type 1. Signs advertising a permitted home occupation or professional office. Such signs shall not exceed six (6) square feet in area, and if illuminated shall be indirectly lighted. No more than one (1) such sign for each use located on the premises shall be permitted.
  - (2) Type 2. Signs advertising a business activity or a service available in a commercial or industrial area. Such signs shall not exceed eighty (80) square feet in area when nonlighted, and if illuminated, shall not exceed forty (40) square feet in area. No more than one (1) such sign for each story may be attached to a building facade and no sign may project more than six (6) feet beyond a building when attached thereto, or be higher than four (4) feet above the top roof line. Freestanding signs shall not exceed twenty (20) feet in height from the ground.
  - (3) Type 3. Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed twenty (20) square feet in area and not more than one (1) such sign for each highway upon which the property faces shall be permitted.
- b. Class D Signs. Signs or billboards which advertise a general brand of product, an area of interest, a business activity or service available which is not in direct relation to the use of the premises on which it is located. Such signs shall not exceed three hundred (300) square feet in area. Freestanding signs shall be erected outside a line parallel to and fifty (50) feet from the highway right-of-way shall not exceed twenty (20) feet in height above the ground or be located within three hundred (300) feet of an existing residence.
- (1) Class D billboards require a special use permit.

## Section Z-100.490. Sewer Disposal.

[Zoning Ordinance, 1-20-2021]

- A. All buildings, structures and uses of land in the unincorporated areas of Colfax Township with the exception of accessory farm structures and other accessory uses not requiring sewerage as a condition for construction shall hereafter be equipped with an adequate, safe and sanitary disposal system for all human domestic and industrial wastes.
1. For the purpose of this Chapter, disposal of sewerage or other liquid wastes maybe attained by implementing any of the following:
    - a. A sanitary sewer system and a mechanical treatment plant approved by the Missouri State Department of Natural Resources, or other State/County agency having jurisdiction over sewage treatment facilities.
    - b. A sanitary sewer system and an oxidation basin approved by the Department of Natural Resources, or other State/County agency having jurisdiction over sewage treatment facilities.
    - c. Individual septic tank and lateral field, or filter bed, or infiltrator system, provided the design and installation are approved by the Zoning Administrator or duly appointed official.
    - d. Aerobic treatment plants (Aerators) when installed with the approval of the Zoning Administrator.
  2. The above sewage treatment systems shall be permitted be required under the following conditions/procedures:
    - a. Developers of subdivisions containing twenty-five (25) dwelling units shall provide for the treatment of sewage by mechanical treatment plant or oxidation basin. Lateral and main sewer lines and the treatment facility shall be installed by the developer at his or her own cost and according to requirement and specifications of DNR or other State/County agency having jurisdiction over sewage treatment facilities. No permit for construction of a mechanical treatment plant or oxidation basin shall be issued by the Zoning Administrator until a copy of a permit is issued by DNR or other State/County agency having jurisdiction.

- b. The site of a mechanical treatment plant or oxidation basin shall be such that no portion of the equipment or basin shall be closer than three hundred (300) feet to an existing dwelling or closer than one hundred fifty (150) feet to a property line. Buildings and structures otherwise permitted may be constructed within two hundred (200) feet of a mechanical treatment plant or oxidation basin.
- c. The Board of Adjustment may, after public hearing, permit by variance oxidation basins having five (5) acres or less of water area, or sewage disposal facilities to be located closer than one hundred fifty (150) feet to a property line. In addition, the Board may permit an oxidation basin of any size to be located adjacent to a property line in the case of adjoining property owners using a common basin. In such cases, a oxidation basin may be located adjacent to a property line if the owners of record within three hundred (300) feet of the basin establish an easement of record, thereby restricting development to no closer than two hundred (200) feet from the facility.
- d. The maximum number of dwelling units that the treatment facility can safely accommodate, as determined by DNR or other agency having jurisdiction over sewage treatment facilities, shall be entered on the construction/building permit for the facility. The Zoning Administrator shall not issue permits for construction of additional dwelling units once the number of units a facility is capable of serving is established. In addition, all subdivisions of more than eight (8) dwelling units must be approved by the Department of Natural Resources.
- e. The developer of a subdivision shall be responsible for the continued maintenance and operation of the treatment facility, unless the proper public agency, homeowners' association, a group of property owners services by the facility or a private operating company agrees, in writing, to assume said maintenance and operation. The Township Board may require bond or other surety to insure the continued operation and maintenance of the treatment facility by the developer, homeowners' association, property owners, or operating company.
- f. Individual lagoon systems are authorized, provided that each individual system shall first be approved and a permit issued by the Zoning Administrator. No lagoon shall be constructed within one hundred fifty (150) feet of an adjoining property line and must be at least one hundred fifty (150) feet or more from a residence. Said lagoon shall be properly fenced and provide a minimum of one thousand two hundred (1,200) square feet of surface area or one hundred seventy-five (175) square feet per person served, whichever is greater.
- g. No septic tank system shall be installed without a construction/building permit issued by the Zoning Administrator. The Zoning Administrator shall apply the maximum requirements provided in the tables set forth by the Missouri Department of Natural Resources, except where a lesser requirement is justified by percolation tests performed by an approved engineer, registered geologist, soil scientist or a registered sanitarian. The Zoning Administrator shall apply the requirements of the DNR for individual water supply and sewage disposal systems to the results of the percolation tests, and to the proposed septic tank installation, to ensure compliance with said requirements upon compliance, the Zoning Administrator shall issue the septic tank permit. In cases where the requirements of DNR or the County cannot be met, the Zoning Administrator shall not issue the construction/building permit for construction of a dwelling on the premises until a sewage disposal system for that specific lot is approved by the Township Board, State of Mo. Department of Health or appropriate department of DeKalb County. The construction permit shall be issued at the time the building permit is issued and shall contain minimum standards for installation of the system. All sewage connections must comply with State Senate Bill 446 or applicable State law or regulation.
- h. The Zoning Administrator shall be notified by the property owner/developer at the time that each septic tank is being installed, and shall make such inspection as is deemed necessary to ensure that the system satisfies the requirements of the Zoning Regulation or Missouri DNR and any other laws appertaining. In case notification as heretofore required is not given, the Zoning Administrator may cause the system be uncovered and exposed so that inspection can be made as required.
- i. All lots upon which a septic tank system is to be installed shall contain a total area of not less than four (4) acres. No lateral lines for a septic tank system shall be constructed within fifteen

(15) feet from the property line.

- j. Any building structure, or use of land which will discharge sewage, waste or effluent of any kind off premises shall require a permit from the DNR or other agency having jurisdiction over sewage-treatment facilities. The Zoning Administrator shall not issue a permit for such use until an operating permit from the appropriate agency has been submitted to the Zoning Administrator.
- k. All sewage disposal systems shall be wholly contained within the legal boundaries of the residence or commercial building being served by the system.

## Section Z-100.500. through Section Z-100.570. (Reserved)

## Article VI. Non-Conforming Uses

### Section Z-100.580. Non-Conforming Land Uses.

[Zoning Ordinance, 1-20-2021]

A. It is the intent of this Article to regulate non-conformities and to provide for their gradual elimination.

1. Non-conformities. Any non-conformity, including the lawful use or occupation of land or premises existing at the time of adoption of this Chapter may be continued, subject to the provisions of this Chapter. Provided, that no non-conformity shall be continued unless the owner shall have completed a material amount of construction or shall otherwise have acquired a vested right with respect to the non-conformity.
2. Amortization. The Township may provide for the termination of non-conformities, either by specifying the period or periods within which they shall be required to cease or by providing a formula whereby compulsory termination shall be so fixed as to allow a reasonable period for the recovery of the investment in the non-conforming use.
3. Purchase. A non-conformity that is determined by the Township Board to be detrimental to the achievement of the goals and objectives of the Township may be acquired by the Commission by purchase.
4. Conditions. The following conditions shall govern the continuance of non-conformities:
  - a. No non-conformity shall be enlarged, increased or extended by more than thirty-five percent (35%) of original size or moved, unless the use is changed to one (1) permitted pursuant to the provisions of this Chapter.
  - b. Any non-structural repairs and incidental alterations for normal maintenance may be made. Structural alterations required by law or ordinance shall be allowed.
  - c. Any non-conformity may be extended throughout any parts of the building which were manifestly arranged or designed for such non-conformity at the time of adoption or amendment of this Chapter, but no such non-conformity shall be extended to occupy any land outside such building.
  - d. If any non-conformity or occupancy is discontinued for a period of more than two (2) years, or non-conforming building or structure is destroyed by fire or other peril to the extent of sixty-five percent (65%) of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.
  - e. The Township Board may by ordinance impose upon non-conformity additional regulations relating to appearance, signs, lighting, hours of operation and other esthetic performance characteristics, including, but not limited to, noise, heat, glare, vibrations, and smoke.

## Section Z-100.590. through Section Z-100.620. (Reserved)

## Article VII. Special Use Permits

### Section Z-100.630. In General.

[Zoning Ordinance, 1-20-2021]

A "special use" constitutes a use requiring a special use permit issued for structures, which would not be appropriate generally or without restriction, throughout a zoning district, but, which, if controlled as to number, area, location or relation to neighborhood, would not be injurious to the public health, safety or general welfare.

### Section Z-100.640. Procedure.

[Zoning Ordinance, 1-20-2021]

- A. Application for a special use permit shall be made to the Zoning Administrator who shall promptly refer it to the Zoning Commission. The application shall contain the information required for an application for a land use permit, along with such other data and information the Zoning Commission may deem necessary to properly evaluate the application. Additionally, should the Zoning Commission be of the opinion that issuance of a permit may result in a material adverse effect on the environment, the applicant may be requested by the Township Board to demonstrate the nature and effect of the extent.
1. Hearing. Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall set up a public hearing. Notice must be published in a newspaper of general circulation at least fifteen (15) days prior to the date set for the public hearing. The petitioner will be responsible for erecting the "Notice of Proposed Special Use Permit" sign or signs on property. These signs are the property of Colfax Township and must be turned into the Colfax Township before the public hearing will be heard. If any sign is damaged or destroyed, the applicant will be responsible for replacement of said sign at one hundred dollars (\$100.00) per sign. The petitioner shall provide the names and addresses of property owners one thousand (1,000) feet or less from the property line of the requested special use area to the Zoning Administrator or Planning Commission board so letters can be sent.
  2. For the purpose of giving mailed notice, the person responsible for mailing the notice by certified mail, return receipt requested, may use any appropriate record to determine the names and addresses of the owners. A copy of the notice, receipt of mailing and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings.
  3. The Zoning Commission shall review the application, consider public comment, and shall report its recommendation to the Township Board. Recommendations shall include an accurate description of the proposed special use, a description of the property upon which the special use is sought to be located, along with any other recommendations or proposed conditions of the Zoning Commission.

### Section Z-100.650. Standards And Criteria.

[Zoning Ordinance, 1-20-2021]

- A. A special use permit shall be granted by a majority vote of the Township Board upon written findings of fact that the following conditions have been compiled with. Approval may be subject to such further restrictions and conditions as the Township Board may deem necessary to protect the public interest, including, but not limited to, matter relating to appearance, lighting, hours of operation and performance characteristics. When appropriate, restrictive covenants may be required regarding such matters.



1. That the proposed development is likely to be compatible with development permitted under the general provisions of this Chapter on substantially all land in the vicinity of the proposed development.
2. That the special use will not be injurious to the use and enjoyment of the environment or detrimental to the rightful use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the vicinity.
3. That the proposed use is consistent with the overall objectives of the Township Board and with the spirit and intent of the provisions of this Chapter.

## Section Z-100.660. Denial.

[Zoning Ordinance, 1-20-2021]

In the event that the Township Board denies an application for a special use permit, the factual basis and reasons for the denial shall be set forth in written findings of fact. Such findings shall be adopted contemporaneously with the action of the denial.

## Section Z-100.670. Duration; Termination.

[Zoning Ordinance, 1-20-2021]

A special use permit shall remain in effect for so long as the conditions agreed upon are observed, provided that nothing in this Article shall prevent the Township Board from enacting or amending official controls to change the status of special uses. Where a special use does not continue in conformity with the conditions of the original approval, the permit shall be terminated by the Township Board. Provided that no permit shall be revoked unless the permittee has first been granted a public hearing.

## Section Z-100.680. Filing.

[Zoning Ordinance, 1-20-2021]

A certified copy of any special use permit shall be filed by the Zoning Administrator with the County Recorder of Deeds for record. The special use permit shall include the legal description of the property involved.

## Section Z-100.690. Permit Valid Until Revoked Or Expired; Revocation Procedure.

[Zoning Ordinance, 1-20-2021]

- A. Once a special use permit under this Section has been granted, the permit will be valid until revoked, or until it expires, whichever occurs first. A special use permit may be revoked by the Planning and Zoning Commission for any of the following reasons:
  1. The permit holder violates one (1) or more conditions of the permit.
  2. The permitted use becomes a public nuisance.
  3. The permit was granted on the basis of false statements or a fraudulent application.
- B. If the administrator has reason to believe that a special use permit is subject to revocation, he or she may institute proceedings to revoke the permit. Before revoking any special use permit, the Planning and Zoning Commission must hold a public hearing as provided in Chapter 65, RSMo.

## Section Z-100.700. through Section Z-100.770. (Reserved)

## Article VIII. Additional Land Use Classifications

### Section Z-100.780. District "S-1."

[Zoning Ordinance, 1-20-2021]

- A. In District S-1, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed or altered except for the following uses; provided, however, the use must come within the appropriate district as herein set out and designated "District S-1" followed by a letter, and only after a special use permit has been issued by the Zoning Commissioner or his/her duly appointed representative in accordance with the terms of this Chapter.
1. Institution for the insane penal institutions, and alcohol- and drug-abuse center.
  2. Sanitary landfills, solid waste processing facility, waste tire processing facility, material recovery facility.
  3. Salvage and junk yards.
  4. Confinement feeding.
  5. Massage parlor.
  6. Pornographic store and theater.
  7. Adult bookstore.
  8. Bath house.
  9. Modeling studio.
  10. Adult entertainment facility.
  11. Juice bar with adult entertainment.

### Section Z-100.790. Additional Regulations.

[Zoning Ordinance, 1-20-2021]

- A. Additional restrictions for the above uses are as follows:
1. Material recovery facility.
  2. Solid waste processing facility.
  3. Waste tire processing facility.
- B. All design criteria outlined in the application be adhered to and if any changes are proposed they be submitted to the Colfax Township Planning and Zoning Commission for review.
- C. That a sediment and erosion control plan be submitted prior to any earth work being done.
- D. That a landscaping plan detailing all existing vegetation, proposed structures and proposed plantings be submitted to the Colfax Township Planning and Zoning Commission for review and approval.
- E. That any additional development or construction on the entire tract of land must come back before the Colfax Township Planning and Zoning Commission for review and approval.
- F. That exterior lighting for the structures be placed and adequately shielded to prevent glare and direct view of light from surrounding properties.

G. That all other existing Colfax Township zoning regulations be met.

## Section Z-100.800. Advisory Committee.

[Zoning Ordinance, 1-20-2021]

- A. The Colfax Township Planning and Zoning Committee will act as an advisory committee. The purpose would be to:
1. Improve communications and cooperation between the facility and area neighbors.
  2. Recommend Township uses such as walking trails, nature trails, or similar uses for the unused portion of the area, funded by the Material Recovery Facility tipping fee.
  3. Provide an opportunity for contact between the treatment plant, their personnel and area neighbors including open houses and tours of the facility.
  4. Review performance of both the treatment plant and the operations and make periodic report and recommendations to the Colfax Township Planning and Zoning Commission.

## Section Z-100.810. Performance Guarantees.

[Zoning Ordinance, 1-20-2021]

- A. The Township will incorporate performance guarantees in the contract with the operators of the above-named facilities which will ensure the proper operation of the plant. The Township will utilize funds from the tipping fee to make modifications of the plant if problems develop which are not covered by the performance guarantees. Performance guarantees will include the following standards and conditions:
1. Noise mitigation: construction period.
    - a. Compliance with regulations requiring noise mufflers on all heavy equipment.
    - b. Construction hours will be limited from 7:00. a.m. to 5:00 p.m., Monday through Saturday.
    - c. Heavy equipment will be operated only when necessary and will not be permitted to idle for long periods of time.
  2. Noise mitigation: operational period.
    - a. Measures will be incorporated into the design of the facility to mitigate operational noise. At no point on the property boundary will noise from the facilities exceed forty-five (45) dBA during the hours between 7:00 a.m. and 10:00 p.m. or thirty-five (35) dBA during the hours between 10:00 p.m. and 7:00 a.m. For reference purposes, 65 dBA is similar to the sound of a car traveling at fifty-five (55) miles per hour at a distance of fifty (50) feet.
  3. The most important noise control measure incorporated into the conceptual design is the locating of equipment and activities inside buildings as much as possible.
  4. In order to meet all design requirements, the following are included:
    - a. Operations enclosed by buildings.
    - b. Compost aeration blowers enclosed by soundproof structures and provided with air intake silencers.
    - c. Flail shredders enclosed by reinforced concrete walls.
    - d. Oversized screen material processed by low speed shredders enclosed by reinforced concrete walls.

- e. The facility will be operated for only two (2) shifts per day: 8:00 a.m. until 4:00 p.m. and 4:00 p.m. until 11:30 p.m., the shifts to be adjusted to minimize the activity after 10:00 p.m.
  - f. On-site vehicles will have efficient exhaust mufflers which will be properly maintained.
5. Abatement Procedures. The following abatement procedures will be followed:
- a. Traffic-related noise on the proposed facility site will be minimized by methods that include enforcement of speed limits and avoidance of excessive hauler queuing during hot weather condition that would prompt high speed engine idling.
  - b. Solid waste material deliveries to the facility and transport of recovered materials from the facility will be limited to the hours of 8:00 a.m. to 5:00 p.m., except during emergencies. In an emergency situation, the Township Committee will be notified.
  - c. Noise in the receiving and storage area, processing building and blower rooms will be controlled by effective design of the building walls and roof to absorb rather than reflect sound waves.
  - d. Noise from the processing system will be controlled by adherence to strict OSHA requirements during the operating of the equipment. All occupied area, e.g., control rooms, visitor's area, personnel facilities, offices, etc., will include provisions to minimize noise levels.
  - e. Noise from the testing or operation of emergency systems (e.g., alarms, relief valve venting etc.) will occur only rarely and be limited to daytime hours unless an emergency situation exists.
  - f. Facility systems and subsystems will not interact so as to generate excessive noise (oscillations, etc.) and during the hours between 10:00 p.m. and 7:00 a.m., the exterior doors of the building will be closed to assist in containing the noise within the building.
6. Odor Control.
- a. It is the goal of this Township that no odor from the facilities leaves the property boundary. The current State of Missouri odor regulation is that no odor be detected at a seven (7) to one (1) dilution ratio.
  - b. The nature of municipal solid waste is such that it can be expected to produce gaseous/odorous emissions upon delivery to the Receiving and Tipping Building. Some gaseous emissions can also be expected during the solid waste processing stages, prior to initiation of the composting process. After plant start-up, the trash currently delivered to the landfill will be diverted to the facility where strict controls on the potential emissions will be accomplished by maintaining the Receiving and Tipping Building under negative air pressure and passing all the air from this building through biofilters when odorous conditions are present.
  - c. Composting is an aerobic process which is generally odorless, as the products of aerobic decomposition are water and carbon dioxide. When trash is first received, however, anaerobic decomposition may have already begun. Under anaerobic conditions, at least five (5) different types of gaseous emissions are possible. Some of these emissions include (DuPont, 1989):
    - (1) Ammonia and aliphatic amines.
    - (2) Hydrogen sulfide and aliphatic mercaptans.
  - d. Gaseous by-products of anaerobic digestion of carbohydrates:
    - (1) Aliphatic acids from sugars.
    - (2) Phenolics from lignin.
  - e. Gaseous by-products of anaerobic digestion of lipids:
    - (1) Terpenes and their derivatives alcohols, aldehydes, and ketones.

- f. It shall be noted that certain combinations of these above gases are unlikely to be found together since their vapors react to form less odorous, readily condensable vapors. Amines and acid gases are an example. The proposed control method consists of rapid aeration (of the compostable material) to establish aerobic conditions. Also, during processing, air is collected from potential odor sources. This air is exhausted through a biological filter.
  - g. As stated, the primary means of odor control in aerated static pile composting is the prevention of anaerobic conditions. Anaerobic conditions can produce by-products consisting of malodorous compounds. These by-products of anaerobic conditions consist primarily of nitrogen and sulfur-based compounds including hydrogen sulfide (H<sub>2</sub>S) and ammonia (NH<sub>3</sub>). Conversely, aerobic composting produces water (H<sub>2</sub>O) and carbon dioxide (CO<sub>2</sub>). The United States Environmental Protection Agency specifically recognizes adequate oxygen supply as the primary means of odor control. A secondary means of odor control is accomplished by passing process exhaust air through a biological compost filter. Air flow rates through the compost are designed to rapidly achieve aerobic digestion and limit order production. Biofilters have been shown to be very effective in controlling dust and odor (Hartenstein, 1987).
7. Traffic. The Township will abide by recommendations of the State Highway Department and the DeKalb County Road Supervisor in order to make the intersection and the entrance to the material recovery facilities plants as safe and efficient as possible.
  8. Performance of these conditions by the facility operators will be secured by a financial security in a form approved and in an amount acceptable to the Township. If, upon review of the plant performance by the State of Missouri Department of Natural Resources personnel, and upon concurrence with the Township Committee, the plant is found not to be operating pursuant to the established standards, the operator will be required to correct the problem as quickly as possible.

## Section Z-100.820. through Section Z-100.870. (Reserved)

## Article IX. Solid Waste Disposal

### Section Z-100.880. In General.

[Zoning Ordinance, 1-20-2021]

- A. Solid waste disposal is regulated by Section 260.200, RSMo., containing numerous specific definitions.
- B. The Colfax Township Zoning Regulation is intended to control all phases of solid waste disposal waste disposal facilities require permits from the Department of Natural Resources. Before a zoning permit can be issued for a facility, the DNR permit or permits will be required and all appropriate Colfax Township Zoning Regulations met.
- C. The Colfax Township Zoning Regulations specifically refer to sanitary landfills, material recovery facilities, solid waste processing facilities and waste tire processing facilities.
- D. However various types of solid waste disposal facilities defined in Section 260.200, RSMo, are intended to be covered by these regulations and no earth moving or construction will be allowed without full compliance with DNR and Colfax Township Zoning Regulations.
- E. Section 260.200, RSMo., is made a part of this regulation as the various solid waste disposal definitions are contained therein.

### Section Z-100.890. Revised Statutes Of Missouri Section 260.200.

[Zoning Ordinance, 1-20-2021]

- A. Definitions. The following words and phrases when used in Sections 260.200 to 260.345, RSMo., shall mean:

**BATTERY or LEAD-ACID BATTERY**

A battery designed to contain lead and sulfuric acid with a nominal voltage of at least six (6) volts and of the type intended for use in motor vehicles and watercraft;

**CITY**

Any incorporated city, town, or village;

**CLEAN FILL**

Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the department for fill, reclamation or other beneficial use;

**CLOSURE**

The permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volumes specified in the permit and preparing the area for long-term care;

**CLOSURE PLAN**

Plans, designs and relevant data which specify the methods and schedule by which the operator will complete or cease disposal operations, prepare the area for long-term care, and make the area suitable for other uses to achieve the purposes of Sections 260.200 to 260.345, RSMo., and the regulations promulgated thereunder;

**CONFERENCE, CONCILIATION AND PERSUASION**

A process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one (1) offer to meet with the alleged violator tendered by the department during any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

**DEMOLITION LANDFILL**

A solid waste disposal area used for the controlled disposal of demolition waste, construction materials, brush, wood wastes, soil, rock, concrete and inert solids insoluble in water;

**DEPARTMENT**

The Department of Natural Resources;

**DIRECTOR**

The director of the Department of Natural Resources;

**DISTRICT**

A solid waste management district established under Section 260.305, RSMo.;

**FINANCIAL ASSURANCE INSTRUMENT**

An instrument or instruments, including, but not limited to cash or surety bond, letters of credit, corporate guarantee or secured trust fund, submitted by the applicant to ensure proper closure and postclosure care of a solid waste disposal area in the event that the operator fails to correctly perform closure and postclosure care requirements, except that the financial test for the corporate guarantee shall not exceed one and one-half (1 1/2) times the estimated cost of closure and postclosure. The form and content of the financial assurance instrument shall meet or exceed the requirements of the department. The instrument shall be reviewed and approved or disapproved by the attorney general;

**FLOOD AREA**

Any area inundated by the 100-year flood event, or the flood event with a one percent (1%) chance of occurring in any given year;

### **INFECTIOUS WASTE**

Waste in quantities and characteristics as determined by the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be infectious; provided, however, that infectious waste does not mean waste treated to department specifications;

### **MAJOR APPLIANCE**

Clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers;

### **MINOR VIOLATION**

A violation which possess a small potential to harm the environment or human health or cause pollution, was not knowingly committed and is not defined by the United States Environmental Protection Agency as other than minor;

### **MOTOR VEHICLE**

As defined in Section 301.010, RSMo.;

### **OPERATOR AND PERMITTEE**

Anyone so designated, and shall include cities, counties, or other political subdivisions, authority, state agency or institution, or federal agency or institution;

### **PERMIT MODIFICATION**

Any permit issued by the department which alters or modifies the provisions of an existing permit previously issued by the department;

### **PERSON**

Any individual, partnership, corporation, association, institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution;

### **POSTCLOSURE PLAN**

Plans, designs and relevant data which specify the methods and schedule by which the operator shall perform necessary monitoring and care for the area after closure to achieve the purposes of Sections 260.200 to 260.345, RSMo., and the regulations promulgated thereunder;

### **RECOVERED MATERIALS**

Those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing;

### **RECYCLED CONTENT**

The proportion of fiber in a newspaper which is derived from postconsumer waste;

### **RECYCLING**

The separation and reuse of materials which might otherwise be disposed of as solid waste;

### **RESOURCE RECOVERY**

A process by which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

### **RESOURCE RECOVERY FACILITY**

A facility in which recyclable and recoverable material is removed from the waste stream to the greatest extent possible, as determined by the department and pursuant to department standards, for reuse or remanufacture;

**SANITARY LANDFILL**

A solid waste disposal area which accepts commercial and residential solid waste;

**SOLID WASTE**

Garbage, refuse and other discarded materials including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting;

**SOLID WASTE DISPOSAL AREA**

Any area used for the disposal of solid waste from more than one (1) residential premises, or one (1) or more commercial, industrial, manufacturing, recreational, or governmental operations;

**SOLID WASTE FEE**

A fee imposed pursuant to Sections 260.200 to 260.345, RSMo., and may be:

- a. A solid waste collection fee imposed at the point of waste collection; or
- b. A solid waste disposal fee imposed at the disposal site;

**SOLID WASTE MANAGEMENT AREA**

A solid waste disposal area which also includes one (1) or more of the functions contained in the definitions of recycling, resource recovery facility, and waste tire collection center, waste tire processing facility, waste tire site or solid waste processing facility, excluding incineration;

**SOLID WASTE MANAGEMENT SYSTEM**

The entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes;

**SOLID WASTE PROCESSING FACILITY**

Any facility where solid wastes are salvaged and processed, including:

- a. A compost plant or transfer station; or
- b. An incinerator which operates with or without energy recovery;

**SOLID WASTE TECHNICIAN**

An individual who has successfully completed training in the practical aspects of the design, operation and maintenance of a permitted solid waste processing facility or solid waste disposal area in accordance with Sections 260.00 to 260.345, RSMo.;

**TIRE**

A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or trailer as defined in Chapter 302, RSMo.;

**UTILITY WASTE LANDFILL**

A solid waste disposal area used for fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

**WASTE TIRE**

A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect;

**WASTE TIRE COLLECTION CENTER**

A site where waste tires are collected prior to being offered for recycling or processing and where fewer than five hundred (500) tires are kept on site on any given day;



**WASTE TIRE PROCESSING FACILITY**

A site where tires are reduced in volume by shredding, cutting, chopping or otherwise altered to facilitate recycling, resource recovery or disposal;

**WASTE TIRE SITE**

A site at which five hundred (500) or more waste tires are accumulated;

**YARD WASTE**

Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots and shrubs with intact root balls.

[L. 1972 S.B. 387 § 1.A.L. 1975 S.B. 98, A.L. 1986 S.B. 475. A.L. 1988 H.B. 1207, A.L. 1990 S.B. 530, A.L. 1993 S.B. 80, et al.]

**Section Z-100.900. Confinement Feeding.**

[Zoning Ordinance, 1-20-2021]

Confinement feeding operations must have an anaerobic lagoon system. Must meet DNR and EPA odor control and abatement restrictions. Sewage disposal must meet State environmental requirements. Confinement buildings and sewage disposal systems must be at least 1/4 mile from the nearest residence.

**Section Z-100.910. through Section Z-100.950. (Reserved)****Article X. Adult Entertainment Establishments****Section Z-100.960. Generally.**

[Zoning Ordinance, 1-20-2021]

- A. The following shall apply to Sections "E" through "K" and shall collectively be known as "adult entertainment establishments":
1. Adult entertainment establishments are hereby acknowledged to have special characteristics and impacts upon their surroundings, and upon the use and enjoyment of adjacent property. It is the intent of these regulations to provide for the confinement of the adult entertainment establishments to those commercial areas in which these special impacts are judged to be least disruptive to the use and enjoyment of the adjacent properties. These regulations are further intended to require that adult entertainment establishments shall not be permitted to locate in such concentration that their operational features may establish the dominate character of any commercial area.
  2. These regulations are further intended to protect and balance lawful rights of expression with other lawful rights to the use and enjoyment of property. Adult entertainment uses are recognized as having serious objectionable operational characteristics, particularly if several such uses are concentrated, thereby having a deleterious affect upon adjacent areas, and contribute to blight and degradation of the surrounding neighborhood. The special regulations of adult entertainment establishments is necessary to ensure that the adverse affect of such uses will not contribute to the blighting or downgrading of surrounding neighborhoods whether residential or non-residential by location or concentration and to ensure the stability of such neighborhoods. These regulations are to provide for commercial locations for adult bookstores, adult entertainment facilities, bath houses, massage shops, modeling studios, "juice bars," and other adult entertainment establishments.

**Section Z-100.970. Definitions.**

[Zoning Ordinance, 1-20-2021]

The following terms shall be defined herein as follows:

### **ADULT BOOKSTORE**

An establishment having as ten percent (10%) portion of its stock and trade, books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices, video machines, or other coin operated means, or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities.

### **ADULT ENTERTAINMENT FACILITY**

Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes or films, predominantly distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual activities as said term is defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either: 1) engage in personal contact with, or allow personal contact by employees, devices or equipment, or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or 2) observe any live presentation, video tape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or opaque covering, or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein.

### **BATH HOUSE**

An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State.

### **MASSAGE PARLORS**

An establishment which has a fixed place of business having a source of income or compensation sixty percent (60%) or more of which is derived from the practice of any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of the human body with the hands or with the aid of any mechanical, electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics oils, powders, creams, lotions, ointment or other similar preparations commonly used in the practice of massage. Under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or gratuity; provided, that this term shall not include the establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.

### **MODELING STUDIO**

An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools wherever persons are enrolled in a class.

### **SPECIFIED SEXUAL ACTIVITIES**

1. Sexual conduct, being acts of masturbation, sexual intercourse or physical contact with a person's genitals, pubic area, buttocks, or breasts;
2. Sexual excitement, being the condition of human male or female genitals when in a state of sexual stimulation or arousal; or
3. Sadoomasochistic abuse, being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

## **Section Z-100.980. Additional Restrictions.**

[Zoning Ordinance, 1-20-2021]

A. Additional restrictions for "adult entertainment establishments" are as follows:

1. The property on which such use is located shall be screened by fence and landscaping at least six (6) feet in height along all of the interior property lines.
2. No adult bookstore, adult entertainment facility, bath house, massage shop or modeling studio shall be permitted within one-half (1/2) mile of any religious institution, school, or public park, or any property zoned for residential use or within any structured used as a residential dwelling. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior wall of the adult entertainment establishment to the closet property line of the religious institution, school, public park, residentially zoned property, or residential dwelling.
3. No adult entertainment establishment shall be allowed to locate or expand within one-half (1/2) mile of any other adult entertainment use or of any business licensed to sell or serving alcoholic beverages ether or not such business is also an adult entertainment as defined herein. The distance between any two (2) adult entertainment establishments or between an adult entertainment establishment and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structure wall of each business.

Section Z-100.990. through Section Z-100.1050. (Reserved)

## Article XI. Wind Energy District Regulations

### Section Z-100.1060. Standard Conditions And Requirements; Special Use Permits.

[Zoning Ordinance, 1-20-2021]

- A. Before construction commences, permittee shall provide satisfactory site location information to the Colfax Township Zoning Board Zoning Administrator which shall, at minimum, specify the precise location of each wind turbine and meteorological tower within the wind energy district (WED).
- B. Permittee shall construct all wind turbines so as to maintain a minimum setback distance of one thousand six hundred forty (1,640) feet from any public road and two thousand six hundred forty (2,640) feet from the property line from any landowner not participating in the Wind energy district unless permittee obtains the voluntary, written agreement and consent from all affected landowners to vary from the requirements of this Subsection. No permits shall be issued for any wind turbine to be constructed where a blade would rotate within a three-mile radius of the 2019 boundary lines of the Pony Express Lake Conservation area.
- C. Permittee shall construct the project in full accordance with generally accepted good engineering practices and in accordance with all applicable State and Federal regulations.
- D. Permittee shall obtain all required governmental permits (including, but not limited to, access permits, overweight permits, over width permits, over height permits, construction within right-of-way permits) and a determination of no hazard to air navigation from the Federal Aviation Administration.
- E. Permittee shall cooperate with local rescue authorities to ensure that knowledgeable representative of permittee are available at all times to assist with any necessary rescue from any wind turbine or meteorological tower. All training and equipment (e.g., climbing harnesses) to be used by local authorities will be provided by permittee at permittee's sole expense.
- F. Permittee shall reimburse the appropriate agency for all emergency responses performed by local fire and/or rescue departments.

- G. Should shadow flicker affecting any adjoining property owner outside the boundaries of the project, permittee shall remedy the problem on a case-by-case basis by undertaking measures such as 1) planting of trees and other vegetation; 2) installation of awnings; or 3) possible operational restrictions.
- H. If any television or radio frequency interference is shown to be created by the wind farm, permittee shall mitigate this interference, including, but not limited to, providing cellular service, cable television, or satellite television to affected property owners at the cost of permittee.
- I. Upon completion of construction, permittee shall furnish the Zoning Administrator with "as built" certified drawings of all construction, which shall include, but not be limited to, the location of all wind turbines, meteorological towers, roads, electrical collection lines, and substations within the WED.
- J. Permittee shall provide adequate dust control measures as may be reasonably required during construction.
- K. Before construction commences and after construction is completed, a representative of the Township Board and a representative of permittee shall visually inspect and review all haul roads to determine the amount of damage caused to the roads by permittee or any of its agents, employees, or subcontractors. Permittee shall repair or replace upon request by the Township and at permittee's sole expense, any roads, drainage facilities or other infrastructure improvements damaged by the activities of permittee or any of its agents, employees, or subcontractors.
- L. All construction equipment and materials shall be delivered to the construction sites only on haul roads designated by the Colfax Township Board.
- M. Within one (1) year of the expiration of its agreements with landowners participating in the WED, Permittee shall remove all physical materials pertaining to the WED, with the exception of roads the Township or landowners wish to remain. Said removal shall be to a depth of four (4) feet below the surface of the ground. After removal, permittee shall restore the ground as nearly as possible to its condition before construction began.
- N. This special use permit may be reviewed and, if necessary, amended at any time at the discretion of the Colfax Township Zoning Board or upon request of permittee.
- O. This special use permit shall expire two (2) years after its approval by the Colfax Township Zoning Board if work is not completed within two (2) years after its approval; provided, however, this two-year deadline shall be extended at permittee's request if construction is proceeding with commercially reasonable diligence. If work is not begun within one hundred eighty (180) days of the approval of this special use permit, this special use permit shall expire one hundred eighty (180) days after its approval by the Colfax Township Zoning Board, unless the Colfax Township Zoning Board agrees to extend this deadline.
- P. Permittee shall pay an inspection/permit fee for each tower within the WED pursuant to the Colfax Township Zoning Boards "Zoning Fees Schedule" in effect at the time construction of each tower commences. In addition to fees identified in the Zoning Fees Schedule, permittee agrees to pay all legal fees and engineering costs associated with the Township's review of permittee's application. Upon issuance with the permit, permittee shall pay all reasonable engineering costs, attorney's fees and costs associated with the Township's continued monitoring of permittee's compliance or non-compliance with this Chapter, the issued permit, or any violation of any state or federal law. Permittee further agrees to indemnify and hold harmless, including the payment of reasonable attorney's fees, any claims or damages related to the permitting process, construction, or operation of permittee's wind turbine or WED.
- Q. Financial Assurance. Permittee shall provide security sufficient for decommissioning costs in the form of a performance bond to ensure the availability of funds for such costs (the "decommissioning security") to the Township. The performance bond shall be issued by a registered surety and which is, at the time of delivery of the bond, on the authorized insurance provider list published by the Insurance Commissioner of the State of Missouri. The performance bond shall be in an amount equal to the decommissioning costs. The performance bond shall be for a term of one (1) year, shall be continuously renewed, extended, or replaced so that it remains in effect during the term of this special use permit or until the secured decommissioning obligations are required or satisfied, whichever occurs sooner. In order to ensure continuous renewal of the performance bond with no lapse, each performance bond shall be required to be extended or replaced at least one (1) month in advance of its expiration date. Decommissioning costs

shall be reevaluated annually during construction of the project and once every five (5) years thereafter from the date of substantial completion (set forth in application) to ensure sufficient funds for decommissioning and, if the parties agree at that time that the decommissioning costs need to be modified, the amount of the decommissioning security shall be adjusted accordingly. Failure to secure such renewal or extension shall constitute a default of permittee under the special use permit.

- R. Unsafe and inoperable commercial turbines and meteorological tower; site reclamation. All permittees and landowners whose properties contain any number of wind turbines and/or meteorological towers within the Wind Energy District ("WED") shall adhere to the following:
1. Removal And Site Restoration. All unsafe commercial wind turbines, inoperable commercial wind turbines, and commercial wind turbines for which the permit has expired shall be removed by the owner within ninety (90) days notice by Colfax Township. All safety hazards created by the installation and operation of the commercial wind turbine shall be eliminated, and the site shall be restored to its natural condition to the extent feasible.
  2. Public Nuisance. Every unsafe and inoperable commercial wind turbine and any unsafe or inoperable meteorological tower is hereby declared a public nuisance which shall be subject to abatement by repair, rehabilitation, demolition, or removal. An inoperable commercial wind turbine shall not be considered a public nuisance, provided that the owner can demonstrate that modernization, rebuilding, or repairs are in progress or planned and will be completed within no more than six (6) months.
  3. "Inoperable" Defined. A commercial wind turbine shall be deemed inoperable if it has not generated power within the preceding six (6) months.
  4. The property owner and/or permittee shall be responsible for all costs associated with the Township's abatement of the nuisance pursuant to this Chapter, including, but not limited to, administrative costs, labor, materials and reasonable attorney's fees and cost required to enforce this Chapter.

## Section Z-100.1070. through Section Z-100.1090. (Reserved)

## Article XII. Administration

### Section Z-100.1100. Designation.

[Zoning Ordinance, 1-20-2021]

- A. The Colfax Township Board of Directors shall appoint a Zoning Administrator, whose duty it shall be to administer and enforce the provisions of this Chapter. Their administrative functions shall include, but not be limited to, the duty to:
1. Provide necessary forms and applications;
  2. Issue land use permits upon demonstration of the applicant's compliance with the provisions of this Chapter;
  3. Issue any authorized permits;
  4. Identify and record information relative to non-conformities;
  5. Provide assistance in zoning changes and amendments to the ordinance text or map;
  6. Maintain files of applications, permits and other relevant documents;
  7. Make an annual report of their activities to the Zoning Commission.

- B. The Zoning Administrator shall have all powers and authority conferred by laws, statutes and ordinances to enforce the provisions of this Chapter, including, but not limited to, the following: access to any structure or premises for inspection or enforcement purposes by the permission of the owner or upon issuance of a special inspection warrant.

## Section Z-100.1110. Building Permits.

[Zoning Ordinance, 1-20-2021]

- A. Building permits shall be issued in accordance with the following provisions:
1. Applications shall be accompanied by scale maps or drawings showing accurately the location, size and shape of the lot(s) involved and of any proposed structures, including the relation to abutting streets, lakes or streams, and the existing and proposed use of each structure and lot and the number of families to be accommodated. One (1) copy shall be retained by the Zoning Administrator and one (1) copy shall be returned to the owner when such plans have been approved. A period of two (2) weeks may be allowed for inspection of plans before a permit is issued.
  2. Any permit shall be valid for twelve (12) months after date of issue. When construction has not been started on valid permits within a twelve-month period from the date of issue, an extension of time may be granted upon application to the Zoning Administrator.
  3. No permit shall be required for maintenance, repair or remodeling where the building area coverage is not increased.
  4. Permits issued hereunder may be revoked for cause, including, but not limited to, mistakes or misrepresentation of fact, issuance in violation of the provisions of this Chapter, or in violation of any other applicable law or ordinance and for violation of the terms and conditions of the permit.

## Section Z-100.1120. through Section Z-100.1150. (Reserved)

## Article XIII. Amendments

### Section Z-100.1160. Amendments.

[Zoning Ordinance, 1-20-2021]

The regulation, restrictions and boundaries set forth in this Chapter may be amended, supplemented or repealed in accordance with the provisions of this Article.

### Section Z-100.1170. Initiation.

[Zoning Ordinance, 1-20-2021]

Amendments may be initiated by the Planning Commission, the Township Board or by petition of any person owning property within the boundaries of the district subject to the proposed amendment.

### Section Z-100.1180. Referral To Planning Commission.

[Zoning Ordinance, 1-20-2021]

Amendments shall be referred to the Zoning Commission for study and report and may not be acted upon by the Township Board until it has received the recommendation of the Zoning Commission on the proposed amendment, or until sixty (60) days have elapsed from the date of the reference of the amendment without a report being prepared by the Zoning Commission.

## Section Z-100.1190. Hearing.

[Zoning Ordinance, 1-20-2021]

- A. No amendment shall be adopted until a public hearing has been held thereon by the Township Board. Not less than fifteen (15) days prior to the public hearing held by the Township Board, a notice of intention to enact such amendment shall be published in the official newspaper of the Township stating subject matter and the general purpose of the proposed amendment.
- B. In addition to the requirement set forth above all owners of any real property located within one thousand (1,000) feet of the parcel and/or parcels of land for which the change/amendment is proposed, shall be notified of said public hearing by certified mail.

## Section Z-100.1200. Fees.

[Zoning Ordinance, 1-20-2021]

No action shall be taken on any application by an applicant other than the Zoning Commission or the Township Board until the applicant shall have paid to the appropriate official an appropriate filing fee as established by the provisions of Section **Z-100.1490**.

## Section Z-100.1210. through Section Z-100.1230. (Reserved)

## Article XIV. Zoning Commission

### Section Z-100.1240. Name Of Commission.

[Zoning Ordinance, 1-20-2021]

The name of this organization shall be the Colfax Township Commission of the County of DeKalb, Missouri.

### Section Z-100.1250. Authorization.

[Zoning Ordinance, 1-20-2021]

The authorization for the establishment of the Township Zoning Commission is set forth under Chapter 65, RSMo., and any acts amendatory thereof or supplementary thereto. Powers and duties were delegated to the Zoning Commission by the Township of the County of DeKalb in accordance with the above mentioned enabling law.

### Section Z-100.1260. Membership; Terms; Compensation; Chairman.

[Zoning Ordinance, 1-20-2021]

- A. The Township Zoning Commission shall consist of the Township Trustee, the Commissioner of the County Commission who represents the Township, one (1) member of the Township Board selected by the Township Board, and one (1) resident appointed by the Township Board from the unincorporated part of the Township.
- B. The resident shall be appointed for a term of four (4) years or until his successor takes office. The terms of all other members shall be only for the duration of their tenure of official position.
- C. All members of the Township Zoning Commission shall serve as such without compensation, except that an attendance fee as reimbursement for expenses, for not to exceed two (2) meetings per month, may be

paid to the freeholder member of the Planning Commission in an amount, as set by the Township Board, not to exceed fifteen dollars (\$15.00) for each meeting. The Zoning Commission shall elect its chairman and vice chairman who shall serve for one (1) year.

## Section Z-100.1270. Meetings.

[Zoning Ordinance, 1-20-2021]

- A. Annual Meetings. The annual meeting of the Zoning Commission shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Zoning Commission.
- B. Regular Meetings:
  1. Regular meetings of the Zoning Commission shall in accordance with Missouri law.
  2. At such meetings the Commission shall consider all matters properly brought before the Commission without the necessity of prior notice thereof given to any members. A regular meeting may be canceled or rescheduled by the Commission at a prior meeting.
- C. Special Meetings. Special meetings of the Zoning Commission shall be held at a time and place designated by the chairman. Written notice thereof shall be given to all the members not less than twenty-four (24) hours in advance thereof.

## Section Z-100.1280. Quorum.

[Zoning Ordinance, 1-20-2021]

At any meeting of the Zoning Commission, a quorum shall consist of a majority of the seated members of the Commission. No action shall be taken in the absence of a quorum; except to adjourn the meeting at a subsequent date.

## Section Z-100.1290. Voting.

[Zoning Ordinance, 1-20-2021]

At all meetings of the Zoning Commission, each member attending shall be entitled to cast one (1) vote. Voting shall be by voice. In the event that any member shall have a personal interest of any kind in matter then before the Commission, he or she shall disclose his or her interest and be disqualified from voting upon the matter, and it shall be so recorded in the minutes that no vote was cast by such member. The affirmative vote of a majority shall be necessary for the adoption of any resolution or other voting matter.

## Section Z-100.1300. Procedures.

[Zoning Ordinance, 1-20-2021]

- A. At any regular meeting of the Zoning Commission, the following shall be the regular order of business:
  1. Roll call.
  2. Minutes of the preceding meeting.
  3. Public hearings.
  4. Old and new business.
  5. Communications and bills.



6. Report of the chairman.
  7. Adjournment.
- B. Each formal action of the Zoning Commission required by law, statute, rule or regulation shall be embodied in a formal resolution duly entered in full upon the Minute Book after an affirmative vote.
- C. Rules Of Procedure. All meetings of the Zoning Commission shall be conducted in accordance with Robert's Rules of Order.

## Section Z-100.1310. Powers And Duties.

[Zoning Ordinance, 1-20-2021]

The Township Zoning Commission may create and adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and recommendations. The Commission may appoint such employees as it may deem necessary for its work and may contract with planners and other consultants for such necessary expenses. The Township Zoning Commission may charge and collect a fee for any service it provides, but the fee must be established by rule. The expenditures of Township funds by the Township Zoning Commission shall not be in excess of the amounts appropriated for that purpose by the Township Board and the amount of fees collected by the Township Zoning Commission. The Township Zoning Commission shall have such other powers as may be necessary and proper to enable it to perform the duties imposed upon it by law.

## Section Z-100.1320. through Section Z-100.1350. (Reserved)

## Article XV. Board Of Zoning Adjustment

### Section Z-100.1360. Creation; Membership.

[Zoning Ordinance, 1-20-2021]

There is herewith created a Board of Zoning Adjustment consisting of five (5) residents, all of whom shall reside in the unincorporated areas of the Township, and not more than one (1) of whom may be a member of the Township Zoning Commission. Members shall be appointed by the Township Board, provided that no elected officer of the Township, or employee of the Township shall serve as a member of the Board of Zoning Adjustment.

### Section Z-100.1370. Appeals Board.

[Zoning Ordinance, 1-20-2021]

The Board of Zoning Adjustment shall exercise its powers as an appeals board subject to the provisions of Section 65.690, RSMo.

### Section Z-100.1380. Compensation.

[Zoning Ordinance, 1-20-2021]

Members of the Board shall serve without compensation, but may be reimbursed for expenses incurred for attendance at not more than four (4) meetings per year in an amount set by the Township Board, not to exceed ten dollars (\$10.00) per meeting.

### Section Z-100.1390. Term.

[Zoning Ordinance, 1-20-2021]

The members of the first Board appointed shall serve respectively: one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, and two (2) for four (4) years. Thereafter, members shall be appointed for terms of four (4) years each. Members shall be removable for cause by the Township Board upon written charges and after public hearing. Vacancies shall be filled by the Township Board for the unexpired term of any member whose term becomes vacant.

## Section Z-100.1400. Chairman And Vice Chairman.

[Zoning Ordinance, 1-20-2021]

A Chairman and Vice Chairman shall be elected from among the members and a Secretary shall be appointed who need not be a member of the Board of Zoning Adjustment. The Chairman, or in his or her absence the Vice Chairman, may administer oaths and compel the attendance of witnesses.

## Section Z-100.1410. Meetings.

[Zoning Ordinance, 1-20-2021]

All meetings of the Board of Zoning Adjustment shall be open to the public and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the Township Board and shall be a public record.

## Section Z-100.1420. Powers.

[Zoning Ordinance, 1-20-2021]

A. The Board of Zoning Adjustment shall have and exercise the following powers:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by a zoning official in the enforcement of the Township zoning regulations.
2. To hear and decide all matters referred to it which it is required to determine under the zoning regulations adopted by the Township Board as herein provided.
3. Where, by reason of exceptional narrowness, shallowness, shape of topography or other extraordinarily or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted herein would result in peculiar and exceptional difficulties or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Township zoning regulations and map.
4. Economic considerations alone shall not constitute a hardship if reasonable use for the property exists under the terms of the ordinance. No variance may be granted which would allow any use that is prohibited in the zoning district in which the property is located. The Board of Zoning Adjustment may impose conditions in the granting of variances to ensure compliance and protect adjacent properties in the public interest.
5. The applicant for a variance which, in the opinions of the Board of Adjustment, may result in a material adverse effect on the environment may be requested by the Board to demonstrate the nature and extent of the effect.
6. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision of determination appealed from and may make such order, requirement,

decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

## Section Z-100.1430. Hearings And Appeals.

[Zoning Ordinance, 1-20-2021]

- A. Appeals to the Board of Zoning Adjustment may be taken to any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the Zoning Administrator in administering the Township zoning regulations.
- B. Appeals shall be taken within a period of not more than three (3) months, and in the manner provided by the rules stay all proceedings in furtherance of the action appealed from, unless the Board of Adjustment certifies that by reason of facts stated in the certificate a stay would cause imminent peril to life or property.
- C. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit.
- D. The Board shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons for the decision shall be stated in writing. The Board shall record the vote for each member on each question, or if absent or failing to vote, indicating such fact. All records shall be open to the public and shall be immediately filed with the Township Clerk by the secretary of the Board of Adjustment. Meetings shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. All meetings and hearings shall be conducted in conformance with the provisions of the Missouri Open Meeting Law,<sup>[1]</sup> Section 610.010 et seq, RSMo., and any additions or amendments thereto.  
 [1] *Editor's Note: See the Open Meetings Records Law.*
- E. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board of Adjustment may appeal to the Township Board for review.
- F. Any person aggrieved by a decision of the Township Board may present to the Circuit Court of DeKalb County, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Upon the presentation of the petition, the court shall allow a writ of certiorari directed to the Board of Adjustment or the Township Board, respectively, of the action taken and data and records acted upon, and may appoint a referee to take additional evidence in the case. The court may reverse or affirm or may modify the decision brought up for review. After entry of judgment in the circuit court in the action in review, any party to the cause may prosecute an appeal to the appellate court having jurisdiction in the same manner now or hereafter provided by law for appeals from other judgments of the Circuit Court in civil cases.

## Section Z-100.1440. Due Consideration.

[Zoning Ordinance, 1-20-2021]

The Board shall always act with due consideration toward promoting the public health, safety and convenience, and welfare, thereby encouraging the most appropriate use of land consistent with the comprehensive plan.

## Section Z-100.1450. through Section Z-100.1480. (Reserved)

## Article XVI. Fees, Charges And Expenses

### Section Z-100.1490. Schedule Of Fees, Charges And Expenses.

[Zoning Ordinance, 1-20-2021]

The Colfax Township Board shall establish a schedule of fees, charges and expenses for permits, certificates, appeals, and other documents and actions required by the provisions of this Chapter. This schedule shall be available in the office of the Zoning Administrator. No permit, certificate or variance shall be issued unless such fees, charges or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Adjustment unless or until fees, charges and expenses have been paid in full.

## Section Z-100.1500. through Section Z-100.1520. (Reserved)

## Article XVII. Violations And Penalties

### Section Z-100.1530. Complaints Regarding Violation.

[Zoning Ordinance, 1-20-2021]

Whenever a violation of this Chapter occurs or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator, stating fully the causes and basis thereof. The Zoning Administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provisions of this Chapter and the provisions of Section 65.697, RSMo.

### Section Z-100.1540. Unauthorized Zoning Map Changes.

[Zoning Ordinance, 1-20-2021]

Any unauthorized change in the Official Zoning Map shall be considered a violation of the provisions of this Chapter.

### Section Z-100.1550. Conformity With Zoning Regulations Required.

[Zoning Ordinance, 1-20-2021]

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the provisions of this Chapter.

### Section Z-100.1560. Additional Remedies.

[Zoning Ordinance, 1-20-2021]

In addition to all other remedies, the Township Board may institute appropriate action or proceedings to prevent, restrain, correct or abate violations or threatened violations and it is the duty of the Township's Attorney to institute such action, under the provisions of Section 65.697, RSMo.

### Section Z-100.1570. Violation And Penalty.

[Zoning Ordinance, 1-20-2021]

- A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any other provision of this Chapter shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense.
- B. The fine for work that commences without proper building permit or other violations of the provisions of the ordinance shall be assessed as a double permit fee plus appropriate and necessary expenses.

## Section Z-100.1580. through Section Z-100.1600. (Reserved)

### Article XVIII. Severability

#### Section Z-100.1610. Severability Of Provisions.

[Zoning Ordinance, 1-20-2021]

In any case in which the provisions of this Chapter are declared by the courts to be unconstitutional or invalid, said ruling shall not affect the validity of the remaining provisions of the ordinance and to this end the provisions of this Chapter are declared to be severable.