



Christian County Commission

100 West Church St, Room 100
Ozark, MO 65721

Meeting: 06/17/19 08:25 AM

Department: County Clerk

Category: Meeting Items

Prepared By: Madi Hires

Initiator: Madi Hires

Sponsors:

SCHEDULED

MEETING ATTACHMENTS (ID # 5083)

DOC ID: 5083

Meeting Attachments

ATTACHMENTS:

- Bishop Construction - Pavement Marking - Renewal (PDF)
- EMA - Emergency Spending Order - Fully Executed (PDF)
- BID - DeWitt & Associates - Jail Leak Repair (PDF)
- Zoning Regulations - Article 2 - Definitions, Interpretations, and Standards (PDF)
- Zoning Regulations - Article 26 - Medical Marijuana Regulations (PDF)
- Order No. 06-17-19-01 - Adoption of Amendments to the Zoning Regulations (PDF)



CHRISTIAN COUNTY COMMISSION

100 W Church Street, Room 100

Ozark, Missouri 65721

Phone: 417-582-4300 • Fax: 471-581-5924

Ralph Phillips
Presiding Commissioner

Hosea Bilyeu
Western Commissioner

Mike Robertson
Eastern Commissioner

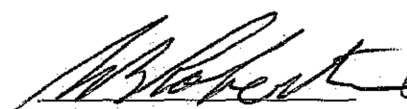
17 June 2019

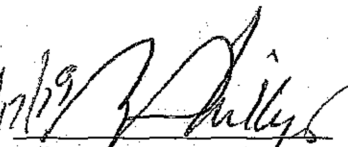
Bishop Construction Company
Attn: Richard Fulp
23499 Lawrence 1230
Aurora, MO 65605
sherifulp@gmail.com

Mr. Fulp,

The Christian County Commission voted in session to renew the bid for pavement marking and striping to Bishop Construction Company. This is the final renewal under the current contract. We thank you for your continued service to Christian County.

Sincerely,


Mike Robertson
Eastern Commissioner


Ralph Phillips
Presiding Commissioner


Hosea Bilyeu
Western Commissioner

ORDER REGARDING EMERGENCY MANAGEMENT FOR CHRISTIAN COUNTY, MISSOURI

WHEREAS, the Missouri Revised Statutes Chapter 44.080 gives authority for organization of local emergency management agencies to be organized and perform emergency management functions; and

WHEREAS, to protect the health and safety of persons and property during an emergency or disaster resulting from man-made or natural causes.

There is hereby created within and for the territory of Christian County, Missouri, an emergency management agency to be known as the Christian County Office of Emergency Management.

Section 1. Regulations Continued in Effect

All ordinances, resolutions, motions, and orders pertaining to civil defense, emergency management, and disaster relief, which are not in conflict with this chapter, are continued in full force and effect. Such ordinances, etc., are on file in the office of the County Clerk.

Section 2. Emergency Management and Response Powers

1) Departmental Standards

- A) ***Functions of the Office of Emergency Management.*** The Christian County Office of Emergency Management (OEM) shall perform emergency management functions as directed by local procedural standards, orders, and ordinances as directed by the County Commission.
- B) ***Membership of the Office of Emergency Management.*** The Christian County OEM shall consist of a director and additional members sufficient to carry out departmental duties. These additional members will be appointed by the director.
- C) ***Oath.*** No person shall be employed or associated, in any capacity, with the Christian County OEM who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this state or the overthrow of any government in the United States by force or violence. No person shall be employed or associated with the Christian County OEM who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in a capacity with the Christian County OEM shall, before entering upon his/her duties, take an oath, in writing, before the Clerk of Christian County. The oath shall be substantially as follows:

I _____ do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of a political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such a time as I am a member of the Christian County Office of Emergency Management, I will not advocate the overthrow of the government of the United States or of this state by force or violence.

D) Appointment and Duties of the Emergency Management Director. The Director of the Christian County OEM will be appointed by the Christian County Commission. Duties of the Director include, but are not limited to:

- 1) Coordinate daily community mitigation and preparedness activities, localized emergency response activities, recovery coordination efforts, and the participation in regional emergency management activities.
- 2) Direct responsibility for the organization, administration, and operation of all local emergency management activities and coordination of those activities with all county departments.
- 3) Develop and promulgate emergency plans for the County, including planning for joint action with municipalities consistent with the state plan of emergency management.
- 4) Coordinate and assist in the development of joint action municipal emergency management plans within the County and integrate such plans with the County plan.
- 5) Direct the County and joint action municipality emergency management planning programs.
- 6) Coordinate the County and joint action municipalities emergency actions and coordinate the non-joint action municipal emergency actions within the County.
- 7) Maintain all relevant disaster preparedness planning documents for the community.
- 8) Activate the Emergency Operations Plan (EOP), as deemed necessary for the community-wide coordination of resources in the event of a threatened or actual incident.

- 9) Maintain continual state of readiness of the central disaster community coordination center known as the Emergency Operations Center (EOC).
- 10) Activate the EOC as deemed necessary for the community-wide coordination of resource in the event of a threatened or actual incident.
- 11) Maintain liaison and cooperate with emergency management agencies and organizations both governmental and non-governmental in other cities, counties, states, and the federal government.
- 12) Maintain records and the accounting for the use and disposal of all equipment placed under the jurisdiction of the Christian County OEM.
- 13) Maintain records and the accounting of grants placed under the jurisdiction of the Christian County OEM.
- 14) Serve as the County Coordinator for implementation of the National Incident Management System (NIMS), which is the federal system to coordinate emergency preparedness and response for all levels of government.
- 15) Perform such other duties related to emergency management as may be required by the Christian County Commission or any municipality acting under a joint action municipal emergency management ordinance which has appointed the County's emergency management director as its Director of Emergency Management.

E) *Declaration of Local Emergency*

- 1) *Grant of Authority.* In the event of a threatened or actual disaster or emergency, which may result in the large-scale loss of life, injury, property damage or destruction, or major disruption of the routine community affairs, businesses, or governmental operations in Christian County, and which is sufficient in severity and magnitude to warrant extraordinary assistance by federal, state, and/or local departments and agencies to supplement the efforts of available public and private resources the Presiding Commissioner or designee may declare a local emergency for Christian County, Missouri. The form of the declaration shall be similar to that provided in subsection (2C) of this document.
- 2) *Commission Line of Succession.* In the event that the Presiding Commissioner is unavailable or incapacitated by the emergency event, the Associate Commissioners, in order of seniority, shall serve as the designee. If both Associate Commissioners are available, the declaration will be made in concurrence from both Associate Commissioners. If there are no Commissioners available to make a local emergency declaration, the responsibility will be that of the Sheriff. If there are no Commissioners or Sheriff available to make a local

emergency declaration, then the responsibility will be that of the Director of the Christian County Office of Emergency Management.

- 3) *Request for State Assistance.* Consistent with a declaration of local emergency, the Presiding Commissioner or designee may request the Governor to provide assistance. This may be done provided the disaster or emergency is beyond the capacity of the County to adequately meet and State assistance is necessary to supplement local efforts to save lives and protect property, public health and safety, or to avert or lessen the threat of a disaster.
- 4) *Continuance.* The declaration of local emergency shall continue until the Presiding Commissioner or designee finds that emergency conditions no longer exist. No state of local emergency shall continue for longer than 30 days, unless renewed by the Presiding Commissioner or designee. The County Commission may end a state of local emergency at any time.
- 5) *Effect of Declaration of Local Emergency*
 - (a) *County Business.* Upon declaration of an emergency or disaster by the Presiding Commissioner, the affairs and business of the county may be conducted at places other than the regular location, when it is not prudent, expedient, or possible to conduct business at the regular location.
In accordance with Missouri Revised Statutes 610.020, if the incident prevents posting notice 24 hours in advance or prevents the meeting from being held at a convenient time or in a place reasonably accessible to the public, the reasons should be stated in the meeting's minutes. When such meetings occur, all actions taken by the County Commission shall be as valid and binding as if performed at or during regular proceedings. Such meetings may be called by the Presiding Commissioner or any two members of the County Commission.
 - (b) *Purchasing.* Upon declaration of a state of emergency or disaster by the Presiding Commissioner or if there exists a threat to life, property, public health or public safety as determined by the Presiding Commissioner or if sufficient time does not permit the Presiding Commissioner to make such determination, then in that event the Director of the Christian County Office of Emergency Management may determine that the immediate expenditure of County funds is necessary for repairs to County property, to maintain public health and safety or minimize serious disruption in County services. In such instances, the County Commission may waive the requirement of competitive bid or proposals for supplies or services when the immediate expenditure is necessary in accordance with Section 50.780, RSMo. The Director of the Christian County Office of Emergency Management shall be permitted to make emergency procurements of goods or services without the requirement of competitive bid or proposals for supplies when immediate expenditure is necessary, provided the amount of such emergency procurements does not

exceed one percent (1%) of the emergency fund appropriation for the current fiscal year as established by Section 50.540(4), RSMo. Emergency procurements shall be made with as much competition as practical during the emergency incident. As soon as possible, a record of each emergency procurement, either by the County Commission or the Director of the Office of Emergency Management shall be made and include the contractor's name, the amount and type of the contract, and a listing of the item(s) procured under the contract, the nature of the emergency and the vote approving the procurement shall be noted in the minutes of the next regularly scheduled meeting of the Christian County Commission.

- (c) *Code Enforcement.* Upon declaration of a state of emergency or disaster by the Presiding Commissioner, the County Commission may temporarily suspend the enforcement of the orders of the county, or any portion thereof, where the emergency is of such nature that immediate action outside the code is required, such suspension is consistent with the protection of the public health, safety and welfare, and such suspension is not contradictory with any deferral or state statutes or regulations.
- (d) *Fees.* Upon declaration of a state of emergency or disaster by the Presiding Commissioner, the County Commission may temporarily reduce or suspend any permit fees, application fees, or other rate structures as necessary to encourage the rebuilding of the areas impacted by the disaster or emergency. The term "fees" include fees or rates charged by the county for building permits, land disturbance permits, zoning applications, special land use permits, temporary land use permits, and other fees relating to the reconstruction, repair, and clean up the areas impacted by the disaster or emergency. The term "fees" does not include fees collected by the county on behalf of the state or federal government or fees charged by the county pursuant to a state or federal statute or regulation.
- (e) *Temporary Dwellings.* Upon the declaration of a state of emergency or disaster by the Presiding Commissioner, the county or its designees may issue temporary permits for a mobile home, trailer, recreational vehicle, or other temporary dwelling structures in any zoning district, even though not otherwise permitted by county regulations, while the primary dwelling is being repaired. The temporary permit shall not exceed six months in duration. Upon expiration of the temporary permit and/or extension, the temporary dwelling must be removed.
- (f) *Emergency Management Director.* Following a declaration of emergency, the Emergency Management Director or designee is authorized to have and may exercise for such period as the declared emergency exists or continues, the following additional emergency powers:

- Coordinate the County and joint action Municipalities emergency actions and coordinate the non-joint action municipal emergency actions within the County.
- To implement local emergency measure which protect life and property or to bring the emergency situation under control. In exercising this authority, the Emergency Management Director or designee may cause to become effective the authorities of this order as appropriate.
- To activate the local EOP and shall be the authority for the deployment of personnel and use of any forces to which the plan applies and for use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to Chapter 44, RSMo., or any other laws, orders, or ordinances applicable to emergencies or disasters.
- To enter at a reasonable time upon any property, for the purpose of damage assessment and inspecting sites involved in or damaged by a declared disaster.
- To arrange agreements to use property for the purposes of emergency management activities on behalf of the County; however, any such document shall be later presented for ratification by the County Commission.
- To direct and compel the evacuation of all or part of the population from any stricken or threatened area, for the preservation of life or other disaster mitigation, response, or recovery.
- To prescribe routes, modes of transportation, and destinations in connections with evacuation.
- To make provision for the availability and use of temporary emergency housing, emergency shelters, and/or emergency medical shelters.
- To transfer the direction, personnel, or functions of any county departments and agencies, or units thereof, for the purpose of performing or facilitating emergency services.
- To utilize all available resources of the county and subordinate agencies over which the county has budgetary control as reasonably necessary to cope with the emergency or disaster.
- To obtain or utilize public or private property when necessary to cope with the emergency or disaster or when there is compelling necessity for

the protection of lives, health and welfare, and/or the property of citizens.

- To suspend any order, code provision, or regulation prescribing the procedures for conduct of county business, or the orders, rules, or regulations of any county agency, if strict compliance with any ordinance, resolution, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster, provided that such suspension shall provide for the minimum deviation from the requirements under the circumstances and further provided that, when possible, specialists shall be assigned to avoid adverse effects resulting from such suspension.
- To provide welfare benefits to citizens upon execution of an intergovernmental agreement for grants to meet disaster-related, necessary expenses or serious needs of individuals or families adversely affected by an emergency or disaster in cases where the individuals or families are unable to meet the expenses or needs from other means, provided that such grants are authorized only when matching state or federal funds are available for such purposes.
- To perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population, including individuals with household pets and service animals prior to, during, and following a major disaster of emergency.

II) Form of Declaration

Upon the declaration of local emergency, an official "Declaration of Local Emergency;" in substantially the same form set forth below, shall be signed and filed in the office of the County Clerk and shall be communicated to the citizens of the affected area using the most effective and efficient means available. The Declaration shall state the nature of the emergency or disaster and the conditions that require the Declaration.

DECLARATION OF LOCAL EMERGENCY

WHEREAS, the County of Christian, State of Missouri has experienced an event of critical significance as a result of [Description of Event] on [Date]; and

WHEREAS, in the judgment of the Presiding Commissioner of the County of Christian, there exists emergency circumstances located in [Describe Geographic Location] requiring extraordinary and immediate corrective actions for the protection of the health, safety, and welfare of the citizens of the County of Christian, including individuals with household pets and service animals; and

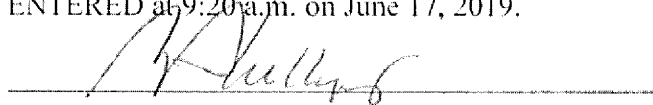
WHEREAS, to prevent or minimize injury to people and damage to property resulting from this event.

NOW, THEREFORE, pursuant to the authority vested in my by local and state law.

IT IS HEREBY ORDERED:

- 1) That the local Emergency Operations Plan is hereby activated;
- 2) That all necessary sections of the County of Christian Emergency Management Order will be implemented; and
- 3) That the following measures also be implemented: [If deemed appropriate, add items.]

ENTERED at 9:20 a.m. on June 17, 2019.



Presiding Commissioner, County of Christian, State of Missouri or designee

III) Contracts with Local Government

In addition to the normal agreements embodied in the local EOP for mutual emergency assistance, municipalities within Christian County may adopt joint action emergency management ordinances for the administration of a joint action emergency plan and response with Christian County's Office of Emergency Management.

Section 3. Closed or Restricted Areas and Curfews During an Emergency

- I) To preserve, protect, and sustain the life, health, welfare, or safety of persons, or their property, within a designated area under a declaration of emergency, it shall be unlawful for any person to travel, loiter, wander, or stroll in or upon the public streets, highways, roads, lanes, parks, or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, or any other place during a declared emergency between hours specified by the Presiding Commissioner until curfew is lifted.
- II) To promote order, protect lives, minimized the potential for looting and other crimes, and facilitate recovery operations during an emergency, the Presiding Commissioner shall have discretion to impose re-entry restrictions on certain areas. The Presiding Commissioner shall exercise such discretion in accordance with the local EOP, which shall be followed during emergencies.

III) The provisions of the section shall not apply to persons acting in the following capacities:

- A) Authorized and essential law enforcement personnel;
- B) Authorized and essential health care providers;
- C) Authorized and essential personnel of the County as approved by the County Commission or Emergency Management Director;
- D) Authorized National Guard or federal military personnel;
- E) Authorized and essential firefighters;
- F) Authorized and essential emergency response personnel;
- G) Authorized and essential personnel or volunteers working with or through an Emergency Management Agency;
- H) Authorized and essential utility repair crews;
- I) Other authorized and essential persons as designated on a list compiled by the Christian County OEM.

Section 4. Special Events

I) Definition

Special events are defined as an event, or series of related events, of cultural, civic, economic, social, recreational, or educational in nature, sponsored by an individual or individuals, a non-profit organization or community group, charitable organization or for-profit organization or group, that is (1) held wholly or partially on property owned or maintained by the County; or (2) held on any other property, and that requires, for its successful execution, the partial or complete closure of streets or sidewalks or the provision and coordination of government services to a degree over and above the level that the County normally provides. Special events also include any other organized activity that involves the use of, or has a direct or indirect impact on, public property or facilities or that can reasonably be foreseen to have such an impact on, or to require a higher level of public safety services or other municipal services, including advance planning services, that are normally provided by the County.

II) Authority of the Office of Emergency Management

Any special event, as defined above, shall require the OEM to conduct an evaluation of the need for coordinated planning and the potential for on-site public safety coordination operations during such and event organizational authority is mandated to participate and utilize the following:

- A) Pre-event planning, to include but not limited to meetings and planning sessions.
- B) On-site public safety resource coordination during the duration of the event as determined by the pre-event planning process.
- C) Post-event after action planning.

III) Funding Reimbursement

All activities related to planning, coordination, and response to the special event may be changed (using established departmental cost specifications) to the event organizational authority to be reimbursed to appropriate Christian County departmental budgets.


Section 5. Registration of Building and Repair Services

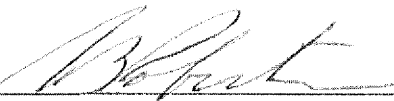
In accordance with County regulations, before building, constructing, repairing, renovating, or making improvements to any real property, including dwellings, homes, buildings, structures, or fixtures within an area in the county designated in a declared emergency or disaster, any person, firm, partnership, corporation, or other entity must follow County protocols and regulations.


BE IT FURTHER ORDERED that is this document shall become effective upon its approval.

SO ORDERED this 17th day of June, 2018 ⁷/_{RP} County of Christian, State of Missouri.

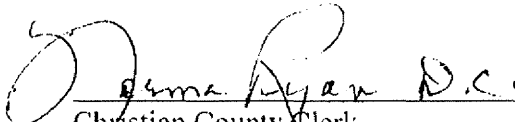
CHRISTIAN COUNTY COMMISSION

 6-17-2019
 Ralph Phillips
 Presiding Commissioner

 6-17-2019
 Mike Robertson
 Commissioner, Eastern District

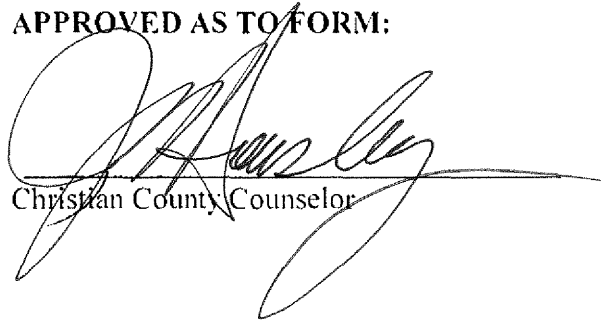
 6-17-19
 Hosea Bilyeu
 Commissioner, Western District

ATTEST:


Christian County Clerk



APPROVED AS TO FORM:


Christian County Counselor

JJJ'Christian County'OEOrder.REVISED 1.5.2012.434517.doc

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Attachment A

June 14, 2019

Christian County Commission
(Ralph Phillips, Hosea Bilyeu, Mike Robertson)

Re: **Christian County Jail Leak Repair Proposal**

Base Bid \$24,675.84 (Twenty Four Thousand, Six Hundred Seventy Five dollars & Eighty Four cents)

DeWitt agrees to provide material and labor to repair the water leaks at Christian County Jail located in Ozark, Missouri. This proposal is limited to the following clarifications/declarations AIA contract to be used Lump Sum? Billing 25th of each month

Inclusions/Clarifications:

1. No scheduled is identified in invitation to bid therefore DeWitt does not agree to the following sections
 - a. (25) Billing and Payments:
 - i. 2nd paragraph, exclude last sentence
 - b. (31) Liquidated Damages: excludes section in its entirety
 - c. (4) Product Samples- Will use same materials as on first part of project. No samples needed.
 - d. (16) Terms & Conditions DeWitt Attachment A, Exhibit A & B remains valid if accept bid.
2. Insurance – As per public ITB
3. Labor, materials, and equipment to install are same as DeWitt did before on east side of building, but jest rest of same red bands on South and West end.
4. Base Bid Amount based on evaluation of repair costs during DeWitt's evaluation on 1/16/19, and repairs started on east side of building.
5. Due to not knowing fully what is behind red band, proposal does not include any unforeseen items that wasn't included on east side when DeWitt fixed this area.
6. Excludes Sales Tax
7. Walkway Unloading, Assembly, and Installation is based on conditions being same as 137LF DeWitt fixed on east side of bldg..

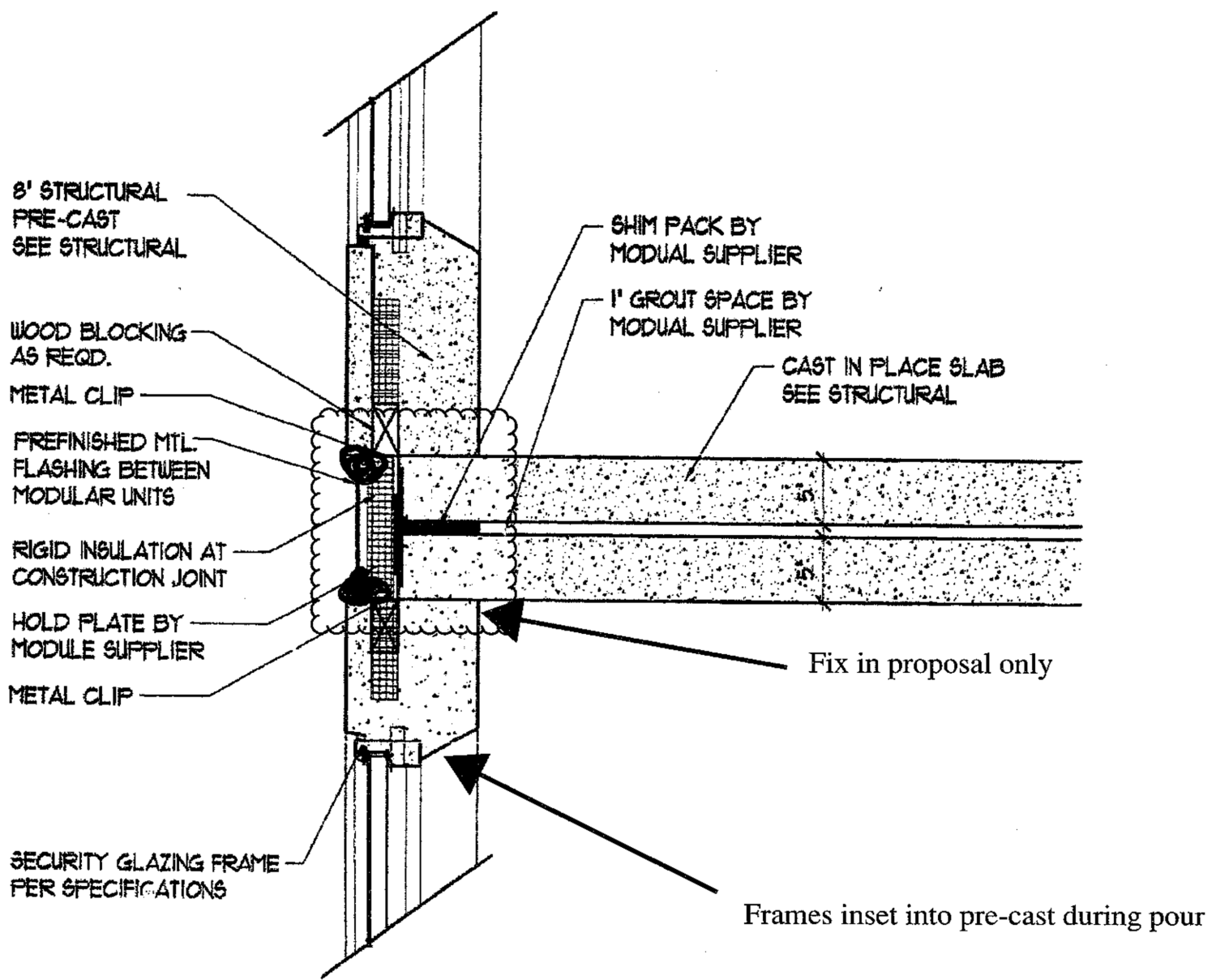
Should you have any questions or need any further clarification regarding our proposal or clarifications, I may be reached direct at 417-866-9060.

Approved by: _____ Date: _____

Regards,

Michael Sutton
Project Manager
DeWitt & Associates, Inc.
P 417.881.4820 | C 417.866.9060

Exhibit A



PRECAST REVEAL

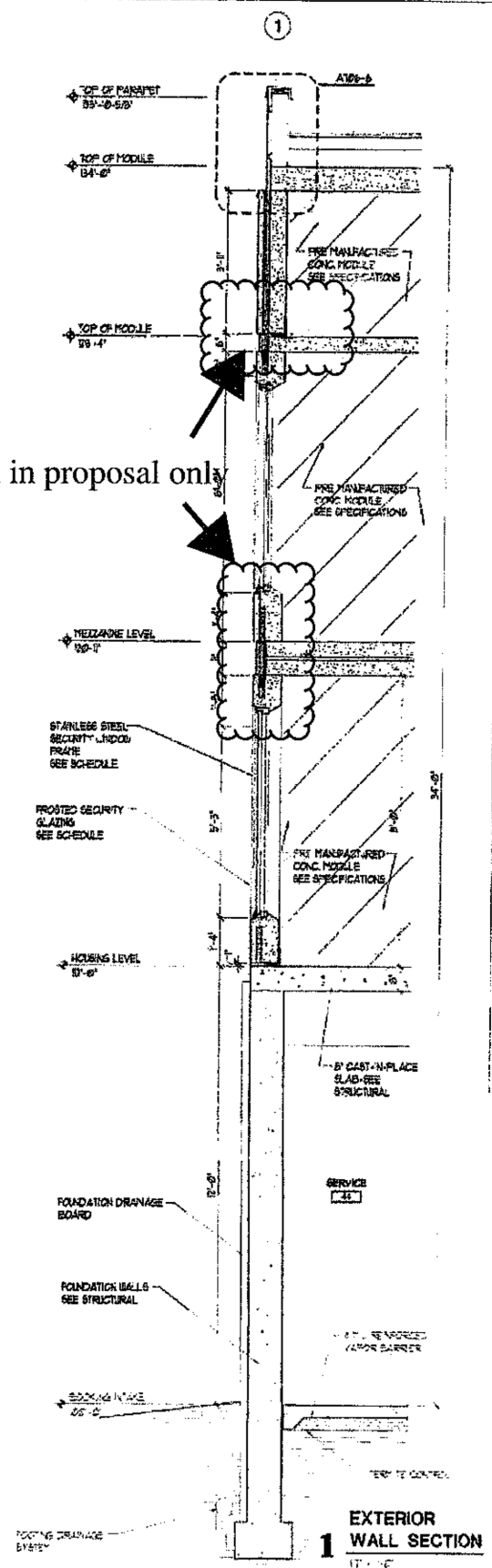
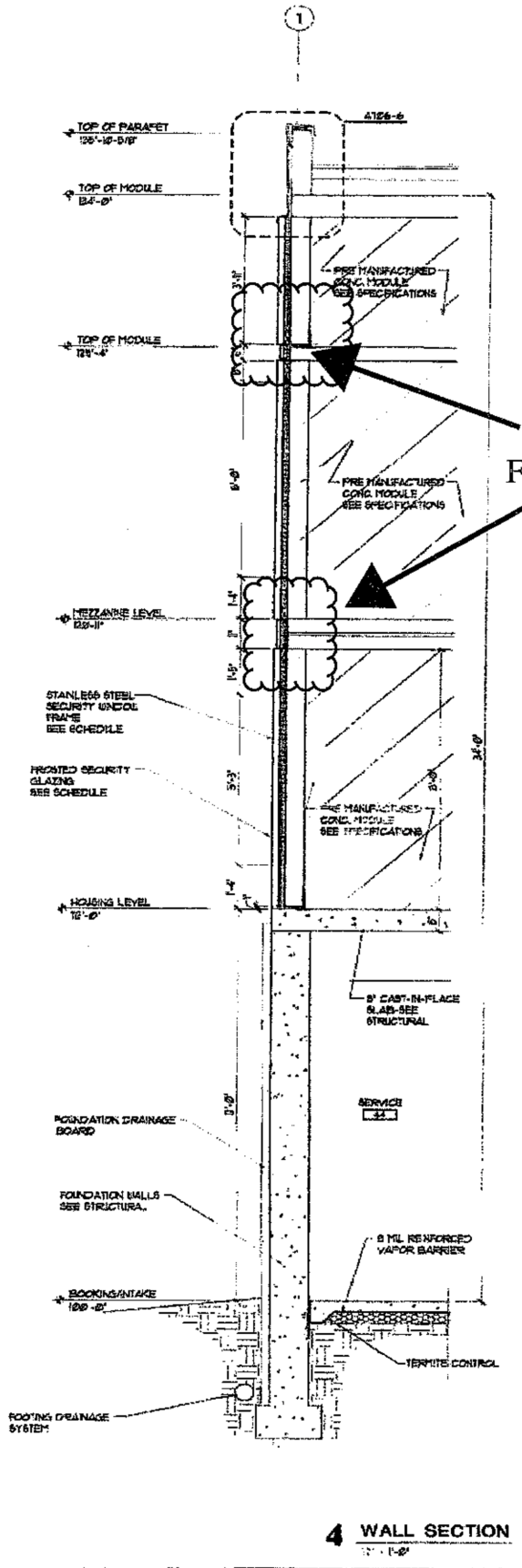


Exhibit C

Christian County Jail Leak fix Proposal

Line #	Materials	Quantity	Cost
1	Sheet membrane(patch large holes)	36x60 roll	\$290.00
2	Sheet membrane primer	5 gal	\$197.00
3	Barriseal ®	5 gal	\$260.00
4	4'x8'x2" blue board		\$120.00
5	brushes, rollers, rags,		\$50.00
6	color caulk, Traffic control,		\$250.00
7	Anchors/Rivets/mason bits		\$125.00
8			\$1,292.00
9	Equipment Rental		
10	Work Truck	2 month	\$900.00
11	Man basket/fuel	2 month	\$3,200.00
12			\$4,100.00
13	Labor		
14	1 men/40hr 8 weeks 40x8=320 hr	320	\$16,640.00
15	(\$52.00/hr)Union/PW rate		
16			
17			
18		Total	\$22,032.00
19		Insurance 1%	\$440.64
20		OH&P 10%	\$2,203.20
21		Grand Total	\$24,675.84

Proposal is to remove metal, fix behind red strip of metal where air/water may be getting in, and reinstall both bottom and middle red metal horizontal lines like as was done before only. Equipment rental is included.

Work perform before (\$5,583) **137LF**
 94hrs for 137 LF (94/137)
 How much is left to fix (have some promer left) **409LF** x \$4.00/lf = \$1,636 materials

Michael Sutton (Project Manager)

Product/Service	Size/Type	Frequency	Price (includes all fees)
Sheet membrane	36"x60' roll	Large holes	see below
Sheet primer/Bariseal	roll-on	Behind red band	see below
Blue Board	4x8x2"	behind red band	see below
Color Match caulking	tubes	upper/lower red red bands to seal	see below

Labor, materials, and equipment to install these products. See below attachment for more clarifications.


\$24,675.84

(38) Declaration: See Attachment A for declaration.

See Attached Exhibit A, B, & C for more clarifications

The vendor hereby declares understanding, agreement and certification of compliance to provide the items and/or services, at the prices quoted, in accordance with all terms and conditions, requirements, and specifications of this original invitation to bid. The vendor further agrees that upon receipt of an authorized purchase order from the Christian County Commission or when a Notice of Award is signed and issued by the Commission, a binding contract shall exist between the vendor and Christian County. Signature required below confirming understanding of this statement.

Doing Business as (DBA) Name DeWitt & Associates, Inc.	Legal Name of Entity/Individual Filed with IRS for this Tax ID No. DeWitt & Associates, Inc. 43-1006638
Mailing Address 1256 South Barnes Avenue	IRS Form 1099 Mailing Address 1256 South Barnes Avenue
City, State, Zip Code Springfield, Missouri 65804	City, State, Zip Code Springfield, Missouri 65804

Contact Person GR Stovall	Email Address grstovall@dewitt-associates.com
Phone number 417-881-4820	Fax number 417-881-8317
Authorized Signature 	Date June 17, 2019
Printed Name GR Stovall	Title President

List three (3) business references:

1st

Any additional information desired may be requested by mail to the address listed, or by telephone to 417-582-4300. Information requests may also be e-mailed to countycommission@christiancountymo.gov. This e-mail address is for information requests only and shall not be used for submission of proposals or modifications to proposals. Such submissions will be rejected and deleted without notification to the sending party.

Thank you for your consideration of this Invitation to Bid. We appreciate your participation in the bidding process.

CHRISTIAN COUNTY COMMISSIONERS
Ralph Phillips, Presiding Commissioner
Hosea Bilyeu, Western Commissioner
Mike Robertson, Eastern Commissioner

Bid Specifications

- Removal of both upper and lower red flashing.
- Repair behind flashing.
- Repair where air/water may be entering the building.
- Use sheet membrane to patch holes, and use membrane primer and air and vapor barrier (such as Barriseal).
- Reinstall and reseal all red flashing.
- Color match caulking.
- Contractor will provide all labor, equipment, and materials to complete the job.
- There is approximately 410 feet in need of repair.
- Note: Work will require some type of man-lift.

ARTICLE 2. DEFINITIONS, INTERPRETATIONS and STANDARDS

Section 1. General rules of construction

- A.** Certain words used in the Regulations have been defined in this Article. Where this is the case, they shall have the meaning given in the applicable Section of the Article.
- B.** Where words have not been defined, the standard dictionary definition shall prevail.
- C.** Where there is doubt, the Planning and Zoning Administrator shall have the right of interpretation. In construing the meaning of these Zoning Regulations, the following rules shall apply:
 - 1. Words used in the present tense shall also include the future tense.
 - 2. Words used in the singular number shall also include the plural, and vice versa.
 - 3. The word "**shall**" is mandatory.
 - 4. The word "**may**" is permissive.
 - 5. The words "**used**" or "**occupied**" shall be construed to include "intended, designed or arranged to be used or occupied."
 - 6. Where reference is made to either the Regulations or the Zoning Regulations, it shall be construed to mean the Christian County Zoning Regulations, recommended by the Planning & Zoning Commission, and adopted by the County Commission, as originally passed and all subsequent amendments, supplements, and revisions.
 - 7. Except where otherwise specified, the provisions of these Zoning Regulations shall be construed to mean the minimum standards and requirements adopted in pursuit of the purposes of these Zoning Regulations.

Section 2. Definitions

Accessory Use or Accessory Structure

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

Administrative Officer

The Planning & Zoning Administrator, who is charged with the administration of planning and zoning matters, and the Planning and Zoning Department.

Agriculture

1. The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for parking, treating or storing the produce or products;
2. provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
3. Animal feeding operations must conform to the Missouri Department of Natural Resources regulations pertaining to waste water management and odor control.
4. The cultivation and processing of marijuana for medicinal use as provided for in Article 26 is NOT considered an agricultural activity for the purposes of this definition.

Alley

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

Animal, Dangerous

Any animal that by its nature or design presents a physical danger. Specifically this includes predators and carnivores, plus any venomous or oversized animal and any other animal so designated by the Christian County Commission.

Apartment Hotel

A facility offering transient lodging accommodation to the general public and where rooms or suites may include kitchen facilities and sitting rooms in addition to the bedroom.

Basement

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

Bed-and-Breakfast Facility (also known as B&B)

A private home in which guests are accommodated in private bedrooms with private bathrooms, or in a suite of rooms including an *en suite* bathroom, or in private bedrooms with a bathroom that is shared with other guests. Breakfast may be served in the bedroom, a dining room, or the host's kitchen. B&Bs may be operated either as a secondary source of income or a primary occupation. The owners themselves must live in the private home, prepare the breakfast and clean the room, *et cetera*. If the B&B has hired staff for cleaning or cooking, the facility is no longer a B&B, but is a Hotel.

Beginning of Construction

The incorporation of labor and material for the purpose of placing or erecting a building or structure.

Billboard or Signboard

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

Board

The Board of Adjustment of Christian County, Missouri.

Board, Planning

See Commission, Planning and Zoning and Planning and Zoning Commission

Boarding House

See Hotel.

Building

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

Building Administrator

The public official designated by the Christian County Commission to issue building permits and carry out such inspections as required by the normal functions of the Building Inspections Department.

Building, Height of

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

Building, Nonconforming

A legally existing building that fails to comply with the provisions of these Zoning Regulations that is applicable to the zone in which such building is located.

Building, Principal

A building or buildings in which the principal use of the building site is conducted. In any Residential District, any dwelling shall be deemed to be the principal building on the building site.

Bulk Limitations (Floor Area Ratio)

The number of square feet of floor area that is permitted for each square foot of lot area.

Business Area

Any zoning district designed for office, government and institutional, commercial and industrial use.

Campground

An area or premises in which space is provided for temporary occupancy or use by tourists occupying recreational vehicles, camping trailers or tents where no camper shall occupy the premises for a period exceeding thirty (30) consecutive days.

Cellar

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

Change in Use

A change from one land use to another, or a change in intensity of use, e.g., from one type of equipment to another type that makes more noise, etc.

Cluster Development

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

Commercial

Relating to the sale or barter of goods or services.

Commercial Feed Lot (CFL)

Any livestock or poultry feeding operation that is carried out over short periods of time in buildings or unvegetated lots, for the purposes of fattening livestock or poultry immediately before shipment to market.

Commercial Vehicle

Any vehicle designed, maintained, or used primarily for the transportation of property or persons for hire.

Commercial Motor Vehicle, Large

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

Commercial Trailer, Large

A trailer licensed for more than ten (10) thousand pounds.

Commission, Planning and Zoning

The Christian County Planning and Zoning Commission.

Compensation

The receiving of goods, services, or money in exchange for or as a result of a service performed.

Comprehensive Plan

The document, which sets out official goals, objectives and policies related to the future development of Christian County, Missouri and is a long-range plan for the desirable use of land in the County as officially adopted, and as amended from time to time by the Planning & Zoning Commission per the requirements of Missouri Revised Statutes.

Conditional Use Permit

A procedure whereby the Board of Adjustment may grant permission for a use that is listed as a conditional use in the Zoning Regulations. The Board of Adjustment must review the application and determine whether specific conditions for protection of the area and maintenance of the character of the Zoning District in which the conditional use is proposed, are incorporated in the plans for the proposed use. A Conditional Use Permit may be approved by the Board of Adjustment for a specified time period on a case by case basis. It is not necessary to show practical difficulty or hardship, as the permit is not asking for permission to violate these Zoning Regulations, but rather it must be shown that the proposed use is included in the list of conditional uses of the Zoning District in which the conditional use is proposed, and that adequate safeguards are specifically included in the plans to insure that the use will not be in any way a detriment to the locality. (also, See Article 6.)

Condominium

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

Concentrated Animal Feeding Operation (CAFO)

Commercial agricultural activities such as feedlot operations, poultry operations and associated uses that involve the confinement of animals in mass for the purpose of breeding, feeding, boarding, slaughter or for the production of animal products for consumption or other uses. This is an operating location where animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area. A feeding operation shall not be considered a CAFO unless the operation is expected to meet or exceed the animal populations indicated in Sections 640.700 to 640.755 of the Missouri Revised Statutes.

Convalescent Home

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

Commission, County

The Christian County Commission, the County’s governing body.

Court

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

Court, Outer

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

Day care operation:

1. **Day Care Home**

A home where not more than six (6) children are kept in addition to the caregiver’s own children, subject to state licensing requirements.

2. **Day Care Group Home**

A home where not more than ten (10) children are kept in addition to the caregiver’s own children, subject to state licensing requirements.

3. **Day Care Center**

A commercial business where eleven (11) or more children are kept, subject to state licensing requirements.

District (Also known as Zoning District)

A defined area of Christian County for which these Zoning Regulations impose uniform regulations and requirements or various combinations thereof apply.

1. The term Agricultural District, or A District, shall mean any A-1 or A-R District;
2. The term Residential District, or R District, shall mean any RR-1, MH-1, UR-1, R-1, R-2, R-3, R-4 or CD District;
3. The term Office District, or O District, shall mean any O-1 or O-2
4. The term Commercial District, or C District, shall mean any C-1 or C-2 District;
5. The term Manufacturing District, or M District, shall mean any M-1 or M-2 District;
6. The term Flood Plain District shall mean any F-1 District;
7. The term USA shall mean any Urban Services Areas Overlay District;
8. The term PUD shall mean any Planned Unit Development.

District, More Restrictive or Less Restricted

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

Dwelling

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

Dwelling, Mobile Home

See Mobile Home or Manufactured Home

Dwelling, Multi-Family (Household)

A dwelling or portion thereof designed, arranged or occupied as a residence by two or more families or housekeeping units having separate quarters and living independently of each other.

Dwelling, Single-Family (Household)

A building designed exclusively for residence purposes by one family or housekeeping unit.

Dwelling, Two-Family (Household)

A building designed exclusively for residence purposes by two families or housekeeping units living independently of each other.

Dwelling Unit

One or more rooms in a dwelling designed for occupancy by one family or housekeeping unit for living and sleeping purposes and having kitchen or kitchenette facilities.

Essential Services

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

Establishment

An economic unit, generally at a single physical location, where business is conducted or service or industrial operations performed.

Family

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

Floodplain

Any land area in Christian County susceptible to being inundated by flood waters from any source, as shown on the adopted Flood Insurance Rate Map (FIRM) for the unincorporated area of Christian County.

Garage, Private

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

Garage, Public

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

Garden Apartment

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

Grade, Curb

The elevation of the top of the face of the curb.

Grandfathered Use

See Nonconforming Use.

Group Home, Residential

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

Guest House

A living area in an accessory building of 1,000 square feet or less.

Home Occupation

Any occupation carried on by the inhabitants of a dwelling that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that does not change the character thereof, and that is conducted entirely within the main or accessory building, as described by Article 10.

Hospital

A building or portion thereof used for the accommodation of sick, injured or infirm persons.

Hotel

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

Household or Housekeeping Unit

One (1) or more related or unrelated persons living together as a single housekeeping unit in a dwelling unit.

Industry

Storage, repair, manufacture, preparation or treatment of any article, substance or any commodity for commercial use.

Inspector

Inspector of buildings, zoning and land use.

Inn

See Hotel.

Institutional Uses

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

Junkyard or Salvage Yard

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

Kennel, Commercial

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

Land Use Plan

The Comprehensive Plan.

Loading Space

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

Lodging House

See Hotel.

Lot

A parcel of land identified by a number on a subdivision plat or survey recorded in accordance with the provisions of these Zoning Regulations.

Lot Area

The computed area within the lot lines.

Lot, Corner

A lot located at the intersection of, and abutting on two (2) or more streets.

Lot Depth

The mean horizontal distance between the front and rear lot lines.

Lot, Double Frontage or Through

A lot that has two (2) non-intersecting sides abutting on two (2) or more streets.

Lot, Interior

A lot other than a corner lot.

Lot Lines

The property lines bounding the lot as defined in these Zoning Regulations.

Lot Line, Front

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

Lot Line, Rear

The lot line opposite and most distant from the front lot line.

Lot Line, Side

Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Line, Street or Alley

A lot line separating the lot from a street or alley.

Lot, Wedge Shaped

A lot situated so that the front is either wider or narrower than the rear of the lot.

Lot Width

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

Lot of Record

A separate and distinct parcel on a legally-recorded subdivision plat or a legally recorded deed filed in the office of the Recorder of Deeds of Christian County, Missouri.

Major or Secondary Highway

See Thoroughfare - Primary or Secondary

Manufactured Home

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

Manufactured Home Park

See Mobile Home Park

Manufactured Home Subdivision

See Mobile Home Subdivision

Master Plan

The Comprehensive Plan.

Maximum Coverage

The maximum amount of land that may be covered by buildings on any lot.

Mean Lot Elevation

The average elevation of a single lot.

Mobile Home

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

Mobile Home Park

A site containing spaces with required improvements and utilities that are rented or leased for the long-term placement of mobile homes or manufactured homes and that may include services and facilities for the residents. Mobile Home Park sites must be platted in accordance with the provisions of the Christian County Subdivision Regulations.

Mobile Home Subdivision

A subdivision of single-family dwelling units that meets all the requirements set forth in the Christian County Subdivision Regulations. The principal feature that sets this subdivision apart from conventional subdivisions is that the subdivision is designed primarily, although not necessarily exclusively, for mobile homes, manufactured homes or modular dwellings. Each lot is privately owned and the residential use of the land is regulated by the Christian County Subdivision Regulations and whatever deed restrictions or private covenants may be required by the subdivision developer. These dwellings are to be set up as permanent structures.

Modular Home

Factory built housing certified as meeting county building codes for modular housing. Once certified by the County Building Inspections Department, modular homes shall be subject to the same standards as site built homes and shall be considered as single-family detached dwellings.

Motel

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

Non-Business Area

Any area within a Residential Zoning District, including areas therein where legal non-residential uses are present.

Nonconforming Use

A parcel of land lawfully occupied by a use that does not conform to the Zoning Regulations applicable to the Zoning District in which it is located. This term is also referred to as a “Grandfathered Use”.

Open Space – Private

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

Open Space – Public

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

Overnight Shelter

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

Parking Area, Private

An open area for the same uses as private garage.

Parking Area, Public

A parking lot.

Parking Lot

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

Parking Space

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

Permitted Use

The use of a structure or a tract of land allowed by the use regulations of this ordinance.

Planning and Zoning Commission

The Christian County Planning and Zoning Commission.

Planned Unit Development (PUD)

A zoning district with a minimum area of five (5) contiguous acres, to be planned, developed, operated, and maintained as a single entity and containing one or more structures and parcels to accommodate industrial, retail, service, commercial, office, or residential uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominate uses. The intent of the PUD is to create a more flexible, creative and efficient approach to the use of land.

Plot Plan

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

Premise

Any tract of land. A premise may consist of one (1) or more lots, tracts, or units, under single or multiple ownership that operates as a functional unit. A **shared premise**, when developed, shall also possess one or more of the following criteria:

1. shared parking;
2. common management;
3. common identification;
4. common access; or
5. shared circulation.

Principal Use

The primary or predominant use of any lot.

Private Person

Any natural person, partnership, corporation, or entity.

Profession

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

Public Sewer or Wastewater System

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

R District

Any approved Residential District.

Recreational Vehicle (RV) Park

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

Regulations, Subdivision

The Christian County Subdivision Regulations.

Regulations, Zoning

The Christian County Zoning Regulations.

Resort

See Hotel.

Restaurant

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

Road

See Street.

Roadside Stand

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

Rooming House

Hotel.

Shared Premise

(See Premise)

Sewer, Public

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

Sign

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

Sign, Illuminated

A sign designed to give forth artificial light, or designed to reflect light from one or more sources, natural or artificial.

Sign, Projecting

A sign erected on the face or outside wall of a building that projects out from the wall at any angle.

Sign, Temporary

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

Sinkhole

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

Sinkhole Watershed

The ground surface area that provides drainage to the sinkhole.

Site Plan

The same as Plot Plan.

Special Exception

A procedure whereby the Board of Adjustment may grant a deviation from the requirements of these Zoning Regulations in specific cases, but only as provided and in such manner by these Zoning Regulations. (See Article 53, Section 11).

Special Use Permit

(See Conditional Use Permit.)

Stable, Private

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

Stable, Public

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

Story

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

Story, First

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

Story, Half

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

Street

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

Street Classification

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

1. Primary arterials or expressways are facilities devoted primarily to traffic movement, performing little or no land service function and should have some access control.
 - a. Freeways have full access control and separation of all conflicting traffic movements, such as the interstate highway system or other freeways connecting large population centers carrying heavy volumes of traffic for long distances.
 - b. Parkways are usually located within a park or park-like green area, and are restricted to non-commercial vehicles.
 - c. Other expressways are generally divided highways with some grade-separated interchanges, some cross streets not carried across the median, and the other intersections controlled by signals or stop signs, such as primary state highway.
2. Secondary arterials are facilities that bring traffic to and from primary arterials and accommodate major movements and traffic not served by primary arterials. Designed mainly for through traffic, secondary arterials may also perform some land service functions, particularly in low density agricultural areas. Typical secondary arterials are secondary state highways and primary county roads.

3. Collectors are streets that serve internal traffic movements within an area, such as a subdivision, and connect the area with the arterial system such as secondary county highways (farm roads). They do not handle long through trips, but connect small communities and developed areas and also provide a land service function. Direct frontage of single-family lots on collectors is normally discouraged.
4. Local or land access streets have the sole function of providing access to immediately adjacent land, whether industrial, commercial or residential.
5. Minor local or land access streets are streets whose length is limited by design as a loop or cul-de-sac that will not be extended into adjacent development, normally serving not more than fifteen (15) dwelling units on a cul-de-sac or thirty (30) dwelling units on a loop.

Street, Intersecting

Any street that adjoins another street at an angle, whether or not it crosses the other.

Structural Alteration

Any change in the structural members of a building such as walls, columns, beams or girders.

Structure

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

Subdivision Regulations

The Christian County Subdivision Regulations.

Tavern

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

Tea Room

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

Thoroughfare Plan

An official thoroughfare plan that may be adopted or amended from time to time by the Christian County, establishing the general location and official right-of-way width of the major and secondary highways and thoroughfares in Christian County.

Tourist Court

Motel.

Townhouse

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

Traffic Signaling Device

A sign, light(s), device, or mechanical contrivance used for the control of motor vehicular and pedestrian movement.

Trailer

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

Travel Trailer or Recreational Vehicle (RV)

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

Travel Trailer Park

See Recreational Vehicle (RV) Park

Usable Open Space

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

Use

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

Utility Service Installation

Any structure or installation by utility company deemed to be necessary for the safe or efficient operation of that utility.

Variance

A procedure whereby relief may be granted from the strict letter of these Zoning Regulations where it can be clearly shown that by complying with these Zoning Regulations, the owner of the property would suffer practical difficulties or unnecessary hardships. The conditions for granting a variance are stated in Article 53, Section 6.

Water Supply, Central

A community or non-community water supply system that is regulated by the Missouri Department of Natural Resources.

Water Supply, Public

A water supply system that is owned, maintained, and operated by a municipal or governmental entity.

Watercourse

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

Wholesale Trade

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

Winery

An establishment at which wine is made.

Yard, Front

An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as otherwise provided in these Zoning Regulations.

Yard, Front, Least Depth

The shortest distance, measured horizontally, between any part of a building and the front lot line.

Yard, Front, Least Depth, How Measured

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

Yard, Rear

An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as otherwise provided in these Zoning Regulations.

Yard, Rear, Least Depth, How Measured

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

Yard, Side

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

Yard, Side, Least Width, How Measured

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

Zoning Map

The Christian County Zoning Map, as is from time to time amended to reflect zoning changes. The County maintains a database in digital form, created using Geographic Information System (GIS) mapping software.

Zoning Certificate

A document issued by the Planning & Zoning Administrator, authorizing buildings, structures, or uses consistent with the terms of these Zoning Regulations and for the purpose of carrying out and enforcing its provisions.

ARTICLE 26. MEDICAL MARIJUANA REGULATIONS

Section 1. Purpose

The purpose of this regulation is to establish parameters governing the time, place and manner of operations of facilities and land uses covered under Section 1 of Article XIV of the Missouri Constitution.

Section 2. Definitions

Flowering plant

A marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

Marijuana" or "Marihuana"

Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis. or commodities or products manufactured from industrial hemp.

Marijuana-Infused Products

Products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products. ointments, tinctures and concentrates.

Medical Marijuana Cultivation Facility

A facility licensed by the Missouri DHSS, to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

Medical Marijuana Dispensary Facility

A facility licensed by the Missouri DHSS to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

Medical Marijuana-Infused Products Manufacturing Facility

A facility licensed by the Missouri DHSS to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

Medical Marijuana Testing Facility

A facility certified by the Missouri DHSS. To acquire, test, certify, and transport marijuana.

Medical Marijuana Plant Waste

Plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots generated during growing and processing.

Qualifying Patient

A Missouri resident diagnosed with at least one qualifying medical condition.

Residential Marijuana Cultivation and Processing

Cultivation, production, or processing of marijuana or manufacture of marijuana products/by-products, or as authorized pursuant to Section 1 of Article XIV of the Missouri Constitution and other applicable state laws and regulations set forth by the Missouri DHSS taking place in a legal dwelling unit, accessory structure, or designated outdoor area which is not for the purpose of sale or profit, and primarily by and for the registered qualifying patients living on the parcel. Processing of plants is limited only to those plants grown on the parcel.

Section 3. Retail Sales of Medical Marijuana

- A. Medical Marijuana Dispensary Facilities may be located in a C-1 Neighborhood Commercial, C-2 General Commercial, M-1 Light Manufacturing or M-2 General Manufacturing or Industrial District
 - 1. Provided that such facility may not be sited within one-thousand (1000) feet of any existing elementary or secondary school, child day-care center or church and that
 - 2. no such facility shall be located within one-thousand, three-hundred twenty (1320) feet of another existing Medical Marijuana Dispensary Facility and that
 - 3. no such facility shall be located within 200 feet of any dwelling and
 - 4. subject to any other spacing, security, operational or site design requirements prescribed by the Missouri Department of Health and Senior Services.

Section 4. Conditional Use Permits

- A. A Conditional Use Permit is required for the location of the following Medical Marijuana related facilities in the unincorporated areas of Christian County, Missouri, which includes:
 - 1. Medical Marijuana Cultivation Facility which may be located in the A-1 Agriculture District, M-1 Light Manufacturing District or M-2 General Manufacturing or Industrial District
 - a. Provided that such facility may not be sited within one-thousand (1000) feet of any existing elementary or secondary school, child day-care center or church and that

- b. Any lot or tract of land considered for such use shall be not less than five (5) acres in area where only indoor cultivation shall take place and not less than ten (10) acres in area where cultivation shall occur outdoors or by utilizing a greenhouse facility and that
 - c. Any building or enclosure utilized for this purpose shall be a minimum of five-hundred (500) feet from any R District as well as five-hundred (500) feet from any dwelling and
 - d. Facilities with outdoor cultivation shall construct an exterior barrier around the perimeter of the marijuana cultivation area that consists of a fence that is:
 - 1) Constructed of six-gauge metal or higher chain link
 - 2) Topped with razor wire or similar security wire
 - 3) At least eight (8) feet in height
 - 4) Equipped with screening material which obscures the visibility of the cultivation from outside the fence.
2. Medical Marijuana-Infused Products Manufacturing Facility which may be located in an M – 1 Light Manufacturing or M-2 General Manufacturing or Industrial District
 - a. Provided that such facility may not be sited within one-thousand (1000) feet of any existing elementary or secondary school, child day-care center or church and that
 - b. Any building or enclosure utilized for this purpose shall be a minimum of five-hundred (500) feet from any R District as well as five-hundred (500) feet from any dwelling and
 3. Medical Marijuana Testing Facility which may be located in an M – 1 Light Manufacturing or M-2 General Manufacturing or Industrial District
 - a. Provided that such facility may not be sited within one-thousand (1000) feet of any existing elementary or secondary school, child day-care center or church and that
 - b. Any building or enclosure utilized for this purpose shall be a minimum of five-hundred (500) feet from any R District as well as five-hundred (500) feet from any dwelling and that
 4. Other conditions required by the Board of Adjustment may include but not be limited to:
 - a. Screening or buffering requirements
 - b. Air filtration
 - c. Lighting requirements

Section 5. Residential Marijuana Cultivation and Processing

- A. Cultivation of Medical Marijuana for personal use is permissible when associated with dwellings located within Residentially and Agriculturally zoned districts subject to the limitations and requirements promulgated by the Missouri Department of Health and Senior Services (DHSS).
 1. A maximum of 100 square feet of floor area of a residence may be used for cultivation purposes provided that the total cultivation area does not exceed the limits established by this section.

2. Any alterations of portions of dwellings or accessory buildings intended for this use require a Building Permit and associated inspections by the Christian County Building Inspections Department.
3. The residence shall maintain a fully functional kitchen, bathroom(s), and primary bedroom. These rooms shall not be used for medical marijuana cultivation where such cultivation will prevent their primary use for sleeping, bathing, and preparation of meals.
4. Any portions of dwellings or accessory buildings utilized for marijuana cultivation must be properly ventilated to filter the odor from marijuana so that the odor cannot be detected by a person with a normal sense of smell at any adjoining property or the public right-of-way.
5. Any outdoor cultivation of medical marijuana must take place in an area secured by wood privacy fence at least 8 (eight) feet in height equipped with locking mechanisms designed to prevent access to the area by persons other than the resident legally allowed to cultivate Medical Marijuana on the premises.
6. Areas utilized for outdoor cultivation must be located no closer than 100 feet from property lines of adjoining residentially zoned parcels.

B. Processing of Medical Marijuana for the purpose of extraction of Marijuana Concentrate for personal use is permissible when associated with dwellings located within Residentially and Agriculturally zoned districts subject to the limitations and requirements promulgated by the Missouri Department of Health and Senior Services (DHSS) and also subject to the following:

1. Use of compressed, flammable gas as a solvent in the extraction of THC or other cannabinoids is prohibited.
2. Alcohol/ethanol extraction is permitted provided it is done without application of an open flame or open heat source and uses not more than 375 ml of alcohol or ethanol during the extraction process.
3. Food-based extraction is permitted including production of marijuana concentrate by extracting cannabinoids from marijuana through the use of propylene, glycol, glycerin, butter, olive oil, or other cooking fats or oils.
4. Water-based extraction is permitted including production of marijuana concentrate by extracting cannabinoids from marijuana through the use of only water, ice or dry ice.

C. Waste Management:

1. Medical Marijuana Plant Waste must be stored in a secured waste receptacle in the possession and control of the qualifying registered patient.
2. The allowable method to render marijuana plant waste unusable is by grinding/shredding and the incorporating the marijuana plant waste with other ground/shredded non-marijuana materials so the resulting mixture is 50/50 by volume. Material used to incorporate with the marijuana falls into two categories: compostable waste and non-compostable waste.
 - a. Compostable mixed waste is marijuana waste to be disposed as compost feedstock or in another organic waste method, such as an anaerobic digester, mixed with food waste, yard waste, or vegetable-based grease or oils.

- b. Non-compostable mixed waste is marijuana waste to be disposed in a landfill or another disposal method, such as an incinerator, mixed with paper waste, cardboard waste, plastic waste, or soil.

D. Additional provisions:

1. Residential Marijuana Processing and Cultivation must not result in noise or vibration, light, odor, dust, smoke, particulate or other air pollution noticeable at or beyond the property line or shared dwelling unit wall.
2. Supplemental carbon dioxide and/or ozone is prohibited in residential cultivation.
3. Marijuana plants shall not be cultivated, produced or possessed in the common areas of any residential development.

**ORDER of the
CHRISTIAN COUNTY COMMISSION
OZARK, MISSOURI**

DATE: June 17, 2019

**SUBJECT: Adoption of Amendments to the Zoning Regulations for Christian County,
Missouri**

WHEREAS, Christian County, Missouri desires to coordinate physical development in accordance with its present and future needs; so as to conserve the natural resources of the County, to ensure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of its inhabitants; and

WHEREAS, the Planning and Zoning Commission has held public hearings in order to obtain public input concerning amendments to the Zoning Regulations for Christian County, Missouri, in accordance with the requirements of Section 64.231 and 64.271 of the Missouri Revised Statutes; and

WHEREAS, the Christian County Planning and Zoning Commission has recommended the amendments to the Zoning Regulations for Christian County, Missouri; and

NOW, THEREFORE, on this 17th day of June, 2019, at a duly called meeting of the Christian County Commission, having received the report and recommendation of the Planning and Zoning Commission and, after public notice, and in open session, upon motion made by Commissioner Robertson, seconded by Commissioner Bilyeu, and concurred by Presiding Commissioner Phillips, the Christian County Commission did vote unanimously to amend the Zoning Regulations for Christian County, Missouri, pursuant to the provisions of Chapter 64.211 through 64.295 of the Revised Statutes of Missouri.

IT IS HEREBY ORDERED that Article 2 – DEFINITIONS, INTERPRETATIONS and STANDARDS, and Article 26 which had previously been left blank pursuant to Order No. 6-27-13-01 of the Zoning Regulations for Christian County, Missouri, are hereby amended and in lieu thereof ARTICLE 2, and ARTICLE 26 are hereby adopted and entered, a copy of which is attached hereto as "Exhibit A" and incorporated herein by this reference. A copy of the Amended ARTICLES 2, and 26 of the Christian County Zoning Regulations shall be on file in their entirety at the Christian County Planning and Development Office.

IT IS FURTHER ORDERED that the amendments to the Zoning Regulations for Christian County, Missouri shall become effective on the 1st day of July, 2019, and a copy of this Order shall be filed in the office of the County Clerk before 5:00 p.m. this date.

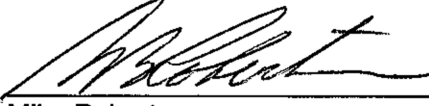
Done this 17th day of June, 2019, at 9:45 a.m.

CHRISTIAN COUNTY COMMISSION



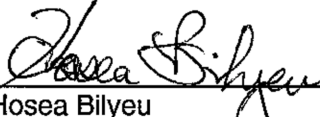
Ralph Phillips
Presiding Commissioner

Yes
Dated: 6-17-2019



Mike Robertson
Commissioner, Eastern District

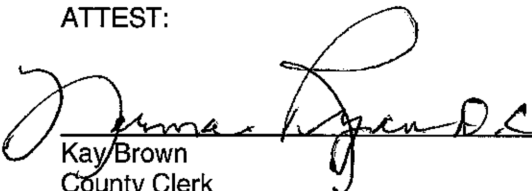
Yes
Dated: 06.17.2019



Hosea Bilyeu
Commissioner, Western District

Yes
Dated: 6-17-19

ATTEST:



Kay Brown
County Clerk

