



Jackson County Missouri

Jackson County Courthouse
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Legislation Details (With Text)

File #: 4489 **Version:** 0 **Name:** development of land in unincorporated areas
Type: Ordinance **Status:** Passed
File created: 11/27/2012 **In control:** Land Use Committee
On agenda: 11/27/2012 **Final action:** 12/3/2012
Title: AN ORDINANCE amending sections 24001., 24002., 24003., 24004., and 24005., Jackson County Code, 1984, relating to the development of land in unincorporated Jackson County.
Sponsors: Fred Arbanas
Indexes: JACKSON COUNTY CODE, REDEVELOPMENT PROJECT
Code sections:
Attachments: 1. 4489adopt.pdf

Date	Ver.	Action By	Action	Result
12/3/2012	0	County Legislature	Consent Agenda	
12/3/2012	0	County Legislature	perfect	Pass
12/3/2012	0	County Legislature	suspend the rules to consider final passage	Pass
12/3/2012	0	County Legislature	adopt	Pass
12/3/2012	0	County Legislature	Consent Agenda	Pass
11/30/2012	0	County Legislature	Go To 1st Perfection	Pass
11/27/2012	0	County Legislature	assign to committee	

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE amending sections 24001., 24002., 24003., 24004., and 24005., Jackson County Code, 1984, relating to the development of land in unincorporated Jackson County.

ORDINANCE NO. 4489, November 27, 2012

INTRODUCED BY Fred Arbanas, County Legislator

WHEREAS, the Director of Public Works has recommended several minor modifications to the County's Unified Development Code, governing the development of land in unincorporated Jackson County; and

WHEREAS, the adoption of these modifications will provide for more orderly development in the

unincorporated County; and

WHEREAS, at its meeting of October 18, 2012, the Plan Commission unanimously recommended these modifications; and

WHEREAS, the recommended amendments are in the best interests of the health, welfare, and safety of the citizens of Jackson County; now therefore

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, as follows:

Section A. Enacting Clause. 1. Sections 24001., 24003., 24004., and 24005., Jackson County, 1984, are hereby amended to read as follows:

24001.11 FEES

a. The fees charged for the various applications and permits shall be as set out in this section. In no event shall any portion of the filing fee be waived or refunded to the applicant. Any expenditure in excess of the filing fee necessary and incidental to the processing of the application shall be billed to and paid by the applicant. No final action on an application can be taken until such time as all such fees are paid in full.

1. Rezoning Application.

The fee for a residential rezoning application is three hundred fifty dollars (\$350). The fee for a commercial/industrial rezoning application is five hundred (\$500).

2. Planned Development Application.

The fee for a residential-planned development application is three hundred fifty dollars (\$350). The fee for a commercial/industrial planned development application is five hundred dollars (\$500)

3. Conditional Use Application.

The fee for a conditional use application is three hundred fifty dollars (\$350).

4. Variance/Appeal application.

The fee for a variance or appeal application is three hundred fifty dollars (\$350).

5. Vacation of Streets and Reservations.

The fee for vacation of a street or reservation (easement) is two hundred fifty dollars (\$250).

6. Preliminary Subdivision Plat.

The fee for a preliminary subdivision plat is three hundred dollars (\$300) plus three dollars (\$3) per lot.

7. Final Subdivision Plat.

The fee for a final subdivision plat is three hundred dollars (\$300).

8. Construction - engineering Plan Review and Inspection.

The fee for a construction improvement[s] involving engineering plan review and inspection is three percent (3%) of Project Construction Valuation. Project Construction Valuation, as used in this section, is determined by using:

(a) The "engineer's estimate of probable construction costs" as provided by the applicant which shall be verified by County staff to ensure the values used by the engineer for labor and material are current and accurate and that quantities are correct; or

(b) The contract amount shown in the applicant's contract for the project. Project Construction Valuation will only be based upon the method shown in subsection (B) if County staff and the applicant cannot agree on the proper amount by application of subsection (A).

9. Special Use (Driveway, Utility, Right-of-Way) Permit.

The fee for special use permits which include but are not limited to driveway, utility and construction within right-of-way is seven dollars (\$7) per section 229.340 RSMo, plus one hundred dollar (\$100) inspection fee.

10. Off-Premise Sight Permit.

The fee for an off-premise sign permit is one hundred dollars (\$100) if the gross sign face area is 100 square feet or smaller and five hundred dollars (\$500) if the gross sign face area is over 100 square feet.

11. Floodplain Development Permit.

The fee for a floodplain development permit is fifty dollars (\$50).

12. On-site Wastewater (Septic) Disposal Permit.

The fee for new construction or replacement on-site wastewater disposal permit

is two hundred fifty dollars (\$250). The permit fee for evaluating an existing on-site wastewater disposal system shall be one hundred dollars (\$100).

- b. Fees established in accordance with this section shall be paid upon submission of a signed application or notice of appeal.

24003.10 SUBDIVISION APPROVAL - GENERALLY

- a. **Major Subdivisions.** Major subdivisions are subject to the following four-step approval process:

- b. **Minor Subdivisions.** Minor subdivisions are subject to the following three-step process:

- c. **Prohibited Subdivisions.** No person may subdivide land except in accordance with all of the provisions of this chapter. Except as exempted in this Chapter, the following acts are prohibited:

- 1. **Parcel Creation.** Creation of parcels without subdividing, except those intended

for agricultural use, is prohibited.

2. Selling Land Prior to Approved Plat. No owner or agent of the owner of any land subject to these regulations shall transfer title to any tract before a plat has been approved in accordance with the provisions of these regulations and recorded with the County Department of Records.
3. Subdivision by Metes and Bounds. Subdivision by metes and bounds is prohibited. It shall be unlawful to subdivide any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease with the intent of evading these regulations.

d. Exemptions. The following divisions of land shall be exempt from these subdivision requirements:

1. The public acquisition of land for [the widening of existing streets constructing public works] improvements to public right-of-way.
2. Any lot, parcel or tract of land located within the area governed by these regulations which has been legally subdivided or resubdivided by plat or deed prior to the adoption of these regulations.
3. A division of property through inheritance, the probate of an estate, or by order of a court of law.
4. A division of property where all new lots or parcels will be greater than ten (10) acres and all parcels abut a public street.
5. The creation of a leasehold for a space within a multi-occupant building or a commercial building site, provided that the property is part of an approved subdivision or addition and regulated in accordance with the site plan requirements of the County.
6. The creation of leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.
7. The acquisition of land for regulated rail use.

24003.13 PRELIMINARY PLATS

- a. Submittal Requirements.** Applicants for major subdivision approval shall submit an application and Preliminary Plat to the Director. The Preliminary Plat shall be in sufficient detail to convey the applicant's ideas and intentions in platting the proposed subdivision. It shall contain a written description of the existing conditions on the tract and the necessary drawings and sketches as required by this section to convey the applicant's plan of development. The plat shall be signed by a registered surveyor.

b. Filing Procedure. The applicant shall file the following with the Director, at least thirty (30) days prior to the regular Plan Commission meeting at which the Preliminary Plat is to be considered:

1. A reproducible original and a sufficient number of copies of the proposed Preliminary Plat as specified on the application;
2. Copies of all other information required by this section as specified on the application;
3. The applicable plat review fee; and
4. A complete list of the names and mailing addresses of all owners of record of all land within the appropriate perimeter boundaries of the proposed subdivision.

c. Contents. Preliminary Plats for major subdivisions shall include the following:

1. Tract boundaries (traverse bearings and distances of the boundaries).
2. North point, date and scale on each page. The scale shall be on inch equals one hundred feet (1" = 100') unless specifically waived by the Director.
3. Location by section, township, range, county and state, including descriptive boundaries of the subdivision.
4. Name of the proposed subdivision. This name shall neither duplicate nor too closely resemble the name of any existing subdivision.
5. A location map showing the tract in relation to the surrounding area.
6. Names and addresses of the applicant, developer(s), owners(s) of record, and the name, address and seal of the engineer, land surveyor, architect or land planner responsible for subdivision layout.
7. The following information for land located within 200 feet of the proposed subdivision: topography based on USGS or NAVD Datum at five (5) foot contour intervals; names of adjacent subdivisions; layout of streets (with names) and including an indication of road surface locations whether such streets are paved or unpaved; dedicated rights-of-way with widths; connections with adjoining platted streets; widths and locations of alleys; easements, and public walkways adjacent to or connecting with the tract; sewer, and water supply facilities; parks and other open spaces; and permanent buildings.
8. Existing topography with contours at a maximum of five (5) foot intervals. All topographic data shall relate to USGS or NAVD Datum. In areas where grades are gentle, the Director may require a lesser contour interval. The location of water courses, limits of floodplains, floodways, ravines, bridges, lakes, wooded areas, approximate acreage and such other existing features as may be

pertinent to the subdivision shall be shown.

9. Existing and proposed deed restrictions and protective covenants.
10. Location of proposed culverts and bridges.
11. Layout and width of right-of-way and cross sections showing surfacing of all existing and proposed streets and public ways proposed for the subdivision, and proposed street names.
12. Lot layout, lot number, approximate dimensions, approximate lot areas, easements, setback requirements with dimensions, and the number of letter of each block
13. All parcels of land to be dedicated or reserved for public use or for use in common by property owners in the subdivision and any conditions of such dedication or reservation.
14. Preliminary plans showing the locations and sizes of all existing and proposed sanitary sewerage lines, on site systems, and facilities, the locations and sizes of all existing and proposed water distribution system lines and facilities, the location of the closest existing water and sewer mains, and the location and character of all other existing and proposed public utility lines, including gas and power lines. These plans shall be accompanied by a written and signed statement explaining how the applicant proposes to provide sewage treatment facilities or other disposal of sanitary wastes. When the applicant intends to use existing sewage treatment of sanitary wastes from the proposed subdivision is required to be provided by the applicant.
15. Stormwater management plan pursuant to Section 24006.5, calculations, and proposed size, nature and location of all proposed storm drainage improvements.
16. Identification, location and nature of all existing and proposed zoning districts and land uses to be included within the subdivision and the zoning district and status of adjacent properties within 200 feet of the subdivision.
17. Existing building footprints and pavement boundaries.
18. Proposed use of lots

d. Application Date.

1. The Director shall review the plat and other information and documentation submitted by the applicant and, within ten (10) working days, determine if the application as submitted is complete.
2. If the application is determined to be complete, the Director shall so notify the applicant and forward the application to the Commission for review at its next regularly scheduled meeting.

3. If the application is determined to be incomplete, the Director shall return the application to the applicant with a written explanation specifying the additional information required to be submitted to complete the application.
 4. For the purposes of these regulations, the date of the regular meeting of the Commission at which time a complete Preliminary Plat is reviewed shall constitute the official submittal date of the plat. The thirty (30) day period for formal approval or disapproval of the plat will commence from the official submittal date of the Preliminary Plat.
- e. Action on the Preliminary Plat - Meeting.** Within thirty (30) days after the submittal of a complete Preliminary Plat application for a major subdivision to the Commission, The Commission shall hold a meeting on the application. Notice of the meeting shall be published at least one (14) time. Notice by publication shall be the responsibility of the county.
- f. Commission Decision.** Following the hearing, but still within thirty (30) days of submission of the complete Preliminary Plate, the commission shall recommend approval, disapproval, or approval with conditions. The Commission, with the consent of the applicant, may extend the thirty (30) day period. Notice of the Commission's decision shall be forwarded to the applicant in writing within ten (10) days after the Commission's action on the application.
- g. Guidelines for Commission Decision.** The Commission shall consider the following criteria in making a recommendation on the Preliminary Plat.
1. The plat conforms to all applicable provisions of the UDC.
 2. The plat represents an overall development pattern that is consistent with the goals and policies of the Master Plan, the Official Map, the Capital Improvements Program, and any other applicable planning documents adopted by the County.
 3. The location, spacing and design of proposed streets, curb cuts and intersections are consistent with good traffic engineering design principles.
 4. The plate is served, or will be served at the time of development, with all necessary public utilities, including, but not limited to, water, sewer, gas, electric, and telephone service.
 5. Each lot in the plat of a residential development has adequate and safe access to/from a local street. If lot access is to/from a collector or arterial street, the Commission shall expressly find that such access is safe and that no other lot access or subdivision configuration is feasible.
 6. The plat will be laid out and developed in a manner that is sensitive to environmental features and/or characteristics of the tract or parcel including, but not limited to, topography, slope, soils, geology, hydrology, floodplains, wetlands, vegetation and trees.

7. The plat is located in an area of the County that is appropriate for current development activity and which will not contribute to the need for inefficient extensions and expansions of public facilities, utilities and services.
 8. The applicant agrees to dedicate land, right-of-way and easements, as may be determined to be needed to effectuate the purposes of these regulations and the standards and requirements incorporated herein.
 9. All relevant and applicable submission requirements have been satisfied in a timely manner.
- h. County Legislature.** Following action by the Commission, the Legislature shall review the application and the recommendation of the Commission and either approve, conditionally approve, or disapprove the Preliminary Plat.
1. If the Preliminary Plat is approved or approved with conditions, the applicant shall meet or arrange to meet the conditions and then proceed with the Construction Plan and Final Plat approval processes.
 2. If the Preliminary Plat is disapproved, the Clerk of the Legislature shall, within ten (10) days of the Legislature's action, record the reasons for disapproval in the journal of the County Legislature's meeting, notify the applicant in writing of the action and the reasons therefor and return the Preliminary Plat to the applicant.
- i Effect of Preliminary Plat Approval.** Preliminary Plat approval shall confer upon the applicant, for a period of one (1) year from the date of approval by the Legislature, the right to proceed to final plat approval and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the preliminary plat approval was granted by the Legislature. The one (1) year period may only be extended by the Commission and only if the applicant has applied in writing for an extension and the Commission determines that a longer period should be granted. If no Final Plat on any portion of a subdivision for which preliminary approval has been granted is approved within said one (1) year period, or such longer period as the Commission may expressly allow, a re-submission of the Preliminary Plat (or a revised Preliminary Plat) shall be required pursuant to the then current subdivision regulations and any other applicable land use regulations or requirements. After approval of the Preliminary Plat, the applicant shall prepare and file Construction Plans as required for all public facilities and utilities to be provided.

24003.16 FINAL PLAT

- a. Filing Procedure.** Following approval and prior to the expiration of the Preliminary Plat, the applicant may continue the subdivision process by filing a Final Plat. The Final Plat application shall be filed with the Director thirty (30) days prior to the Commission meeting at which the application is to be reviewed and shall contain:
1. One (1) reproducible original and a sufficient number of copies of the proposed Final Plat as specified on the application;
 2. Copies of the additional information required pursuant to Section 24003.16.b hereunder as specified on the application;

3. A completed application form;
4. The applicable fees for filing and recording the plat, and for review of the Construction Plans; and
5. All agreement in writing on a form provided by the County Counselor that the developer will install all of the improvements required herein.

A Final Plat shall not be accepted for review after the expiration of the Preliminary Plat.

b. Information Required. The Final Plat shall be prepared on a tracing cloth, mylar or similar quality material at a scale of one inch equals one hundred feet (1" = 100' or larger), unless specifically waived by the Director, in a size that is a multiple of eight and one-half inches by eleven inches (8/2" x 11"), with a maximum size of 22" x 34". Where a proposed subdivision does not fit on a single sheet, the final plat shall be submitted on two (2) or more sheets of the same dimensions along with an index sheet showing the entire development at a smaller scale. The Final Plat shall show or have attached the following information:

1. Name of the subdivision which shall neither duplicate nor too closely resemble the name of any existing subdivision;
2. Date, scale and north arrow, on each page. The scale shall be one inch equals one hundred feet (1" = 100') unless specifically waived by the Director, and shall be shown graphically and in feet-per-inch.
3. Total acreage of the proposed subdivision;
4. The location of the boundary in reference to existing official monuments or the nearest established street lines, including the angles and distances to such reference points or monuments, shall be furnished. The plat shall show all monumentation which shall be installed as required by the Director in a manner that meets or exceeds current Minimum Standards for Property Boundary Surveys.
5. The location by section, township, range, county and state, including descriptive boundaries of the subdivision based on an accurate traverse giving angular and linear dimensions which shall mathematically close and which shall be tied into the State Grid System. Bearings and distances of all exterior boundary lines and along the center lines of streets shall be furnished;
6. The legal description of the entire tract to be subdivided. The registered surveyor shall determine the coordinates of each and every controlling corner of the boundary of the tract of land being surveyed or subdivided. The procedures and the coordinate values shall meet or exceed the current Minimum Standards for Property Boundary Surveys of the Department of Natural Resources, 10 CRS 30 -2.010. These coordinate values will be shown on the Final Plats. Any 1/4-1/4 corner that is referenced on a subdivision plat;

7. Shall be referenced to the proper controlling comers of the section (any 2 of the 9 corners recognized by the Government Land Office).

8. The names, lines, three-line profiles, typical sections and grades of all proposed streets and their widths, right-of-way widths, and names;
9. An accurate by metes and bounds description of any property offered for dedication to the County or another public entity for public use;
- sb25210. The boundary lines of all adjoining lands for a distance of one hundred (100) feet and showing (with dotted lines) the right-of-way lines and adjacent streets and alleys with their widths and names;
11. Building lines and easements for rights-of-way provided for public use, services or utilities, including navigation easements, with figures showing their dimensions and listing uses that are being provided;
12. All dimensions and bearings, both linear and angular, radii and arcs, necessary for locating the boundaries of the subdivision, blocks, lots, streets, easements, building lines, and other areas to be dedicated for public or private use. The linear dimensions are to be expressed in feet and decimals of a foot;
13. Area in square feet for each lot or parcel, which shall equal or exceed applicable zoning ordinance requirements;
14. Building setback lines with dimensions.
15. An accurate drawing of the proposed subdivision with the lots clearly numbered. If the blocks are to be numbered or lettered, these should be shown clearly in the center of the block;
16. Approved Construction Plans conforming with the requirements of these regulations, for all roadway, grading, sanitary sewerage system, storm drainage facilities, water distribution system, and other pertinent site improvements. Two (2) sets of such Construction Plans shall be submitted with the Final Plat;
17. Boundary lines and description of the boundary lines of any areas other than streets and alleys which are to be dedicated or reserved for public use.
18. Two (2) copies of all deed restrictions and/or protective covenants and, if applicable, articles of incorporation and bylaws of a homeowner's association for the proposed subdivision;
19. A statement dedicating all easements, streets, alleys and other public areas not previously dedicated.
20. Certification by a Registered Land Surveyor that all details of the plat are correct.
21. Other certifications as required to comply with the UDC.
22. Two (2) copies of a sanitary sewer construction permit issued by the State, DNR which includes the approval of all lines and necessary appurtenances intended to serve the proposed lots as shown on the final plat.
23. Other information pertaining to the proposed development as may be determined to be necessary from time to time by the Commission to facilitate review of the Final Plat;

c. Review Procedures. The Final Plat shall conform as closely as possible to the approved Preliminary Plat. All improvements and facilities to be provided by the developer shall be approved by the Director and installed prior to the issuance of an occupancy permit, or adequate security in lieu of making improvements shall be provided in accordance with Section 24003.15 of these regulations. All required dedications and easements shall be offered for dedication on the final plat by the applicant before the Commission shall approve the Final Plat; however, approval of the Final Plat shall not itself constitute acceptance of land for dedication. Acceptance of land dedication requires separate, written approval by the Director.

d. Substantial Compliance with Preliminary Plat. Prior to submitting the Final Plat to the Commission, the Director shall review the plat for substantial compliance with the approved or conditionally approved preliminary plat. If the Final Plat for a subdivision is found to deviate substantially from the approved Preliminary Plat, the applicant will be required to submit a new Final Plat if the deviations are eliminated or a new Preliminary Plat if the deviations are retained. If a new Preliminary Plat is required, the applicant must comply with other applicable land development regulations at the time of resubmittal. Substantial deviations shall include, but are not necessarily limited to, the following:

1. a change in the location or design of a public street;
2. a change in the layout of lots or blocks;
3. a change in access to lots;
4. a change in areas, streets or rights-of-way to be reserved or dedicated;
5. a change in the drainage plan which increases the runoff from the tract;
6. a change in the public utilities and facilities to be provided; and
7. a change in the extent of buffering between the proposed subdivision and adjacent areas and/or land uses.

e. Guidelines for Decision. The Commission shall consider the following criteria in making a decision on the Final Plat:

1. The Final Plat substantially conforms to the approved preliminary plat and any conditions and exceptions granted pursuant thereto.
2. The Final Plat conforms to all applicable requirements of these regulations, the zoning ordinance and other applicable land development regulations.
3. All submission requirements of these regulations have been satisfied.

f. Final Plat Approval.

1. The Commission shall, within thirty (30) days following its consideration, approve, disapprove or approve with conditions the Final Plat and shall transmit

written notice of its decision to the applicant.

2. If the proposed Final Plat is approved, the Director signs the plat. The applicant may then file and record the plat. If the proposed Final Plat is disapproved, the Secretary of the Commission shall, within ten (10) days of the Commission action, record the reasons for disapproval in the minutes of the Commission meeting, notify the applicant in writing of the action and the reasons therefore, and return the Final Plat to the applicant.

g. Effect of Final Plat Approval. Final Plat approval shall confer upon the applicant the right to apply for building permits and to develop the subject tract or parcel pursuant to the terms and conditions pursuant to which the Final Plat approval was granted by the Commission; provided, however, that no Final Plat shall be filed and recorded unless and until approval by the Director. No lot in the subdivision may be sold until the Final Plat has been officially recorded. If the Final Plat is not recorded within ninety (90) days after approval by the Commission, the Commission shall formally request the applicant to explain the extenuating circumstances preventing recordation of the Final Plat. The Commission shall then determine whether provision of an extension would serve the best interests of the County. If these findings are negative, the Commission shall revoke approval of the Final Plat and shall so notify the applicant, the Clerk of the Legislature and the County Department of Records.

h. Requirements after Approval.

1. The applicant shall submit prints of the Final Plat on cloth and prints on paper for certification as specified by the Director.
2. The applicant shall submit on the Final Plat a certificate consenting to the recordation of the plat as submitted. This certificate shall be signed and acknowledged by all parties having any title interest in the land subdivided. The cloth copies shall carry the original signatures of the owners and a notary public.
3. The Final Plat shall carry a certification by a registered surveyor that the details of the plat are correct.
4. Certificates of approval shall be filled in by the signature and seal of the

i. Filing and Recordation. Within ninety (90) days following Final Plat approval by the Commission and Director, the applicant shall file an approved plat with the County Department of Records. The applicant shall furnish the Director with the recording date, the document number, and the book and page numbers after recording the approved plat. The applicant shall bear all expenses in connection with the filing of the Final Plat and the County Department of Records shall not be required to file the Final Plat until the applicant has paid the required filing fee. If not paid, and if the Final Plat is, therefore, not filed within ninety (90) days of approval by the Commission, the Final Plat shall be placed on the Commission agenda for further action including, but not limited to, revocation of approval and/or imposition of additional conditions. Prior to recordation, the applicant must submit a certificate from the Division of Finance indicating that there are no outstanding delinquent taxes, assessments or fees with respect to the property proposed for subdivision and/or the property owner, and that all taxes and encumbrances have been satisfied of record on the land to be dedicated as

streets, alleys or for other public purposes shall be provided prior to plat recordation.

- j. Improvements to Precede Building Permits.** Building permits shall not be issued for any structure within the boundaries of the subdivision until all of the required improvements have been constructed, are available to each lot in the subdivision, and have been inspected and approved by the Director unless subject to a subdivision improvement agreement or bond, or specifically authorized by the Commission in conjunction with plat approval.

24003.17 MINOR SUBDIVISIONS

- a. Purpose.** The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the County's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by cost of producing this data, the County allows alternate procedures for simple resubdivisions, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.

- b. Application.** Applicants for subdivisions or resubdivisions creating no more than 3 new lots for which no new public improvements are needed may follow the procedure set forth below provided that the subdivision meets all of the following criteria:

1. The Director shall certify that the proposed subdivision meets all the requirements of the minor subdivision.
2. No new public street shall be necessary for each lot to access a public street.
3. Each of the lots is contiguous with at least one of the other lots in the subdivision for a distance of at least 50 feet.
4. No off-site improvements to the County's infrastructure are determined to be necessary by the Director, and
5. No off-site drainage improvements are determined to be necessary by the Director.

The Commission and/or the Legislature may require the major subdivision procedure if they determine that the plat is inconsistent with any element of the Master Plan or any established County codes or policies.

- c. Exemptions.** Any division of land that is exempt from major subdivision regulation pursuant to Section 24003.10 shall also be exempt from minor subdivision regulation.

d. Application Process.

1. Applicants for the subdivision of land, whether major or minor pursuant to these regulations, may schedule a pre-application conference with the Director pursuant to Section 24003.11.
2. Following the pre-application conference, applicants for minor subdivision approval may submit prints of a Preliminary Plat, as described in Section

24003.13 to the Director, together with an application for approval. The Director shall review the Preliminary Plat for completeness and inform the applicant of any necessary changes or corrections to ensure that the application conforms with these regulations, all other applicable ordinances and plans of the County and all other applicable State regulations. The Director may waive informational requirements specified in Section 24003.16 upon finding that such waiver will not reduce the County's ability to review the proposed subdivision for compliance with the UDC.

3. When the application has been determined to be complete, the Director shall approve, disapprove, or conditionally approve the Preliminary Plat. If the Director disapproves the Preliminary Plat, the grounds for such decision shall be forwarded in written form within ten (10) working days to the applicant.
 4. Preliminary plats of minor subdivisions that have been approved or conditionally approved may proceed directly to Final Plat.
 5. The content of the Final Plat for a Minor Subdivision shall correspond with the content for all Final Plats as required by Section 24003.16 except that construction plans may not be required.
 6. The Director may approve the Final Plat, approve the Final Plat with conditions or disapprove the Plat.
- e. Within ninety (90) days following Final Plat approval by the Director, the applicant shall file an approved plat with the County Recorder of Deeds. The applicant shall furnish the Director with the recording date, the document number, and the book and page numbers after recording the approved plat. The applicant shall bear all expenses in connection with the filing of the Final Plat and the County Recorder of Deeds shall not be required to file the Final Plat until the applicant has paid the required filing fee.

24003.25 ADMINISTRATIVE PERMITS

- a. **Purpose.** The purpose of this section is to provide for the administration and enforcement of the technical codes adopted by the County.
- b. **Applicability.** This section applies to all properties located within the County's land use regulation jurisdiction except as specifically exempted herein or the UDC as adopted by Jackson County. The Director may waive permit requirements for minor repairs and maintenance. Unless specifically exempted, it shall be unlawful for any person, firm, partnership or corporation to cause or allow the following:
 1. erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, use or occupy any building or structure without first obtaining a valid building permit.
 2. install any plumbing or gas fitting pipes, fixtures or equipment within or on any building, structure or premises, or make any alteration, changes, or repairs or otherwise perform the plumbing or gas fitting work without first obtaining a valid building permit.
 3. install any electrical wiring, fixtures, or equipment within or on any building, structure, or premises, or otherwise make any alteration, addition, changes, or

repairs to electrical wiring, fixtures, or equipment, without first obtaining a valid building permit.

4. install any heating, ventilating, cooling, refrigeration equipment, or duct work, or make any alteration, addition, changes, or repairs to heating, ventilating, cooling, refrigeration equipment, or duct work, without first obtaining a valid building permit.
5. locate, construct, alter, place, replace, pave or surface a driveway approach without first obtaining a valid driveway permit.
6. install or repair any on-site wastewater systems or part thereof without first obtaining a valid septic permit.
7. construct or structurally alter any street, road, sidewalk, curb, gutter, public utility, construction improvement, or public facility or cut, grade, clear or fill any property without first obtaining a valid construction permit.

c. Application and Processing. The applicant may initiate the administrative permitting by completing and filing the appropriate permit application form with the Director. The application form shall be accompanied by all necessary information as listed therein.

d. Permit Issuance.

1. The application, plans, specifications and other data filed by the applicant for a permit shall be reviewed by the Director. The plans shall be distributed to and reviewed by other County departments and other applicable agencies to certify compliance with applicable ordinance requirements enforced by other departments. If the Director determines that the work described in an application and the required plans, specifications, and other data comply with this UDC and other applicable rules, laws and ordinances, and that all fees have been paid, the Director shall issue the permit to the applicant.
2. When the Director issues a permit where plans are required, the approved plans and specifications shall be endorsed or stamped "APPROVED." The approved plans and specifications shall not be changed, modified, or altered without authorization from the Director. All work shall be done in accordance with the approved plans.
3. All permitted work being accomplished on County right-of-way or easements shall be covered by a performance bond in the amount set by the Director and be covered by insurance in the categories and amounts set by the Director.

e. Review. Director shall provide expedient review and then approve or disapprove the following types of permits:

Type of Permit

Type of Permit	Purpose
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Building	Construction, reconstruction, expansion, remodeling or other modifications to a structure pursuant to Chapter 54 of the Jackson County Code.
Raze	Demolition of a structure pursuant to Chapter 54 of the Jackson County Code
Construction <u>Improvement</u>	Construction <u>improvement</u> , construction, extension or modification of public facilities or utilities, paving, clearing and grading (excepting agricultural operations).
Septic	Construction, reconstruction, expansion or repair of an on-site wastewater system
Driveway	Construction, reconstruction or expansion of a driveway in a public right-of-way.
Floodplain	Any development within the FW or FF zoning districts

f. Validity of Permit. The issuance of a permit and the approval of plans and specifications is not a permit for, or an approval of, any violation of any provision of the UDC or any other County ordinance. Issuance of a permit based on plans, specifications, and other data shall not prevent the County from thereafter requiring the correction of errors in the plans, specifications, and other data, or from preventing building operations being earned on thereunder when in violation of this UDC or other applicable County ordinances. No permit presuming to give authority to violate or cancel any requirement or provisions of this UDC is valid.

g. Expiration and Extension of Permit.

1. An administrative permit expires if work authorized by the permit is not commenced within 180 days of issuance of the permit. Extensions of up to 180 days may be granted by the Director for good cause. Extensions must be requested before the permit expires.
2. An administrative permit expires if work authorized by the permit once begun, is suspended or abandoned for more than 180 days a single extension of up to 180 days may be granted by the Director for good cause the extension must be requested before the permit expires.
3. After an administrative permit has expired, no work shall be recommenced until a new permit has been issued by the Director.

24004.1 ZONING DISTRICTS - GENERAL

a. Establishment of Zoning Districts. In order to classify and segregate the uses of land and buildings, the following districts are hereby established:

- AG Agricultural District
- RR Residential-Ranchette District (5-acre minimum)

RE	Residential Estate District (2-5 acres)
RS	Residential Suburban (less than 2 acres) District
RU	Residential Urban District
RO	Residential and Office Use District
LB	Local Business District
GB	General Business District
HC	Highway Commercial District
LI	Light Industrial District
HI	Heavy Industrial District
F-1	Floodway Overlay District
F-2	Floodway Fringe Overlay District
PD	Planned Development Overlay District
UG	Underground Space Overlay District

b. Zoning Map.

1. The boundaries of all zoning districts shall be shown on the official Zoning Map of Jackson County, Missouri ("Zoning Map"). The Zoning Map, together with all legends, symbols, notations, references, district boundaries' and other information thereon, is incorporated by reference into this section as if fully set forth, herein.
2. The Zoning Map and a record of all amendments thereto shall be kept on file in the office of the Director and shall constitute the original record and shall be the final authority as to the current zoning status of all property within the unincorporated portion of Jackson County.
3. Changes in the boundaries of any zoning district, in accordance with the provisions of the UDC shall be reflected on the Zoning Map promptly upon approval of the amendment by the County Legislature. All amendments to the Zoning Map shall be signed and attested to by the Director.
4. The Zoning Map may be prepared in sections as may be required to adequately portray the boundaries of all zoning districts. The Zoning Map may include supplemental zoning maps to portray street classifications, boundaries of areas subject to specific limitations or exceptions or such other information as may be required by the UDC.
5. In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature or number of changes and additions, the County Legislature may, by ordinance, adopt a new Zoning Map, which shall supersede the prior Zoning Map; provided, however, that the new Zoning Map shall reflect the prior zoning district boundaries unless changed pursuant to law.

c. Zoning District Boundaries.

1. Wherever a site is divided by a district boundary, the zoning regulations applicable within each district shall apply to each portion of the site situated in a separate district.
2. The following rules shall apply in the determination of the boundaries of any district shown on the Zoning Map:

- (a) Where boundaries approximate street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are shown as being within street and alley lines or within identifiable rights-of-way or creeks, the centerline thereof shall be construed to be the district boundary.
- (b) Where a district boundary divides an unsubdivided parcel, the location of the district boundary shall be determined by the use of the scale appearing on the Zoning Map unless indicated by dimensions.
- (c) Map codes or symbols indicating the classification of property on the Zoning Map apply to the entire area within the district boundaries.
- (d) Where a street, alley or right-of-way is officially vacated or abandoned, the Zoning Regulations applicable to the abutting property shall apply to the centerline of the vacated or abandoned street, alley or right-of-way.
- (e) Should any uncertainty remain as to the location or meaning of a boundary indicated on the Zoning Map, said uncertainty shall be resolved by the Director, whose decision may be appealed to the BZA.

3. When regulations refer to the "classification" of property, the term "classification" means the zone or district applicable to the property.

d. Uses Not Provided for in Zoning District Regulations.

- 1. Appendix A summarizes the uses authorized within each zoning district. The appendix should be used for reference purposes only; uses other than those specifically authorized in the district regulations as uses permitted as of right, uses permitted by conditional use permit, accessory uses or planned uses in each district may be allowed only if the Director finds that such uses are:
 - (a) similar in character to an authorized use; and
 - (b) will have no greater adverse effect on adjacent properties or the surrounding area than the authorized uses.
- 2. Such decisions may be appealed to the County Legislature by the applicant or adjacent property owners.
- 3. All interpretations made by the Director pursuant to this section shall be appended to the UDC and introduced before the legislature as amendments to the UDC annually. If, after introduction, the Legislature fails to adopt an interpretation of the Director's as an amendment to the UDC, that interpretation shall be null, void and of no legal effect.

e. Prohibited Conversions. Unless expressly provided for in these zoning regulations, no land shall be used and no building shall be erected for, or converted to, any use other than those authorized for the district in which the use is located. No building or portion thereof designed and constructed as a residential building shall be changed to an office, retail or business use of any type, except as provided herein.

24004.2 AGRICULTURAL DISTRICT (AG)

a. Purpose. The Agricultural District (AG) is intended to help retain large tracts of land for agricultural purposes and to minimize conflicts between agricultural uses and adjacent development. The principal purpose of this district is to provide for large tracts of open land (10 acres or more) devoted to active agricultural and open space uses, including crop farming, animal raising, pasture and woodlands with related residential and farm structures and equipment. This district is appropriate in the Rural Development Tier depicted on the Development Diagram (Exhibit VI.3) of the Master Plan. The AG District also may apply to tracts of land within the Suburban Tier, when compatible with adjacent land uses. Land in the AG District should be served at rural levels of service.

1. Group quarters and nursing homes subject to the conditions established in Section 24005.11.
2. Gun clubs, firing ranges, skeet shooting or other activities involving firearms subject to the provisions of Section 24005.9.
3. Kennels, for more than six (6) dogs and cats provided that all animal enclosures are located not less than 200 feet from any property line.
4. Quarries and mines, subject to the conditions established in Section 24005.16.
5. Retail sale of live plants or animals subject to provision of adequate, dust-free parking facilities and buffering between structures and adjacent property lines.
6. Sanitary landfills.
7. Stables.
8. Telecommunications structures and other transmission facilities subject to the provisions of Section 24005.21.
9. Temporary sales events pursuant to 24005.20.
10. Trailer camps and recreational vehicle parks subject to the conditions established in Section 24005.18.
11. Veterinary clinics.
12. Wastewater treatment facilities, excluding individual, on-site wastewater systems, provided such facilities have direct access to a public road.
13. Wineries and cider mills, subject to the conditions in Section 24005.24.

d. Accessory Uses. The following uses are authorized as accessory uses which are customarily incident to the primary use. None of the following uses are authorized in the absence of an authorized permitted use.

1. Accessory dwelling subject to the conditions established in Section 24005.2.
2. Accessory uses and buildings customarily incident to a single family residence.

Including the storage of heavy equipment used in agricultural production.

b. Permitted Uses. The following uses are authorized as permitted uses subject to any conditions established in these district provisions;

1. Agricultural uses, including general fanning, ranching, animal breeding, horticulture, orchards and vineyards, but not including poultry farms or the feeding or disposal of garbage or waste.
2. Aviaries.
3. Bee keeping.
4. Churches, temples, synagogues, mosques and related community buildings.
5. Civic clubs, private clubs, fraternal or sororal organizations.
6. Dairies and creameries processing milk produced by livestock raised on the property provided that frontage on a collector or minor arterial road is required for dairies from which more than one commercial vehicle operate.
7. Dwellings, single-family detached.
8. Family day care home, subject to the conditions established in Section 24005.6.
9. Fish hatcheries.
10. Group homes, subject to the conditions of Section 24005.11.
11. Harvesting of agricultural crops, including public harvesting of Christmas trees, fruit and other produce.
12. Livestock raising, excluding commercial feedlots.
13. On and off-premise signs pursuant to Section 24007.
14. Poultry farms, provided that poultry enclosure areas are setback a minimum of 50 feet from every property line plus 10 feet for every 100 fowl in excess of 250.
15. Public parks and recreational facilities.
16. Public service facilities, including, but not limited to park-and-ride areas, safety and emergency service facilities, public works facilities, schools, parks and other uses required to efficiently provide public services to rural residents.
17. Railroad stations and railroad right-of-way, except railway yards.
18. Telephone relay stations, excluding broadcasting facilities.
19. Temporary assembly and amusements, including revivals, carnivals and circuses, subject to the conditions established in Section 24005.19. This section

is not intended to permit the establishment of permanent facilities which are temporarily occupied by different groups.

20. Water, wastewater, electric, gas and telecommunications distribution or collection facilities, excluding electric transmission lines.
21. Water storage tanks, fill stations or towers on a site including one (1) acre or more.
22. Water treatment plants.
23. Wildlife reservations and conservation projects.

c. Conditional Uses. The following conditional uses are authorized, subject to the provisions of Section 24003.21.

1. Airports, airfields and heliports pursuant to Section 24005.3.
2. Animal exhibits and zoos, pursuant to Section 24005.4.
3. Bed & Breakfast Inns, pursuant to Section 24005.5.
4. Cemeteries and burial grounds.
5. Chemicals, agricultural - wholesale.
6. Civic Clubs.
7. Compost facilities subject to the conditions established in Section 24005.8.
8. Day care centers and group day care homes, subject to the conditions established in Section 24005.6.
9. Electrical transmission lines subject to the provisions of Section 24005.22.
10. Flea markets and swap meets pursuant to Section 24005.10.
11. Commercial construction vehicle storage, limited to two such vehicles and two commercial trailers.
12. Decks, gazebos and gardens.
13. Home occupations subject to the conditions established in Section 24005.13.
14. Kennels, for no more than six (6) dogs and cats.
15. Non-commercial storage buildings including garages, sheds, barns and silos.
16. Non-commercial telecommunications structures, subject to the provisions of Section 24005.21.
17. Non-retail greenhouses.

18. On-premise signs, subject to the provisions of Section 24007.
19. Poultry keeping, limited to no more than 100 fowl, provided that offensive or excessive noise, dust or odor does not create a nuisance for adjacent properties.
20. Refreshment stands.
21. Roadside stands, limited to the temporary sale of unprocessed goods and agricultural products which are grown on the premises, the structure shall be of temporary construction, and contain a maximum of 400 square feet of gross floor area (GFA). Roadside stands shall not be erected or operated for more than ninety (90) days in any calendar year.
22. Sports courts.
23. Stables - private.
24. Trailer, limited to storage of one cab and two tractor trailers.

e. Planned Uses. The following uses are authorized within a planned development district, subject to the requirements of Section 24003.18.

1. Camps, retreats and resorts subject to provision of adequate access, water supply, wastewater treatment capacity and buffering from adjacent property. Activity areas and buildings shall be located at least 200 feet from the nearest property line.
2. Commercial recreational facilities, including lakes, picnic areas, riding stables, golf courses and private clubs, provided that active recreation areas, excluding golf courses, shall be located no closer than 200 feet from the nearest residential district.
3. Personal service shops on a parcel containing at least five acres and located on a collector or minor arterial street. Total building area on such a parcel, including accessory storage buildings shall not exceed 5,000 square feet GFA. No more than 10,000 square feet GFA of personal service shops may be permitted within one (1) mile along any street.
4. Retail sales of general merchandise, excluding adult uses, serving the needs of neighborhood residents on a parcel containing at least five acres and located on a collector or minor arterial street. Total building area on such a parcel, including accessory storage buildings shall not exceed 5,000 square feet GFA. No more than 10,000 square feet GFA of retail sales may be permitted within one (1) mile along any street.

f. Development Performance Standards.

1. Development in the AG district shall meet the standards established in Exhibit 240.8 in addition to the standards established in other sections of the UDC.

Exhibit 240.8: AG District Design Standards

Minimum lot size (1)	10 acres
Maximum building height	40 feet
Minimum building setbacks Front Side Rear street side	50 feet 30 feet 50 feet 50 feet
Minimum lot width	250 feet
Maximum impervious cover	15%

(1) *Except as otherwise provided in the above district regulations.*

(2) *Silos and other agricultural structures may be constructed to the height of up to 55 feet provided that they are located a distance equal to or greater than their height from all property lines.*

2. Open storage is prohibited, excepting farm machinery, farm products and temporary storage of road materials.
3. Animal enclosure areas shall be located at least 50 feet from any property line, excepting grazing areas for horses, cattle or other livestock. Animal enclosure areas include, but are not limited to pens for swine, corrals, holding pens, kennels, aviaries, and other animal confinement areas.

24005.13 HOME OCCUPATIONS

a. Purpose and Intent. The purpose of this section is to permit home occupations which will not change the character of adjacent residential areas. The intent of these zoning regulations is to conserve property values, as well as protect residential neighborhoods from excessive noise, excessive traffic generation, nuisances, health and safety hazards which may result from a home occupation conducted in the residential zones.

b. Performance Standards. All home occupations must comply with the following performance standards:

1. The use of the dwelling unit as a home occupation shall be deemed to be clearly incidental and subordinate to its use for residential purposes if the home occupation occupies less than twenty-five percent (25%) of the square footage floor area of the residence.
2. No more than one person, other than those residing on the premises, shall be engaged in the activities of the home occupation.
3. A home occupation may attract patrons, students, or any business-related individuals only between the hours of 6:00 a.m. and 9:00 p.m.
4. No more than two (2) home occupations shall be permitted within any single dwelling unit.
5. There shall be no exterior displays, no exterior storage of equipment, including unlicensed equipment, and materials, and no open lot storage.
6. Home occupations shall not produce offensive noise, vibration, smoke

electrical interference, dust, odors or heat. Any noise, vibration, smoke electrical interference, dust, odors or heat detectable beyond the property lines or beyond the walls of the dwelling unit if the dwelling unit is a multifamily structure shall not be permitted.

7. Home occupations shall not require internal or external structural alterations of the principal residence which may change the outside appearance of the principal residence or change the residential character of the property.
8. Home occupations shall not require the installation of equipment or machinery creating utility demand, noise, fumes or other impacts in excess of equipment or machinery that is customary in a residential area.
9. No electric devices may be used in any home occupation which may cause electrical interference or create visual and audible interference in any radio or TV receivers in violation of FCC standards, or cause fluctuations in off-site line voltages.
10. Except in the AG and RR zoning districts, no on-premise advertising for the home occupation shall be allowed. Window areas must not purposely or intentionally be used as display areas or to offer merchandise for sale. In the AG and RR Zoning Districts, a six (6) square foot sign advertising the home occupation shall be permitted. No home occupation sign shall be located within a street right-of-way.
11. In the AA and RR zoning districts, home occupations may be operated from accessory buildings. Except in the AG and RR zoning districts, all related activities shall take place entirely within the residential dwelling, except when the Director finds that such activity is similar to non-commercial activities normally associated with single family homes.
12. Except in the AG and RR zoning districts, no pedestrian or vehicular traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential area.
13. No delivery truck shall operate out of a residential district as a function of a home occupation. A single delivery vehicle may be operated from a home occupation established in an agricultural district.

Permitted Home Occupations

Home Occupation	District					
	<u>AG</u>	<u>RR</u>	<u>RE</u>	<u>RS</u>	<u>RU</u>	<u>RO</u>
Antique Sales	T	T	T	T	T	T
Artist, Composer, Photographer	T	T	T	T	T	T
Arts & Crafts Production/Sales	T	T	T	T	T	T
Beauty Shop/Barber	T	T				
Brokers	T	T	T	T	T	T
Building Contractor/Construction Services2	T	T				
Clergy	T	T	T	T	T	T

Computer Applications	T	T	T	T	T	T
Cooking/Preserving	T	T	T	T	T	T
Electronics Repair	T	T	T	T	T	T
Insurance Agents	T	T	T	T	T	T
Instruction ³	T	T	T	T	T	T
Jewelry Repair	T	T	T	T	T	T
Professional Services ⁴	T	T	T	T	T	T
Sales Representative ⁵	T	T	T	T	T	T
Secretarial Service	T	T	T	T	T	T
Seamstress/Tailor	T	T	T	T	T	T
Small Engine/Appliance	T					
Word Processing/Typing	T	T	T	T	T	T

- 1 *The table lists specific home occupations and the districts in which they are permitted. Other home occupations may be permitted by the Director if they meet the standards specified in this section.*
- 2 *Includes, but is not limited to, carpentry, electrical, masonry, painting and plumbing.*
- 3 *Art, Dance, Music, Tutoring; Limited to no more than two (2) students at one time.*
- 4 *Accountant, Architect, Attorney, Engineer, Etc.*
- 5 *Provided there is no exchange of tangible goods on the premises, though mail distribution may be allowed.*

14. Low-intensity (traffic generation, land use, noise, etc.) occupations, professions and business activities, and those uses or activities of a similar nature, as provided the following table, may be permitted as home occupations in the indicated residential zoning district(s), subject to the conditions of these regulations and other applicable federal, state or local laws.

15. This section does not permit the establishment of unlisted home occupations unless they comply with all other standards of these Zoning Regulations.

c. Prohibited Home Occupations. The following occupations, professions, and business activities and those of a similar nature are specifically prohibited as home occupations:

1. Ambulance services;
2. Animal/veterinary clinics;
3. Beauty salons and barber shops, except in the AG and RR zoning
4. Clinics, hospitals;

5. Headquarters and dispatch centers where employees report to a site and are dispatched to other locations;
6. Medical/Dental Offices;
7. Mortuaries;
8. Restaurants;
9. Taxi and/or pay for hire services including, but not limited to taxi party van or bus, and limousine services;
10. Vehicle sales or parts sales and vehicle service and/or repair, including but not limited to: engine work, body work, painting, dismantling, embellishing, washing and detailing services, accessory parts sales and installation

2. Section 24001.2 is hereby amended by the addition of a new subsection 38, containing the definition of "construction improvement," to read as follows, with existing subsequent subsections to be renumbered accordingly:

38. Construction Improvement. Any construction, improvement, addition, or repair to utilities within County Right of Way; private bridge; retaining wall over four (4) feet in height not attached to a building; commercial construction not covered by building code; or construction intended to be dedicated as public improvement such as roads, storm water, sewers, and wastewater treatment facilities.

Section B. The County Counselor as Revision of Ordinances pursuant to section 140. of the Jackson County Code, is directed to change all existing references in Chapter 240 from former Zoning District A, to new Zoning District AG.

Effective Date: This Ordinance shall be effective immediately upon its passage by the County Executive.

APPROVED AS TO FORM:

Senior Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance No. 4489 introduced on November 27, 2012, was duly passed on December 3, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9

Nays 0

Abstaining 0

Absent 0

This Ordinance is hereby transmitted to the County Executive for his signature.

_____ Date

_____ Mary Jo Spino, Clerk of
Legislature

I hereby approve the attached Ordinance # 4489.

_____ Date

_____ Michael D. Sanders,
County Executive