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Cass County, Missouri
Zoning Department Procedures

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Part Two

Cass County, Missouri

Information Guide for Zoning Procedures

Contents Only List Here For Reference

The web site, casscounty.com, under the **Zoning** heading, and the **Procedures** subheading, contains this Information Guide. It describes the process flow for carrying out zoning actions, and provides and list of the typical submittal documents. The chapter headings are:

For Property Owners, Developers, Realtors, Architects, Engineers and Surveyors

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Part One:

ZONING DEPARTMENT PROCEDURES

The Zoning Department is charged with three major areas of responsibility by the Administration of the County. These are 1) the administration of Zoning Order and Subdivision Regulations that affect the dividing and use of property, 2) the management of the requirements of the Federal National Flood Insurance Program which related to the areas of the County most prone to flooding, and 3) the protection of the environment.

The Master Plan is the overall planning guide adopted by the County. It is based on population demographics, analysis of market and traffic factors and expected developments within the County. Developed by the Cass County Planning Board, the Master Plan considers these issues, and then attempts to plan for the most effective way for the County to deal with the issues and still provide a balance between the wide variety of interests of the residents of the County. Using the Master Plan as a basis, the Cass County Commission then adopts regulatory requirements in the form of two sets of ordinances, the **Zoning Order** and the **Subdivision Regulations**. These regulations complement those of the Road and Bridge Administration, the Building Codes Administration, the Health Department, the Assessor and Collector, and the Recorder.

The administration of the Zoning Order and the Subdivision Regulations is comprised of three main functions: the collection and maintenance of records of zoning actions, the application of the regulations, and the management of changes to land uses. As an historically agricultural economy and land use, the County is undergoing a transition such that it is impacted by new development as the population and the uses of the land change. Zoning actions began to be regulated in the 1960s, with the oldest record of a zoning action being April of 1960. Since then, there have been over 2700 separate actions, ranging from simple changes in a zoning designation, to the dividing of parcels, to the issuance of special use permits for a variety of uses ranging from cellular communication towers to quarries.

As a reference for residents, the general procedures to carry out a zoning action in the County are outlined in an [Information Guide](#) which may be found on the County web site at casscounty.com, by clicking on the **Zoning** heading.

Records

The records library of the Zoning Department is in a transition as the paper documents are being identified and then developed into electronic tracking records. The contents of these early files are original documents of a variety of sizes, shapes and conditions, as the information and procedures they represent were changing over the years. Although imperfect, they are the only record of these earlier zoning actions. Generally the completion of a zoning action produces documents that are then recorded through the County Recorder, such as a plan view of property with the various boundaries indicated, called a "plat".

In addition, there are sometimes additional documents recorded, such as descriptions of easements or other restrictions that are part of the property. However, these documents are only the finished product of the zoning action, while the original process may have included more of the relevant information from the zoning action process.

Any reference to or a search of these records begins with a description of the property. This is generally a recorded description which includes the reference to the surveying grid for the County and of the perimeter limits of the parcel itself.

The reference grid is the national system used to measure the entire area of the United States. It is comprised of a series of **Townships** which refer to strips of land running east to west. These are then numbered from south to north. Cass County contains Township No. 46 across the north, with Belton, Raymore and Pleasant Hill lying in this area. The next band to the south is Township 45, followed by 44, and then 43. Harrisonville lies across both 45 and 44. There is a small portion of Township 42 running along with the Grand River in the very southeast of the County.

In the east to west direction, there are divisions of land referred to as **Ranges**, usually 6 miles wide from east to west, beginning with Range 29 at the very east border of the County, and ending with Range 33 at the border with Kansas. Within each Township there are approximately 36 rectangles of land called **Sections**. They are numbered beginning with 1 in the northeast corner and running west, then dropping down one layer and running back east until number 36, which is usually the very southeast corner of each Township. Some Ranges have fewer than 36 sections due to irregularities of the original surveying dating to the mid 1800s. Generally each section is a mile on each side, or one square mile of land, 640 acres, 27,878,400 square feet. However, there are some anomalies in the layout of the grid, such that some sections may be larger or shaped more as a rectangle than a square.

Thus a reference to a **Township** and a **Range** is describing a specific rectangular area of about 36 square miles by locating it in a north-south and east-west direction. The **Section** number then locates a parcel of ground within one mile, anywhere in the County. From that grid, Surveyors are then able to add additional reference dimensions to locate and describe the shape and measurements of a parcel of land very precisely. This total description is generally referred to as a parcel's recorded or surveyed description, but is also frequently called a legal description.

All the County zoning records are identified and retrieved by the initial reference to the **Section, Township and Range**. In the case of groups of parcels that went through a zoning action to be defined as subdivisions, the individual parcels, or lots, also have been assigned a lot number. The terms parcel, lot and tract are more or less interchangeable. In establishing a tax identity for a given parcel, the County Assessor adds a further identification number, usually a multi-digit information code.

To request information from a prior zoning action file, or to determine designations for a specific parcel, the following information is used:

- 1) the initial reference to the Section, Township and Range is required, unless the property is located in a subdivision where the lot designations may be used,
- 2) the recorded property description where possible,
- 3) the property address,
- 4) a description of the total acreage,
- 5) an approximate date that a zoning action occurred
- 6) the name of the land owner at the time that zoning action occurred

Obviously, the more complete the information, the more successful the search is likely to be.

With the information above, a request for further investigation may be made by calling the Zoning Department at 816-380-8131, or by sending a facsimile request to the Zoning Department at 816-380-8130. Allow 2 or 3 business days for the search, and be sure to include your contact information for the results.

Application of Zoning Regulations

By Missouri Statute, Cass County, as a First Class Non Charter County, is enabled to establish a Planning Board and to regulate the division of and use of property within its jurisdiction. There are actually about 2 dozen statutes that define the County's authority, and these also proscribe the establishment of County ordinances and means of enforcement of those ordinances. The Zoning Order and Subdivision Regulations are enforceable ordinances, and as such, violations of these requirements are a misdemeanor and carry penalties when convicted through either the County or State Court system, which both hear such cases.

Zoning Order

The Zoning Order contains the regulations which apply to the zoning designations, to changes in those designations for a given parcel, and to a variety of more specific uses which occur in the County, including:

- Zoning District Designations
- Storm Water Management
- Flood Plain Management
- Special Use Permits
- Airport Overlay Districts
- Parking and Loading
- Signage
- Application

Zoning District Designations All parcels of land in Cass County are designated as one of general use types. These are:

Symbol	Name
A	Agricultural District, parcel of more than 20 acres
R-R	Residential—Rural District, parcels as small as 3 acres
R-S	Residential—Suburban District, parcels down to 1 acre in size
R-1	Single-Family Residential District, lots down to ¼ acre with public sewers
R-2	Two-Family Residential District
R-3	Multi-Family Residential District
M-U	Mixed Use of Residential, Commercial and Special Uses
M-P	Manufactured Home Park District
C-1	Local Business District, smaller commercial uses
C-2	General Business District, larger commercial, retail uses
I-1	Light Industrial District, small assembly businesses
I-2	Medium Industrial District, larger assembly and fabrication
I-3	Heavy Industrial District, large scale manufacturing

Surface Water Management regulations are the result of the United States Clean Water Act, which sets out very specific requirements for any kind of land use which may have an impact on the waters of the County and the State. The CWA recognizes that the water on the planet is the same water that has always been on the planet, and that it is an essential, life sustaining resource. The County is charged by the State with maintaining controls which will, as a minimum, reduce any polluting affect of any land use on those waters. This includes control of a range of potential pollutants, from waste oil to yard fertilizer, that may become a polluting agent as the result of a rainfall event.

Thus any new construction or use which disturbs the surface of the land and increases the potential for soil erosion, or any modification within 75 feet of any stream within the County are regulated activities. As such, they require various levels of planning and approval by the County, State or Federal authorities.

Flood Plain Management regulations are the result of the installation of the National Flood Insurance Program, which makes it possible for residents to purchase flood insurance. In order to maintain this eligibility, the County is required to have in place and enforce specific requirements related to any land use which may affect, or be affected by, the potential for flooding. The County has two principle watersheds which direct all the waters falling on better than 90% of the land mass of the County. These are the Big Creek watershed in the eastern third of the County, and the Grand River Basin in the remainder. The areas which, by NFIP standards, have a 1% chance of a major flood event, often referred to as the “100 year flood” are regulated. Land lying at this elevation has a higher likelihood of flooding. Of course, the probabilities are not 1 flood every 100 years, but rather the chance each year of a flood reaching that elevation level.

All construction and other activities which occur in any area designated by the National Flood Insurance Program, by means of the Federal Emergency Management Agency, as having a significant potential for flooding are regulated. The County is charged with this responsibility and has in place permitting requirements for such activities. The principal informational tool is the mapping system developed by the Program. The County purchases this NFIP mapping for the unincorporated areas in order to have a basis for evaluations and these regulations. This mapping is available on-line at www.msc.fema.gov at the Map Service Center.

The designations of these maps determine the flooding probability, not the historic record. A given parcel may not have experience flooding to that level in many years. However, flooding is the result of the amount of rain falling into that specific catchment area, how fast it gets into the stream, and how fast the stream carries it. Therefore, on any given day, the amount of rain that gets into the stream actually determines the likelihood a flood condition.

The most usual evaluation performed by the Zoning Department in this regard is a review of the relationship on a site of any proposed construction or soil disturbance activities to any designated NFIP flood areas and to streams. All applications for building permits are reviewed in this way, as are other structures, buildings and ponds. In each case, an application is made to the Codes Enforcement department, and then forwarded to the Zoning Department as part of the review process. The Codes office is available at 816-380-8134.

The installation of a septic system requires the same evaluation. The documents needed to evaluate the property are the property description mentioned above, a site plan with the residence, the proposed components of the septic system, any other bodies of water located, and the property lines and any easements located. The plan drawing must be dimensioned for each of these elements so that their position in relationship to any regulated areas can be determined. The documents may be submitted directly to the Zoning Department or to the Health Department. The review normally requires two days, and the documents are then forwarded back to the Health Department. The Health Department may be reached at 380-8425

With the information listed on Page 3 above , a request for further investigation of the flood plain areas may be made by calling the Zoning Department at 816-380-8131, or by sending a facsimile request to the Zoning Department at 816-380-8130. Allow 2 or 3 business days for the search, and be sure to include your contact information for the results.

Some other less typical zoning actions and designations are:

Special Use Permits provide for temporary authorization by the County for specific uses which, by their nature, require continuous authorization by other regulatory bodies, or which create a potential for a negative impact on other uses in the region. Such permits include detailed conditions and requirements that are incumbent on the user, to keep the use consistent with the public interest.

An Airport Overlay District is the definition for those areas around the Harrisonville community airport. Through a series of regulations, an attempt is made to keep the uses on the property adjacent to the Airport compatible with the safety and user needs of the Airport.

Parking and Loading regulations define the specific requirements relating to vehicular uses in the County, in particular as they relate to other uses.

Similarly, Signage regulations define the specific requirements relating to placing signs within the unincorporated areas of the County.

Application of the specific requirements in the Zoning Order or Subdivision Regulations requires some definition of the condition, and a detailed location. With that information, the County may then notify the property owner of the nature of any non-compliant aspects of the property or the use of the land. Generally owner's are provided a few days to either take corrective action, or to set up a Compliance Action Plan with the County when there are more serious environmental concerns present. The Plan allows for a longer, County monitored corrective action, with a commitment by the owner to work toward correcting the problem.

Subdivision Regulations

As the division of any size of tract of land has the potential to change its use, and therefore to impact the adjacent land uses and rights of the population, the County has the responsibility to regulate these dividing actions in the interest of the public welfare. The Subdivision Regulations contain the requirements which supplement the Zoning Order as it relates to the division of property within the County. This regulation may be as simple as reviewing plans for dividing large tracts into forty or twenty acres to assure that the divider and any buyer is aware of their obligations under the Clean Water Act, NFIP or life safety codes.

For such dividing actions, of any size parcels, a standard property survey with lineal and angular dimensions is the minimum documentation required to be submitted to the Zoning Department. This survey will be reviewed to provide the owner with information regarding flood plain and stream buffer restrictions where they apply. This information will be forwarded back to the owner prior to recording of the survey.

When parcels a smaller than a full 20 acres, there is an impact on the zoning designation for the parcel, and therefore there are more involved steps to be followed. Where the intent is the immediate sale and use of the newly created parcels, the Subdivision Regulations establish detailed requirements to regulate the features of the newly created parcels and their uses.

Any such uses which will result in construction activity will be subject to the building codes as adopted by the County, life safety codes as they relate to public safety, and the sanitation requirements of the County.

Management of Changes to Land Use

Zoning Actions require a variety of procedures, and these zoning actions and the documents required for them are described in the Zoning Order and Subdivision Regulations, and also briefly discussed in the *Information Guide* mentioned above and available on the Cass County Web Site. The dividing of tracts of land, as noted above, comprises the majority of zoning actions, and the most common action, is a subdivision of a single property into two, a Lot Split. Most such Zoning Actions require 6 weeks from application through the date of the public hearing before the Planning Board, and following hearing before the County Commission.

Multiple Lot Subdivisions and Special Use Permit actions require two such sets of hearings by the Planning Board and either the Commission or the Board of Zoning Adjustment in order to be completed. The first describes the conceptual project and the second set requires more fully defined conditions of the project to be heard. By establishing a conceptual first step, the costs to the applicant to present the proposed plan for public review are limited. Following an acceptance of the conceptual project for a subdivision or specific use, the full development of the engineering and design required to actually implement the project, with the respectively higher costs, may then be pursued by the applicant.

Amendments to the zoning designation for a specific parcel, often called a “rezoning” is another common action. This action uses as it’s basis the current Master Plan. This Plan identifies areas of the County in terms of land areas called Tiers. The characteristics of the Tiers describe the kinds of uses which are most common, and most desirable for the public welfare from a planning perspective, to occur in each area. Thus the Urban Service Tiers are the areas immediately around the urban areas, where the land uses are mostly residential, and may also include services, schools, utilities and business uses which are essential parts of the urban environment.

Surrounding the Urban Service Tier are transitional areas referred to as Mixed Use Tiers. These encompass areas of land which surround the cities and urban areas, and may include uses more common to the urban environment, and also uses which are related to the rural area. Frequently the Mixed Use Tier areas also contain, or follow along with the main transportation routes, in particular the roadways within the County. Lastly, and most remote from the cities and urbanized uses, is the Rural Preservation Tier, where uses that are most directly involved in rural agriculture and low density residential single family uses are considered most desirable and consistent with the public interest. Thus the Tiers are used as a means to relate general descriptions of planning goals to specific geographic areas.

In terms of specific regulations and controls over land uses, Cass County designates and describes land uses as a variety of types. These are *agricultural*, four definitions of *residential uses*, two definitions of *commercial uses*, three of *industrial uses* that are listed above. In addition, there is a process whereby several uses may be blended, and designated as a *mixed use*. These designations apply to specific parcels of ground because the County has not elected to designate any area of land or a zone as being of one or the other type of designation until the owner of the land chooses to seek a different use for a parcel. Thus there are not large areas of land that are predetermined and designated at industrial or commercial. An example would be parcels adjoining a rail line of State or Federal Highway.

There are about 46,888 parcels in the County as of 2009. The County has jurisdiction over the parcels of land lying outside of recognized municipalities. At present, a total list of the specific, individual parcels that have been designated as a commercial or industrial zoning is under development. Approximately 130 parcels in the County areas have already been designated by their owners as commercial, and another 35 or so that are industrial. In addition, there are about 90 special use permits, and almost a third of these are cell tower locations. Thus, while an individual parcel can be investigated for any previous zoning actions, by the end of 2009, there will be a mapping of all of the commercial, industrial and special use permit locations. For the balance of the 46,000 or so, those of greater than 20 acres are designated as agricultural, and the rest, less than 20 acres, are considered as residential.

The procedures for identifying any use or zoning designation for a specific parcel are identical to those for researching information from a previous zoning action because it is the same process. Refer to the Records notes above to determine what information will be required in order to provide information about a zoning designation.

Under the Master Plan revision being developed, there will be two new Tiers added. One is the Transportation Tier. It will designate a strip of land on either side of Route D and the KC Southern rail line as being the focus of industrial and commercial development, and these uses will be encouraged to locate within this corridor. Similarly, along Route 71, which is being converted to Interstate 49, similar uses will be encouraged. The intent is to recognize that, with the major rail and truck hub developing at the former Gebaur base, and the fact that KC Southern owns track from deep inside Mexico up into Canada, that these corridors are likely to see such development anyway. The County hopes to be proactive in planning for this by designating these Tiers.

The second new Tier is an Environmental Focus Tier. Currently the County attempts to prevent damage to our streams and stream side environment by limiting construction. Limits on the use of flood plain areas are already required by the Federal regulations. These areas will become part of a designated Tier, where only agricultural and low density residential uses will be encouraged. As available water supplies get more critical, the protection of open bodies of water gains in importance.

Also within the Tier will be sites that are best suited for the future development of fresh water reservoirs. The County has for several years promoted the use of completed quarry sites to lake development. Other geographically suitable sites will be included in this focus. In addition, by working with existing groups, such as the Thomas Hart Benton Chapter of the Sierra Club, South Grand Alliance and Nature Conservancy, the County hopes to be able to identify smaller, more specialized environmental areas which require some level of protection. Wetlands and specialized habitat within the County are very dispersed, but no less valuable. The goal of this Tier is to bring to the public awareness the need to take care with these areas, and take steps to both preserve them and make them compatible with other uses .

For Property Owners, Developers, Realtors Architects, Engineers and Surveyors In Cass County

Cass County, Missouri, maintains a program for the control of real estate activities in order to define land uses in the context of the entire county. Changes in land use are thereby managed, such that the impact and cost of those changes in use is kept in balance with the existing community. To that end, the County Administration has developed regulations and procedures to integrate new development in ways that maintain the health, safety and rights of all land owners within the County. These also serve to manage the impact of new land uses within the areas of the county that are subject to storm water and flood plain management.

This guide provides an overview of that program and should expedite the process of complying with the program for those interested in developing new residential, commercial and industrial uses of land within the County.

The Cass County Master Plan provides a description of the goals of the planning and zoning program, and the Zoning Order and Subdivision Regulations provide the detailed regulations. Contact the Planning and Zoning Department regarding these documents.

Suggested Step by Step Procedures

Initial Planning

Businesses and individuals who are interested in land use in the County will follow the typical planning steps of: examining permitted land uses, specific project planning, interface with regulatory health and safety requirements and final project implementation. In Cass County this process should begin with an investigation into the activity being considered, and even the specific land chosen for the new use, as they relate to the existing County regulations relating to land use. From this exercise there are three important kinds of information that may impact the project:

1. Existing land use, in the form of present designated zoning for a parcel
2. Location of specific property in relation to the flood plain and watershed, as regulated by the County, State and Federal Governments
3. Available utility services for domestic and fire protection water and for waste and storm water management.

Recommended Step One

The Planning and Zoning Department will assist in evaluating property, based on a property description, in relation to the existing designated zoning and flood plain areas of the County. Interested parties should contact the Zoning Department as soon as they have specific sites to be considered. Land areas which may be near the flood plain can be evaluated, and the impact to the proposed project of the federally mandated flood plain management and County storm water and stream buffer regulatory approaches can be reviewed.

Note: *All divisions of property into smaller parcels intended for sale and development are described as Zoning Actions in the Zoning Order. In addition, most Zoning Action Applications will require submittal of documents confirming that the impact of flood plain or stream protection issues have been resolved at the time of the application acceptance.*

Recommended Step Two

Each of the municipalities within Cass County govern zoning, water supply and waste water management systems within their area boundaries. In addition, the County Zoning Department regulates the management of storm water on parcels of land, and activities related to the flood plain areas of the County, as required by State and Federal regulations. While there is not a county operated waste water processing facility, disposal of waste water is regulated by the County Health Department in conjunction with the Missouri Department of Natural Resources. Interested parties should contact the Health Department (tel: 816-380-8425) or MoDNR (tel: 816-622-7000) to review implications of sewage treatment requirements of the project being considered. Access to State and Federal highways requires prior approval by those relevant agencies. Documentation of that process will be required for Zoning Actions accessing these routes.

The County is divided into several rural water supply and fire protection-ambulance districts. The Cass County Code Enforcement Department regulates the specific code based standards for fire protection water supplies and delivery systems, including requirements for documentation of the flow rates available from the various Water Districts, according to the current building codes in force in the County.

It is recommended that the Codes Department (tel: 816-380-8134) be contacted to learn what documentation is required, and then the appropriate water district be contacted to discuss the availability of supplies and distribution systems for domestic water and water flow rates suitable for fire protection.

Required Step Three

If a specific site has been selected, and information regarding available water supplies has been identified, interested parties should then contact the County Codes Department to arrange an informational meeting.

Generally this meeting will assist in evaluating the health and safety issues related to the planned use of the project and the adopted building codes in use in the County. This step will also provide some direction relevant to the water, fire protection and waste water design requirements for the project. The relationship of the project use and construction aspects, if a structure is a part of that use, may be developed and the relevant code compliance issues reviewed at this early stage in the planning.

Note: *most Zoning Action Applications will require submittal of documents confirming that issues of domestic and fire protection water design issues have been resolved with the Codes Department at the time of the application acceptance.*

Required Step Four

Following Steps One, Two and Three will assist in providing a well planned project with the minimum of effort and cost impact to the applicant. Following these steps, the interested parties will be better able to assess the benefits in continuing with the actual project. If that is the case, the County zoning regulations that affect the use of the land will apply to the project and should be evaluated in detail.

Step Four requires an in depth discussion with the Zoning Department to clarify any procedures which may apply, prior to actually making an application.

1. For example, for most zoning action for projects where the site ground surface will be disturbed, the County and the Missouri Department of Natural Resources have standards for the design of a storm water management and soil conservation plan for the entire site, and protective buffering for active streams.
2. In addition, the Federal flood plain insurance program has requirements relating to actions within the flood plain areas of the County.
3. Both the Missouri Department of Transportation and the County Road and Bridge Department regulate road access points which may affect parcels of land.
4. Also, the County has established several zoning classifications under the broader headings of residential, commercial and industrial land uses. These are defined in the Zoning Order and include specific requirements related to the land use for projects.
5. In 2005, the County put in place a Road Impact Fee to be applied for any zoning action which creates a new parcel of land or new use within the County. This Fee is required before any such zoning action is finalized. The Fee for a newly created residential parcel is \$1001. New commercial or industrial parcels or Special Use Permits have Fees based on the nature of the Use involved, with each situation requiring a serious of evaluations of the Impact by the County Commission. Contact the Zoning Department for further information regarding these fees.

Some or all of these standards may apply to the land being considered as part of the new Zoning Action.

Following the discussion in Step Four, proposed Zoning Actions will be required to follow an application process, including the submittal of various documents which help define the project. On the following pages are definitions and summaries of some specific documents required for various Zoning Actions.

When the Owner or his agent elects to make an application, they should arrange an appointment with the Zoning Department and be prepared to present all of the required documents and fees as a complete package in order for the submittal to be considered for placement on an Agenda of the Cass County Planning Board. The Board meets monthly, typically on the fourth Tuesday of the month. The deadline for the submission of applications is approximately 30 days prior to that meeting. In the case of larger, more complex proposed projects, the review of the submitted information may require a longer period of time.

Note: *Most Zoning Actions occurring near municipal areas in the County will require submittal of documents to those jurisdictions for a review period prior to any scheduling.*

The Zoning Department will review the project in relation to the submittal requirements and make a determination if it will be placed on the Agenda. If so, the Planning Board will be provided the information and will review the submittal prior to holding the actual Planning Board Meeting for the purposes of a public hearing regarding the project. Following that hearing, the Board will make a recommendation to either the Cass County Commission or the Board of Zoning Adjustment (BZA) regarding the requested action for the project. In a public meeting approximately ten days following the Planning Board Meeting, the Commission or BZA will consider the recommendations and the merits of the proposed project.

The Schedule of Meetings, along with the submittal date for applications for each meeting is available from the Zoning Department.

Please note these definitions:

Types of Zoning Actions:

Zoning Amendment (Rezoning) Action: formally creating a zoning designation where none exists, or changing an existing zoning designation for a parcel of land. Such changes become legal and are recorded in the public record. The County does not contain pre-zoned districts of parcels because each parcel and use is considered separately.

Some General Requirements of Property Divisions:

- a. *Minimum lot size with an on site septic underground system is 3 acres. Evaporation pond systems are limited to parcel of 5 acres or more.*
- b. *All lots created must have direct, owned access to a public road. Easements are not acceptable for this requirement..*
- c. *All lots created must meet a 4 to 1 length to width ratio, with a minimum frontage width of 100 feet at the building line, which is the setback line from the front of the parcel at the road.*
- d. *Lots which front on two streets have a 50 foot setback on each of those sides*

- e. *Rear setbacks on lots are typically 50 feet. Existing and new R-1 subdivisions will have different requirements.*
- f. *All parcels, regardless of size must have a residence in place before an accessory building may be added. Farm accessory buildings for agricultural use are not subject to this requirement.*
- g. *Uses are those permitted by the current ordinances. Typically parcels which are designated as residential may only have residential uses unless specific permitting is in place. There are no “grandfathered” uses that are not compliant with current flood plain, surface water and other zoning ordinance restrictions designed to protect the environment and the public health and welfare..*
- h. *Limited accessory uses, considered home occupations, are permitted by the County under specific conditions. Contact the Zoning Department for details.*
- i. *For zoning purposes, Agricultural designates parcels of 20 full acres or more. Parcels that are less than 20 full acres may not maintain commercial farming or agricultural operations without special permitting.*
- j. *For Agricultural parcels of 25 full acres or more, the farm house 1) with an acceptable septic system and 2) five contiguous acres 3) with direct access to a public road may be divided from the parent tract without a zoning action 4) so long as the house was constructed prior to February 2005 and no previous zoning action has occurred. Such a division of property requires 5) a survey sketch of the full parent tract and 6) a standard survey of the residential parcel. The residential parcel will then be designated as Residential Rural.*

Lot Splits: the division of a tract of land into no more than two parcels of land. Requirements will include a Type 1 survey of the full parcel of land if there are no structures existing, or a Type 2 survey if there are. This survey is of the existing parent tract, designating the septic system on it, as well as the portion intended to be divided. A lot split zoning action is permitted one time. Any future divisions will be classified as Minor or Major Subdivisions with the additional requirements of those designations.

Mixed Use Development: the development of a tract of land by designating a zoning district definition and including a developed set of additional conditions, the Overlay. Such development may contain more than a single kind of use, such as both subdivisions of residential parcels and other commercial or industrial type land uses. Such Mixed Use Developments include large scale planning of the overall project, usually including creating utility and road infrastructure within the boundaries of the project, as well as parcel definitions that may vary from the uniform zoning district standards. A single zoning district designation is established for the background, and then the additional uses are defined by conditions and regulations that supplement this designation. Mixed Use projects follow a two step preliminary and final process, and are subject to Road Impact Fees.

Subdivision: the division of a tract of land into parcels of 40 acres or less for the purposes of transferring the ownership of the parcels. As practiced in Cass County, a subdivision may involve 2 or more parcels of land and will be usually be considered by the Planning Board in two stages, Preliminary and Final, with each stage following the process of a public hearing before the Planning Board and the Commission . A subdivision generally includes utility, road construction or other infrastructure within the boundaries of the tract or which is required in order to serve the new parcels. These improvements are at the expense of the land divider, and surety for their completion will be required by the County.

Minor Subdivision: the division of a tract of land as a subdivision as described above, which affects no more than 5 parcels or lots. When any new road, fire protection or utility construction within the boundaries of the project property is required, such a land division must be considered as a Subdivision and requires two separate applications. Where the County has determined that no such improvements will take place, the County may designate the processing of the zoning action for this size project as a single application process, a Final action by the Planning Board. Thus the submittal requirements are similar to those fully defined documents provided for a Final submittal for a Subdivision, but are processed over a reduced period of time.

Conceptual and Special Use Permits: a permit, including specific conditions, which allows a specific use of land in ways that may vary from the designated zoning standards. The Permit is issued to a specific owner for a specific use. The process begins with an application for a Conceptual Use Permit made to the Planning Board. The applicant submits documentation that describes the proposed use in general terms, with schematic site and construction aspects, such that the project may be evaluated and determined to be generally acceptable, without the expense of fully engineering the project. If the Concept complies with the regulations and is recommended for approval by the Board, and then approved by the Commission, the applicant may then go forward with developing the details of the use.

This more detailed and completed information is then provided in a second Application, for a Special Use Permit. When approved, a Special Use Permit, much like a contract which details the conditions of the use imposed by the regulations or the Commission, is drafted for signature by the Applicant and the Commission. The Permit is then issued for a one year period. At the anniversary date, the Permit is reviewed administratively for continued compliance, with no limit on the number of years it may be renewed. As requirements for this Zoning Action, as contained in the Zoning Order, are extensive, all such Applications require prior approval by the Zoning Department before making an Application.

Flood Plain Permit: a permit required for any disturbance or construction on any land located within the areas, as determined by the Federal Emergency Management Agency (FEMA), that the National Flood Insurance Program considers to be within the flood plain in Cass County. Disturbance of existing ground surfaces is only allowed when the area in question has established a Base Flood Elevation and the proposed disturbance has been evaluated and accepted by the Zoning Department using procedures required by FEMA. Applications for any

Definitions of Submittal items for Zoning Actions:

Authorization: a document that designates an individual to represent all the recorded owners of a parcel of land. Each of these owners must have signed this document to confirm their agreement to this representation.

Certified List: a list of property owners of land within 1000 lineal feet of the subject property. This list and a map, which together indicate the location of all the surrounding parcels, are required to be prepared by a land title insurance company and certified as being complete. The list must also include all the owners of record of the subject property, which would correspond with the names on the Authorization. The applicant for a zoning action will be required, following acceptance of the application, and fifteen days prior to the Planning Board Meeting, to mail by certified receipt, a letter of notification of the public hearing provided to the applicant by the Zoning Department. This letter, provided by the Zoning Department at the time of application, will be sent by the applicant or their designated representative to each of these adjacent owners, to the relevant water, school, fire protection and ambulance districts, any municipality within 1.5 miles and any mortgagor with an interest in the property. Receipts indicating this mailing will be supplied by the applicant at the Planning Board Meeting.

Covenants: Subdivisions of more than 2 lots are required to develop and record covenants which describe any restrictions on the uses or actions relating to parcels within the tract. The Application process requires that all proposed actions be certified by the Applicant to be in compliance with any such requirements that may already exist.

Plats: A plat is a plan drawing, prepared in order to define the configuration of land in a graphic format that is suitable for fully defining the property parcels and for recording these definitions in the public record.

Preliminary Plat: plan drawings which show the proposed design of land use, parcels and structures for the proposed project and the existing conditions relevant to it. This preliminary plat need not be based on actual, current site surveys of the land, and is generally schematic. It is usually used for projects with more than 5 parcels which will have new roads or sewer utilities within the boundaries of the project. Maximum size drawings included for an application will be 24" x 36".

Final Plat: a final version of the design of the land use, structures and other improvements for the project for which a Preliminary Plat action was undertaken. This drawing does require, and uses as a basis, a physical survey of the property. Maximum size drawings included for an application will be 24" x 36".

Plat Drawings and Survey Standards:

Type 1 Plat	Size: 24" x 36"	Scale of 1" = no more than 100'
Description:	Only used if there are no existing structures or utility structures on the	

land. Prepared by a licensed surveyor, it generally does not require a new physical measurement of a property. It must be signed and dated by the surveyor.

It must include: a) the recorded property description in relation to boundaries, b) the scale, both dimensioned and graphic, c) a north arrow, d) dimensioned boundaries of the land, e) approximate location of any recorded flood zones, roads, or easements.

Type 2 Plat Size: 24" x 36" Min Scale of 1" = 100'

Description: Used if there are existing structures or utility structures on the land.

Prepared by a licensed surveyor, based on a current physical measurement of a property within the previous 90 days, it is signed and dated by the surveyor. It is recommended that this drawing be used in conjunction with a Title Opinion in order to more fully define all the conditions of the property. The Type 2 plat must include: a) the recorded property description, b) the scale, dimensioned and graphic, c) a north arrow, d) dimensioned lots, e) roadways, f) easements and setbacks, g) dimensioned boundaries of the land based on an accurate survey, giving angular and linear dimensions of the boundaries and monuments, h) existing structures, utilities, utility structures and other physical features occurring on the property, i) flood zones, dimensioned and identified.

Site Plan: plan drawings of the following types, prepared in order to define features on a piece of land. Maximum size drawings included for an application will be 24" x 36".

Topographical: a site plan showing existing topography with changes of elevation of various amounts indicated. Preliminary versions may use elevation intervals of 10 feet, as readily available from USGS mapping, and may be in a schematic form. Final versions of topographical Site Plans will be required to use intervals of 2 feet and are prepared by a surveyor or engineer. For areas where overall ground levels do not change, spot elevations should be indicated.

Construction: a site plan showing existing and proposed structures and other physical features to be added to the land, such as utilities. Preliminary versions may not require preparation by an engineer or architect and may be in a schematic form. Final Submittal versions of construction Site Plans are fully dimensioned and show all existing and proposed construction, utilities, signage, landscaping and other features of the project. They are to be prepared by an engineer or architect and may be combined with the topographical plans, provided the information for each use is clearly identifiable.

Surface Water Management Plan (SWMP): a Site Plan that encompasses the entire area of land being addressed in the zoning action and describes the plan for managing the storm water impact and drainage on the land. The Federal Clean Water Act mandates control requirements over drainage that may affect the public waterways to minimize the effects of the flow of water and the potential for pollution of the waters of the State.

For properties where the zoning action subdivides that larger property into parcels, and these may be sold individually following the zoning action, the SWMP will generally govern the management of the storm water on all of the individual parcels, regardless of subsequent changes in ownership. These restrictions will be included in the recorded documents defining the property. Maximum size drawings included for an application will be 24" x 36". The intent is to manage the storm water and soil erosion in as large and effective an area as practical.

Note: The County will require confirmation of compliance with these plans once they have been accepted. Fees for compliance inspections have been established by the Commission under separate order.

As an example, when a property is changed to a commercial or industrial zoning classification, and includes smaller parcels, these may be sold separately. Following an approved zoning action, each parcel may proceed with an individual usage, including construction of facilities. The County will require, prior to making application for a Building Permit for that parcel, that the owner seeking a building permit provide a detailed SWMP for that parcel. This individual SWMP would be required to be integrated into the overall SWMP and must be submitted to the Zoning Department.

Preliminary SWMP: a Site Plan schematically describing how rainfall water is intended to be managed within the boundaries of the overall property that is part of the zoning action, so as to have no deleterious effect on adjoining property. Preliminary versions may not require preparation by an engineer or architect.

Final SWMP: The information and design described by the final version of the Plan must be in compliance with the Missouri Storm Water Pollution Prevention Plan and have been prepared by a licensed civil engineer. In some areas of the County, such as the Mount Pleasant, Raymore and Big Creek townships, the requirements of Section 5100 and 5600 of the Kansas City Metropolitan Chapter of the Association of Public Water Authorities (APWA) are also enforced by the County. Projects may be required to provide a copy of the permits issued by the State and the Corps of Engineers, the 401 and 404 Permits. In special situations, the 402 Permits are also required. A reference contact for the Missouri Department of Natural Resources (MoDNR) is listed in the Appendix.

Final versions of the SWMP are fully dimensioned and also show existing and proposed drainage, storm water containment structures, pollution control structures and systems and existing or proposed paving for the land. Management of erosion during construction will also be defined in this plan.

Title Opinion: a report prepared by a licensed title company which defines recorded ownerships, easements and other encumbrances which affect the land in question. It is typically prepared in advance of the issuance of insurance for the title to the land. This report, used in conjunction with a survey, provides the most complete definition of the historic and current aspects and conditions of a property.

All documents listed for a specified zoning action are required to be submitted at the same time. An appointment should be established with the Zoning Department and the complete package below submitted. Incomplete submittals and submittals sent via mail or via facsimile will not be accepted.

ZONING AMENDMENT (REZONING)ACTION

1. Completed Application form.
2. Certified list of owners of the land in the application, signed and notarized, designating a Representative to act for them. Mortgagors holding an interest in the property are to be identified and signatory if required by their interest.
3. Certified list and map of adjacent property owners, within 1000 feet, prepared by a title insurance company.
4. 2 copies 11" x 17" maximum and 2 copies 24" x 36" maximum of a Type 1 Plat, if land is vacant and without structures, or Type 2 plat.
5. Applicant may be required to submit 2 copies of a preliminary of a 24" x 36" Storm Water Management Plan if zoning action involves subdivisions, or property designated as commercial or industrial. *Note: Development of this plan is the responsibility of the applicant and may require engineering services.*
6. Copy of approval by MoDOT for any access required to State routes.
7. Copy of paid County real estate taxes for previous year.
8. Title Opinion is recommended and may be required.
9. Fees in the form of cash, check or money order.

LOT SPLIT SUBDIVISION

1. Completed Application form. *Note, if property has been previously divided by a zoning action between February 1, 2005 and the current date, it must be considered and processed as a subdivision. Contact the Zoning Department.*
2. Certified list of owners of the land in the application, signed and notarized, designating a Representative to act for them. Mortgagors holding an interest in the property are to be identified and signatory if required by their interest.
3. Certified list and map of adjacent property owners, within 1000 feet, prepared by a title insurance company.
4. 2 copies 11" x 17" maximum and 2 copies 24" x 36" maximum of a Type 1 Plat, if land is vacant and without structures, or Type 2 plat.
5. Applicant may be required to submit 2 copies of a preliminary of a 24" x 36" Storm Water Management Plan if zoning action involves subdivisions or property designated as commercial or industrial zoning. *Note: Development of this plan is the responsibility of the applicant and may require engineering services.*

6. Copy of approval by MoDOT for any access required to State routes. Properties accessing the County road system will be required to conform to the standards of the Road and Bridge Department.

CASS COUNTY

PLANNING AND ZONING DEPARTMENT

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LOT SPLITS, continued.

7. Copy of paid County real estate taxes for previous year.
8. Title Opinion is recommended and may be required.
9. Fees in the form of cash, check or money order. *Note: Road Impact Fees, when due for parcels of land created by the Lot Split, will be due and payable following an approval by the Planning Board and prior to the review by the Cass County Commission, generally in the week following the Board meeting..*

MINOR SUBDIVISION / FINAL PLATS

1. Completed Application form.
2. Certified list of owners of the land in the application, signed and notarized, designating a Representative to act for them. Mortgagors holding an interest in the property are to be identified and signatory if required by their interest.
3. Certified list and map of adjacent property owners, within 1000 feet, prepared by a title insurance company.
4. 2 copies 11" x 17" maximum and 3 copies 24" x 36" maximum of a Type 2 plat. See *Note 2 below*.
5. 3 copies 24" x 36" of a topographical Site Plan, indicating contours at a minimum of 10 foot elevation change intervals. See *Note 1 below*.
6. 2 copies 11" x 17" and 3 copies 24" x 36" of a construction Site Plan indicating proposed improvements. *May be combined with the topographical Site Plan. See Note 1 below.*
7. 2 copies 11" x 17" and 3 copies 24" x 36" a Storm Water Management Site Plan. *Note: Development of the final version of this plan is the applicant's responsibility and may require technical services at the applicant's expense. See Definitions and Note 1 below.*
8. A final resolution of the permitting action where areas of the flood plain are affected by the proposed project will be required.
9. Documentation of the resolution of water or septic system design solutions acceptable to the Codes and Health Departments is required.
10. Draft copy of subdivision covenants and restrictions relating to the project.
11. Copy of paid County real estate taxes for the previous year.
12. Title Opinion is recommended and may be required.
13. Fees as shown in Appendix C in the form of cash, check or money order.

Note 1: Final versions of a) the topographical and construction improvement Site Plan(s), b) water and septic system designs acceptable to the Heath and Codes Depts., c) the Storm Water Management Plan, d) acceptance and permit by MoDNR for the Storm Water Plan: will be required following an approval by the Cass County Commission of the proposed project and prior to recording of any documents.

Note 2: a) Final versions of the Type II Plat, 3 full size and 2 11" x 17" size paper copies and 2 full size mylar transparencies with signature blocks suitable for recording , b) Road Impact Fees and c) sureties for improvements will be submitted: following an approval by the Cass County Commission of the proposed project and prior to recording of any documents.

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PRELIMINARY PLATS for a Subdivision

1. Completed Application form.
2. Certified list of owners of the land in the application, signed and notarized, designating a Representative to act for them. Mortgagors holding an interest in the property are to be identified and signatory if required by their interest.
3. Certified list and map of adjacent property owners, within 1000 feet, prepared by a title insurance company.
4. 2 copies 11" x 17" maximum and 3 copies 24" x 36" maximum of a Type 2 plat.
5. 3 copies 24" x 36" of a preliminary topographical Site Plan, indicating contours at a minimum of 10 foot elevation change intervals. *See Note 1 below.*
6. 2 copies 11" x 17" and 3 copies 24" x 36" of a preliminary construction Site Plan indicating proposed improvements. *May be combined with the topographical Site Plan. See Note 1 below.*
7. 2 copies 11" x 17" and 3 copies 24" x 36" a preliminary Storm Water Management Site Plan. *Note: Development of the final version of this plan is the responsibility of the applicant and may require engineering services at the applicant's expense. See Definitions and Note 1 below.*
8. Documentation of the resolution of water or septic system design solutions acceptable to the Codes and Health Departments is required.
9. Copy of paid County real estate taxes for the previous year.
10. Title Opinion is recommended and may be required.
11. Fees as shown in Appendix C in the form of cash, check or money order.

FINAL PLATS for a Subdivision

1. Copy of completed Application.
2. Certified list of adjacent property owners, within 1000 feet, prepared by a title company. *Required only if the Final Plat is being sought more than 60 days following County Commission approval of the Preliminary Plat.*
3. 2 copies 11" x 17" and 3 copies 24" x 36" of a Type 2 plat if any changes have occurred on the property since the Preliminary Application. *See Note 2 below.*
4. 3 copies 24" x 36" of a topographical Site Plan, indicating contours at 2 foot elevation change intervals. *See Note 1 below.*
5. 2 copies 11" x 17" and 3 copies 24" x 36" of a construction Site Plan indicating proposed improvements. *May be combined with the topographical Site Plan. See Note 1 below.*
6. 2 copies 11" x 17" and 3 copies 24" x 36" a Storm Water Management Site Plan. *Note: Development of the final version of this plan is the applicant's responsibility and may require technical services at the applicant's expense. See Definitions and Note 1 below.*
7. A final resolution of the permitting action where areas of the flood plain are affected by the proposed project will be required.
8. Documentation of the resolution of water or septic system design solutions acceptable to the Codes and Health Departments is required. *See Note 3 below.*
9. Draft copy of subdivision covenants and restrictions relating to the project.
10. Copy of paid County real estate taxes for the previous year.
11. Title Opinion is recommended and may be required.
12. Fees as shown in Appendix C in the form of cash, check or money order. *See Note 2.*

Note 1: Final versions of the topographical and improvement Site Plan(s) and the Storm Water Management Plan will be required following approval by the Planning Board of the proposed project and prior to review by the Cass County Commission. Prior to beginning construction, submittal of the MoDNR surface disturbance permit will be required. See Definitions.

Note 2: a) Final versions of the Type II Plat with signature blocks suitable for recording and b) the Covenants with a cover page as required by the Record of Deeds and, c) Road Impact Fees and d) sureties for improvements, if required, will be required: following an approval by the Cass County Commission of the proposed project and prior to recording of any documents.

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CONCEPTUAL and SPECIAL USE PERMIT

Minimum Typical Requirements. Contact Zoning Department Before Applying

Part 1, Conceptual Use

1. Completed Application
2. Certified list and map of owners of the land in the application of a list of adjacent property owners, within 1000 feet, prepared by a title insurance company.
3. 2 copies 11" x 17" maximum and 3 copies 24" x 36" maximum of a Type 2 plat with all structures indicated. *Note, not required for Residential Special Needs Application. Contact the Zoning Department for details of this submittal.*
4. A written description of the proposed Use.
5. 2 copies 11" x 17" and 3 copies 24" x 36" of a conceptual construction Site Plan showing proposed improvements. (See Note 1,2)
6. Applications for a Residential Special Needs may require additional medical certifications.
7. 2 copies 11" x 17" and 3 copies 24" x 36" of a preliminary Storm Water Management Plan with topography indicated at 10 foot contour intervals. *Note: Development of this plan is the responsibility of the applicant and may require engineering service at the applicant's expense. Final versions of the Storm Water Management Plan are required to be prepared by an engineer and to demonstrate acceptance and permitting by MoDNR. Contact the Zoning Office regarding the specific use. (See Note 1,2)*
8. Final resolution of the permitting action where areas of the flood plain are affected by the proposed use will be required
9. Fees in the form of cash, check or money order. (See Note 3)

Note 1: For Uses which will require only the Conceptual Use hearing, and not a Special Use Permit hearing, this document may be required following the Board Meeting and prior to issuance of the actual Permit documents.

Note 2: Final versions of the topographical and construction Site Plan(s) b) the Storm Water Management Plan will be required following the submittal for the actual Special Use Permit. Uses which involve access and use of the roadways may involve Road Impact Fees and approval by the Missouri Dept. of Transportation. Contact the Zoning Office regarding the specific use.

Note 3: Uses which involve access and use of the roadways may involve Road Impact Fees and approval by the Missouri Dept. of Transportation. Contact the Zoning Office regarding the specific use. If required, Fees will be determined and required by the Commission prior to issuance of the Permit document.

Part 2, SPECIAL USE PERMIT

Minimum Typical Requirements: Following acceptance of a Conceptual Use Application by the BZA, an application for consideration of a formal Special Use Permit shall be filed with the Zoning Officer. It shall include sufficient evidence, as determined by the County, submitted as a complete submittal, to show that the use will conform to the standards and conditions as established by the Planning Board or BZA, and to show that the use will conform to the standards set forth in the Special Use Permit Article of the Zoning Order. The Application details will be provided by the Zoning Officer following acceptance of the Conceptual Use Application by the BZA, and including and not limited to the submittal documents identified below.

- 1) Completed Application
- 2) If there has been any change in ownership, a revised list of owners of the land in the application, signed by all individuals named in the deed, and notarized, and designating a Representative to act for them.
- 3) If more than 90 days have passed since acceptance of the Conceptual Use application by the Commission, any additions or alterations to the List of adjacent property owners within 1000 feet of the subject property shall be provided and the Applicant shall cause a new notification to be provided by mail as described in these regulations.
- 4) If the land proposed for the Use is not owned directly by the Applicant, then documentation of the leasing or other arrangements allowing the use of the land by the Applicant, as authorized by the owners of the land as noted above, is required.
- 5) A narrative description of the use, defining hours of operation, enclosed and open storage requirements, proposed arrangements for loading and unloading and delivery and shipping of materials or products of the Use shall be provided.
- 6) A narrative description of the utility services required for the use prepared by the design services responsible for those utilities required by the Use. Accompanying this narrative shall be documentation of the availability and proposed means by which those utilities are planned to serve the Use.
- 7) A narrative description of the use any materials on the site which are considered hazardous by health or safety administrations of local, State or Federal authorities. Materials or conditions present on the site as a consequence of the Use on that site creating a similar consideration by authorities are included. Where such materials are expected to be present, evidence of permitting as required by such organizations shall be required.

- 8) Such description shall include electrical, radio, magnetic or other wave action present due to the Use.

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- 9) 2 copies 11" x 17" and 3 copies 24" x 36" Topographical Site Plan, indicating contours at a minimum of 2 foot elevation change intervals where necessary to develop site gradient characteristics. (See Note 1)
- 10) 2 copies 11" x 17" and 3 copies 24" x 36" Construction Site Plan(s) and Specifications indicating proposed improvements and describing them sufficiently to provide the information required in Part B, Site Characteristics and Use Impact Characteristics, above. Such site plans shall indicate the interior and exterior lighting in relationship to the ambient conditions. (See Note 1)
- 11) Plans shall also indicate the potential for noise generation and related it to ambient conditions at the site.
- 12) 2 copies 11" x 17" and 3 copies 24" x 36" of the Final Storm Water Management Site Plan. (See Note 1)
- 13) Such other supporting documents as required by the County in order to provide an understanding of the conditions related to proposed use.
- 14) Documentation of any surety as required by the County for the installation of any aspects of the use.
- 15) Fees in the form of cash, check or money order. (See Note 2)

Note 1: Final versions of the topographical and construction Site Plan(s) and b) the Storm Water Management Plan, will be required following the approval of the Special Use Permit by the BZA, and prior to issuance of the Permit document.

Note 2: Uses which involve access and use of the roadways may involve Road Impact Fees and approval by the Missouri Dept. of Transportation. Contact the Zoning Office regarding the specific use. If required, Fees will be determined by the Commission prior to issuance of the Permit document.

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Lee Morris, Cass County Flood Plain Administrator

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Date

Historic Courthouse, 102 E. Wall Street, Harrisonville, MO. 64701 Tel: 816-380-8131 Fax: 380-8130

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