Article 10: Supplementary Use Regulations

Section 226: Permissible Uses and Specific Exclusions

A. The presumption established by these regulations is that all legitimate uses of land are permissible within at least one zoning district in the unincorporated county. Therefore, because the list of permissible uses set forth in Article 7 cannot be all inclusive; those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

B. Notwithstanding Subsection A, all uses that are not listed in Article 7, even given the liberal interpretation mandated by Subsection A, are prohibited. Nor shall Article 7 be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

C. Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:
    1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the county's fire prevention code.

    2. Use of a travel trailer, motor home or tent as a residence.

    3. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted, except use of mobile health vehicles and bookmobiles.

    4. Use of a mobile home (single or double) for any purpose other than a residence or office.

    5. Mobile storage

Section 227: Accessory Uses

A. Article 7 classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use.

B. For purposes of interpreting Subsection A:
    1. The determination of the eligibility of a proposed use as an accessory use shall be made by the Planning Director.

    2. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use,

    3. To be commonly associated with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

C. Without limiting the generality of Subsections A and B, the following activities, so long as they satisfy the general criteria set forth above, are specifically regarded as accessory to residential principal uses:

1. Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.

2. Hobbies or recreational activities of a noncommercial nature.

3. The renting out of one or two rooms within a single family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single family dwelling.

4. Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.

5. Accessory Dwelling on property with at least one (1) acre:

   a. Only one accessory dwelling shall be allowed on any lot.

   b. One additional off-street parking space is required and shall be provided, which shall be located in a side or rear yard.

   c. Accessory dwellings shall not exceed 500 square feet or 50 % of the size of the principal dwelling, whichever is less.

   d. Accessory dwellings, whether attached or detached, shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) similar to those on the principal dwelling.

   e. If detached from the principal dwelling unit, the accessory dwelling must be constructed within the side or rear yard of the residential lot separated by a distance of at least 15 feet from the principal building. Accessory dwelling shall not be located closer to the right-of-way than the principal dwelling's building line.

   f. Accessory dwellings shall not be rented or sold separately from the sale of the entire property, including the principal dwelling unit.

   g. Accessory dwellings shall be permanent in nature and cannot be a mobile home (single) or mobile home (double).

   h. Accessory dwellings shall be connected to public water and sewer service where available or have on-site water and sewer facilities that comply with all County and State regulations.

   i. Accessory dwellings shall meet all the residential building codes as required by the Franklin County Building Department.

6. Garage or carport for storing vehicles.

7. Shed or tool room for the storage of equipment used in grounds or building maintenance.

8. Children's playhouse and play equipment.

9. Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties.

10. Private recreational facility, such as a swimming pool and bathhouse or cabana, or tennis court.

11. Deck or patio, whether on water or over land.

12. Fences and freestanding walls: No fence or freestanding wall shall be erected in a manner that obstructs visibility at street intersections or driveways. Fences and walls can be located along the property line, however it is recommended they be set back two (2) feet from any side or rear property line for purposes of maintenance

D. Without limiting the generality of Subsections A and B, storage outside of a substantially enclosed structure of more than 2 motor vehicles that are neither licensed nor operational shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.

Section 228: Permissible Uses Not Requiring Permits

Notwithstanding any other provisions of these regulations, no zoning or conditional use permit is necessary for the following uses:

A. Streets (does not include proposed streets in subdivisions).

B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.

C. Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or county) of the right-of-way.

Section 229: Exemptions from Zoning Provisions

A. These regulations shall not be exercised to impose regulations, or to require permits, with respect to land used, or to be used, for the raising of crops, horses, livestock, poultry, orchards, or forestry; or with respect to the erection, maintenance, repair, alteration, or extension of buildings or structures used, or to be used, exclusively for agricultural purposes as described herein. However, this section shall not exempt such structures that shall be located in designated flood areas. Said structures shall be required to comply with all county, state, and federal floodplain regulations in regard to construction permits.

B. These regulations shall not restrict the right of governmental or municipal agencies or emergency services (such as fire departments or districts, ambulance districts, and police agencies) to locate and establish such facilities as are considered essential for the provision of adequate emergency services to the public.

Section 230: Temporary Asphalt, Concrete or Rock Crushing Plants

A. The Unified Land Use Regulations shall not apply with respect to the placement and operation of temporary asphalt, concrete or rock crushing plants or any other operation which the County Commission deems essential in support of any state, county or municipal highway or bridge contract or project and no other purpose. In order to obtain a permit under this section, the following requirements must be met:

1. A written request must be submitted to the Franklin County Planning & Zoning Director on forms provided by the Planning & Zoning Department for such purpose.

2. The application must be accompanied by fully executed and final contract or contracts issued by the state, county, or a municipality within Franklin County.

3. The application must state specifically where the plant or facility will be located to include a site plan of the proposed temporary facility and a locator map showing the exact location of the proposed facility, the hours of operation, the length of time for which the permit is desired, a list of the projects to be supported by the facility with construction limits pertaining thereto and a locator map reflecting the sites of the project or projects to be supported.

4. A permit fee of $1,000 which is the sum necessary to review the application, investigate the proposed site and monitor compliance.

5. An escrow, in the form of a cash bond, of $10,000, for correction of violations.

B. Once an application is received, it will be reviewed by the Planning & Zoning Director for completeness. After verifying and confirming that the application is complete, the Planning & Zoning Director shall forward the application to the Franklin County Commission, the Franklin County Highway Administrator and any other agency or department which the Planning & Zoning Director or the County Commission deems appropriate. Such review will consider at a minimum the benefit or detriment to taxpayers of having a temporary plant or facility available for a given project. Each department or agency tasked to review any such application shall review same and shall forward findings in an expeditious manner to the County Commission.

C. If the County Commission determines that it is in the best interest of the taxpayers to allow a temporary facility, a permit will be issued by the County Commission. If the County Commission determines that it is not in the best interest of the taxpayers to allow a temporary facility, a permit will not be issued. The decision of the County Commission is final. No appeals shall be allowed. The County Commission shall attach such conditions to the permit as it deems appropriate. In addition to such special conditions, all permits so issued shall be subject to the following:

1. The temporary use shall not exceed one (1) year.

2. The use of any material manufactured or processed at the temporary facility for any purpose or in support of any project other than the governmental projects which accompanied the application will result in the automatic and immediate revocation of the permit.

3. No construction debris to include clean fill shall be placed on the site unless specifically permitted as part of the approval.

4. Laying of test strips on private property shall be permitted but only if the material used to perform the test strips is provided to the owner of the private property for no consideration, either directly or indirectly or monetary or in kind.

5. If a publicly maintained county road is involved, in addition to the normal review and the recommendations by the County Highway Administrator, the County Highway Administrator shall also determine whether or not a cash bond or similar security is required in order to insure that there is a source of funding available to repair any damage caused by the operation of the temporary facility.

6. Prior to operation of any temporary facility, the Planning & Zoning Director or his designated representative shall conduct an inspection of the proposed site in order to note the condition of any public road which shall be used in conjunction with the facility in addition noting other conditions which are specific to such site.

7. Upon completion of the project or projects being supported, the Planning & Zoning Director or his designated representative shall conduct an inspection of the facility site in order to determine any damage to public property caused by the operation of the facility and to verify that no other condition was violated.

8. In the event an applicant desires to amend or extend the operation of the facility, the applicant must submit a request therefore in writing to the Planning & Zoning Director. Such written request shall include the specific reasons why an extension or modification is needed. A review of such request shall be made in the same manner as the original application. Any request or amendment must be accompanied by an additional processing fee of $250.00.

D. In the event an applicant violates the terms of the temporary asphalt permit, or any of the Franklin County Unified Land Use Regulations, the following shall apply:
   1. If the County finds the applicant is in violation, the applicant will be notified of the violation. A fine of up to $1,000 a day, from the day the violation first occurred will be charged and the applicant will be required to shut down all operations until a new permit is approved.
      a. If the violation occurs before 12:00 p.m., the applicant will up to four (4) hours to shut down all operations.

      b. If the violation occurs after 12:00 p.m., the applicant will not be able to operate the batch plant the following day.

   2. The Franklin County Municipal Court shall have jurisdiction with respect to violations of this section except that violations that would threaten or pose a danger to the public health, safety or welfare. In the event the violation is a threat or a danger to the public health, safety or welfare the County has the right to issue a cease and desist order and may do so being accompanied by a Sheriff Deputy.

Section 231: Second Dwellings and Medical Hardships

A. Medical Hardships
   1. A mobile home (single) or mobile home (double) may be placed and occupied as a residence temporarily upon a lot with at least one (1) acre on which there is an existing site built home,

constructed in accordance with the standards set forth in the Franklin County building code and occupied by the property owner.

2. The temporary residence shall be occupied by a member of the immediate family and separated from such other home or other buildings by at least 25 feet.

3. A notarized affidavit, from an attending medical doctor, or on original letterhead and signed, briefly describing the medical issues of the patient and including a recommendation that immediate and constant care is necessary, shall be required every two (2) years.

4. When the medical hardship ceases to exist, the applicant shall remove the temporary residence within sixty (60) days. A permit for a temporary residence shall remain valid so long as the medical hardship exists to warrant the temporary residence.

B. Second Dwellings
   1. Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire twelve months after the date of issuance.

   2. The Planning Director may renew such permit for an additional period not to exceed six (6) months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable (this period of time corresponds with the issuance of a valid building permit).

C. Temporary residences used on construction sites of nonresidential premises shall be removed immediately upon the completion of the project.

Section 232: Building Requirements

A. There shall be no construction or building across a property or lot line in Franklin County. If a construction project is to be constructed on or across two (2) or more lots or parcels, these lots or parcels must be re-platted into a single lot or property in accordance with the provisions of this Article 8 before a building permit is issued for the project.

B. All structures must be located outside of the site triangle as approved by the Highway

C. Any buildings built within any utility easement is done at the owners own risk. Any building built in the utility easement takes on the risk of being moved, removed, etc. by the utility needing to access that dedicated easement.

Section 233: Waste Control Definitions and Regulations

A. Definitions:
   1. **Recycling Center**: An establishment engaged in the processing, collection and transfer, but not storage of recyclable materials. Typical recyclable materials include glass, paper, plastic, cans or other source separated, non-putrescible materials. For the purposes of this use, "recyclable materials" shall not include motor oil, chemicals, household appliance, tires automobiles, automobile parts putrescible materials or hazardous waste materials. Such facilities may be allowed in Industrial Development (ID) Districts with a conditional use permit.

2. **Composting facility, yard waste**: A commercial facility where yard waste is accepted from the public for composting. Composting is an aerobic (oxygen-dependent) degradation process by which organic wastes decompose under controlled conditions. Yard waste shall be defined as leaves, grass clippings, yard and garden vegetation, Christmas trees, shrubs, vegetable and flower garden waste and brush which has been produced as a result of lawn and garden care maintenance. The parcel on which the composting facility is located shall not be less than 40 acres and may not be reduced while the facility is in operation. Compost material shall not be on an area greater than 100,000 square feet and shall not be allowed to accumulate higher than 10 feet from the bottom of the composed materials. The compost material shall be placed near the center of the property with setbacks of at least 400 feet from any property line (this setback may be modified depending on the particulars of the site). There shall be a storm water control basin on site that will control discharge of materials from the area. The site shall have access to a water system capable of sustaining fire suppression for the facility. This type of facility shall not be within 2500 feet from the following zoning districts: Residential Development (RD), Residential Development 2 (RD2), Suburban Development (SD), Community Development (CD). So long as the foregoing is complied with, such facilities may be allowed in Industrial Development (ID) and Non-Urban and Agricultural (NUA) Districts with a conditional use permit.

3. **Trash Transfer Facility**: A site, which has a fully enclosed structure that accepts solids for temporary storage or consolidation and for transfer to a waste disposal, processing or storage facility. Any such facility shall not have any open storage of any solid or liquid waste products and must be kept clean at all times. Facilities of this type shall not permit storage of waste for a period greater than 24 hours and shall not create a public health or aesthetic nuisance. Overnight parking of loaded or partially loaded solid waste collection vehicles is strictly prohibited. On sight overnight parking of unloaded solid waste collection vehicles or vehicles used in the transfer of solid waste shall only be allowed on site when there is adequate fencing and screening by vegetation to secure and allow the site to be aesthetically compatible with the area. All fencing and buffering of such facilities must be based upon a plan approved in advance by the Planning & Zoning Department. Any such facility which allows such screening and fencing to deteriorate from what was originally approved by the Planning & Zoning Department may be closed down by the Planning & Zoning Department until such time as all deficiencies have been corrected. This type of facility shall only be allowed in areas where there is a central wastewater collection system. Storm water and water run off shall be maintained on site by the property owner so that any debris or liquids will not be discharged in any creek or stream without water quality issues being addressed. No transportation, separation and storage of hazardous waste will be allowed. This type of facility shall not be within 1000 feet from the following zoning districts: Residential Development (RD), Residential Development 2 (RD2), Suburban Development (SD), Community Development (CD), Non-Urban and Agricultural (NUA). So long as the foregoing is complied with, such facilities may be allowed in Industrial Development (ID) Districts with a conditional use permit.

B. Periodic Inspections

All transfer, collection, recycling facilities, and composting facilities shall be subject to periodic, unannounced inspections by the County Health Department and/or such other agency designated by the County Commission and shall also be subject to an annual re-permitting inspection as described hereinafter. By applying for a permit to operate such a facility the applicant, or its successors and assigns, shall be deemed to have granted to such agencies the right at any time to enter onto such

premises for the purposes of performing inspections. Any person or entity which possesses a conditional use permit for any facility which is governed by these regulations shall be required to reapply annually for renewal of such permit. The application for renewal shall be submitted on forms supplied by the Planning and Zoning Department and must be submitted along with the required inspection of the then existing permit. Failure to timely submit such renewal application and/or the required inspection deposit shall result in the existing permit to be rescinded. Any and all violations shall be subject to enforcement in accordance with the Franklin County Unified Land Use Regulations, all building codes adopted by Franklin County as well as to all applicable provisions of Missouri law. Each day wherein a condition which constitutes a violation is allowed to exist shall be a separate violation.

C. Deposit Schedule
Attached hereto and incorporated herein is the schedule of the required deposit for permit applications and permit renewal applications for the facilities governed by these regulations. Because each of the different types of facilities can vary in the degree of complexity the required deposits may be different. The appropriate agencies involved in the permitting process shall assess the cost of issuing and/or renewing a permit against such deposit. In the event the cost of issuance or renewal is less than the deposit a refund shall be made to the applicant. In the event the cost of issuance or renewal is more than the deposit the applicant shall be required to submit the difference. In no event shall any final action be taken on an application or renewal until any such cost differential has been paid.

Section 234: Home Occupation Regulations

Standards for the operation of a Home Occupation:

A. Only one (1) occupation or profession shall be permitted per residential unit.

B. The home occupation must not change the outside appearance of the dwelling(s).

C. No more than two (2) customers or clients may be served in a residence at one time, except in the case of photography studios or dance studios, where the number of customers shall not exceed ten (10).

D. The occupational use may occupy no more than twenty-five (25) percent of the total floor area of the primary residential structure plus any additional buildings housing the home occupation, and in no case more than five hundred (500) square feet of total floor area.

E. One (1) non-illuminated sign for home occupation shall be allowed, not to exceed two square feet.

F. No more than one person who is not a resident of the premises may be employed in connection with the home occupation.

G. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced by the home occupation.

H. No exterior storage of materials, products or other outdoor display shall be allowed.

I. No structure additions, enlargements, or exterior alterations are permitted that would change the residential character of the principal building.

J. The home occupation shall not have more than one commercial vehicle. No heavy commercial equipment or vehicles may be parked in connection with a home occupation.

K. Off street parking must be provided such that no traffic or safety hazards are created.

L. Any use that is listed in Article 7 as a conditional use shall require a conditional use permit and may not be done in connection with a Home Occupation.

M. Delivery of items to and from the home may be done by single axle trucks only (no tractor trailers).

N. The Planning Director has the right to take any home occupation request to the Planning and Zoning Commission for a recommendation.

Specific examples of Home Occupations permitted. These may include, but are not limited to the following:

- A professional such as an engineer/surveyor, planner, architect, attorney, or accountant
- Dressmaker, seamstress, or tailor
- Music, dancing, or other teachers, or tutors
- Beauty, barber, or manicure services having no more than two (2) operators who are principal occupants of the premises
- Real estate or insurance services
- Photography studio devoted to the photography of individuals or small groups
- Artists, composers, and authors
- Internet sales with off site delivery and shipments
- Other computer-related consulting or services with no on-site customers and no sales of goods

Specific examples of Home Occupations prohibited. Home occupations shall not, in any event, be deemed to include, but not limited to the following:

- Automobile, truck, or vehicle repair
- Rental business
- Stables or kennels
- Eating or drinking establishments
- Veterinarian services and animal hospitals
- Mortuaries and embalming establishments
- Private clubs, including fraternity and sorority houses
- Storage of construction materials or contractors' equipment
- Wholesale or retail distribution or sales (with the exception of internet sales as stated in #8 under permitted Home Occupations).

Section 235: Cemeteries

A. Cemeteries: Any currently existing cemeteries or family burial grounds located on any parcel being developed into a subdivision shall be in compliance with the Missouri Revised Statutes, and

1. Must be shown as a cemetery on the subdivision plat with the name of such cemetery.

2. No easement or right of way shall be placed on the cemetery.

3. Public access to the cemetery shall be shown on the plat from the closest subdivision street. Access should not be from a county road unless off street parking is provided by the developer.

4. Cemetery should have a fence or other border that delineates the boundaries of the cemetery.

5. Cemetery must have signage that identifies it as a cemetery.

6. Cemetery shall be assigned an address.

B. Public and Private Cemeteries (New): All public and private cemeteries (defined as those available for use by unrelated persons for a fee) shall comply with Missouri Revised Statutes, and

1. Shall comply with all applicable Franklin County Land Use Regulations.

2. Roadway leading to the cemetery must be a dedicated public right-of-way of at least fifty (50) feet in width.

3. Driveways within cemetery shall be a minimum of twenty (20) feet in width on a minimum of a thirty (30) foot easement.

4. Improvement plans shall be submitted.

5. Subdivision plat shall be submitted for recording showing all lots, walks, and drives in the cemetery, all with descriptive names and numbers.

6. Cemetery shall be assigned an address.

Section 236: Landfill Uses

A. Regulations Concerning Non-Utility Waste Landfills

1. Conditional Use: Non-Utility Waste Landfills shall be permitted only in Agricultural Non-Urban (ANU) zoning districts and Industrial Zoning districts and then only when a Conditional Use Permit (CUP) is obtained therefore. Any Conditional Use Permit pertaining to a Non-Utility Waste Landfill shall include the obligation to meet all design, construction, maintenance and licensing requirements set forth in these regulations as well as addition to any additional requirements mandated by the planning and zoning commission.

2. Design and Construction Standards: In addition to the specific requirements as hereinafter set forth, all Non-Utility Waste Landfills shall be designed and constructed in accordance with all applicable solid waste landfill regulations currently in effect or as may hereafter be adopted by the Missouri Department of Natural Resources. Specific design and construction requirements are:

    a. Non-Utility Waste Landfills shall be no less than 1000 feet from the nearest residential structure and no less than 300 feet from the property line of the nearest adjoining property. For the purposes of these regulations, all distances shall be determined by the plans for the landfill submitted to Franklin County in conjunction with the application for the Conditional Use Permit. Any landfill which expands closer to the nearest residential structure or property line than the requirements hereof shall result in the owner/operator being subject to the daily penalty as hereinafter set forth and/or

revocation of the conditional use permit. Within the three hundred (300) foot setback area there shall be a buffer of natural vegetation of no less than twenty-five (25) feet. The composition and location of the buffer shall be contained in the initial design plans.

b. All plans for Non-Utility Waste Landfills shall be reviewed by an Independent Registered Professional Engineer selected by the County to review and approve plans and monitor operations of the landfill. The owner/operator of landfill shall be responsible for all costs and fees associated with the Independent Registered Professional Engineer. The fees and expenses charged by the Independent Registered Professional Engineer must be in line with the industry standards for Franklin County.

c. No Conditional Use Permit application shall be considered by Franklin County unless the application is accompanied by an Environmental Impact Study prepared by a professional engineer with respect to the proposed site. The Environmental Impact Study must address, at a minimum, the following:

   i. The composition of the underlying soil and bedrock.

   ii. The flow of surface water over the site.

   iii. The impact of the proposed landfill on the local vegetation, wetlands and wildlife.

   iv. The potential impact on historical and/or archeological conditions on the proposed site.

   v. Any necessary wetlands mitigation must be, if at all possible, performed on site.

   vi. The height limitation to be placed upon the depository of accepted waste.

d. A complete "closure" plan must also be submitted at the time the application is filed. All closure plans shall be prepared in accordance with all applicable regulations of the Missouri Department of Natural Resources and shall be reviewed and approved by the Independent Registered Professional Engineer prior to any application being set for a hearing.

e. Prior to any Conditional Use Permit being considered at a public hearing the applicant shall pay for the completion of a traffic impact study. The study shall be performed by a Registered Professional Engineer selected by the County shall be submitted as part of the record at the public hearing.

3. Maintenance and Operation: All Non-Utility Waste Landfills shall be maintained and operated in accordance with the following specific requirements as well as all applicable regulations as adopted by MoDNR and which are in effect as of the date the application is submitted. In the event of a conflict between the specific requirements hereof and MoDNR regulations, the more restrictive shall control. The specific requirements are:

a. All waste shall be compacted to reduce the volume of waste in the Landfill. Compaction shall meet the specifics, if any, adopted by MoDNR.

b. All waste shall be covered daily with appropriate amounts of clean soil.

4. Licensing: After an application for a Conditional Use Permit for a Non-Utility Waste Landfill is approved but prior to any construction starting the owner/operator shall apply for a permit to operate a landfill. In addition to the Conditional Use Permit Approval, the permit application shall be accompanied by a copy of the operating policy of the landfill, a copy of all design and construction plans and a permit fee of $25,000.00. The permit shall be subject to annual renewal. No permit shall be renewed if there is any existing violation and/or any unpaid penalty. The renewal application shall be accompanied by an annual renewal fee of $10,000.00. All permit fees shall be used to support the Environmental Resource Officer and his or her office. No construction shall be commenced until the Independent Registered Professional Engineer has approved all design and construction plans.

5. Severability and Savings Clause: Any action by a court of competent jurisdiction which results in a finding that a portion, paragraph or section of these regulations is invalid and/or unenforceable shall not operate to void the entirety of the regulations. In the event of such action, these regulations shall be construed as if the provision found to be invalid or unenforceable never existed as a part of these regulations.

6. Penalty: The County Environmental Resource Officer shall have the authority to assess a daily penalty for the violation of these regulations. The County Environmental Resource Officer shall not assess any penalty without first notifying the owner/operator of the in writing and thereafter allowing suitable opportunity as determined by the County Environmental Resource Officer after consultation with representatives of the owner/operator and, if needed, the Independent Registered Professional Engineer retained for the project. If an agreement as to a reasonable "cure" period cannot be achieved then in such event the County Environmental Officer shall establish the "cure" period. There shall be a fine of $1,000.00 per day for each and every day an identified violation is not rectified. All penalties shall be paid into the General Fund of the County and shall be credited to a dedicated fund to be known as the "Environmental Mitigation Fund". Any not paid within ninety (90) days after it is assessed shall result in the operating license for the landfill being revoked.

B. Regulations Concerning Utility Waste Landfills

1. Permitted Use: Notwithstanding any other provision of the Franklin County Unified Land Use Regulations to the contrary, Utility Waste Landfills are a permitted use in every Zoning District of the County, excepting the "Suburban Development", "Residential Development" and "Residential Development 2" Zoning Districts provided that any such Utility Waste Landfill comply with all the regulations in this Section 238, including, without limitation;

a. A portion of any Utility Waste Landfill must be contiguous to the boundary of the property upon which a public utility power generation plant is situated.

b. The land which is to be utilized as an Utility Waste Landfill site and the power generation plant site must at all times be under common ownership.

c. All Utility Waste Landfills shall be developed and constructed in sections referred to as "cells" as hereinafter set forth.

d. All Utility Waste Landfills shall be subject to the provisions hereinafter set forth regarding methods of construction, monitoring, inspections, licensing, operations and penalties.

e. Only "cells" which are already in use as of the date new regulations are adopted shall be considered to be "grandfathered" as such term is defined in these regulations. Franklin County reserves the right to amend these Regulations on an as needed basis from and after the effective date hereof with regard to the prospective requirements for design, construction and maintenance of all cells which are not "in use" as such term is defined within these Regulations as of the time the amendment is adopted.

2. Waste Accepted: Only wastes described in the definition of Utility Waste Landfill, above ("Utility Waste"), may be deposited in Utility Waste Landfill. All Utility Waste Landfills which are to be operated in Franklin County, Missouri shall accept no Utility Waste other than that which is generated by the plant situated in Franklin County which is located on property which is contiguous to the site on which the Utility Waste Landfill is to be situated as required in Section C(1)(a) above. In addition to the foregoing prohibition against depositing Utility Waste from any such non-contiguous facility, as required in Section C(1)(a) above ("Non-Contiguous Facility"), under no circumstances shall Utility Waste be brought onto the site from any Non-Contiguous Facility for any other purpose. It is the declared policy of Franklin County that the purpose in so restricting access to and use of any Utility Waste Landfill which is operated in Franklin County is to minimize the intentional or unintended distribution of fly ash and other Coal Combustion Products on, across or over the public roadways of Franklin County as well as the property owned by the citizens and residents of Franklin County.

3. Design and Construction: All design and construction of Utility Wastes Landfills shall be in accordance with Missouri 10 CSR 80-11.010 et seq., (Missouri Utility Waste Landfill Regulations) as they are written as of the effective date hereof or as they may hereafter be amended, subject to the rules in "grandfathering" as set forth in these regulations. In the event of a conflict between these regulations and the regulations adopted by the Missouri Department of Natural Resources, the more restrictive shall control.

   a. Plans, addendums, as-built drawings or other documents which describe the design, construction, operation, or closure of a Utility Waste Landfill shall be prepared by a professional engineer which shall be stamped or sealed by such professional engineer and shall be submitted to the Independent Registered Professional Engineer selected by Franklin County for review and approval at the time that an application to operate a Utility Waste Landfill is submitted. Under no circumstances shall any construction of any component of a Utility Waste Landfill be commenced prior to the approval of all designs, plans, addendums, construction documents by the Independent Registered Professional Engineer. All fees and expenses associated with the review by the Independent Registered Professional Engineer shall be compatible with industry standards for the area and shall be paid for by the entity which has submitted the plans.

b. All Utility Waste Landfills shall be built and constructed in "cells".

c. Each Utility Waste Landfill cell shall have a composite liner consisting first of an outer layer of clay or compacted soil component at least two (2) feet in depth and which meets the hydraulic conductivity and other standards required by the applicable provisions of Missouri Department of Natural Resources regulations currently in existence or prospectively as they may hereafter be amended. The clay or composite soil component at the base of the Utility Waste Landfill shall be at least two (2) feet above the Natural Water Table in the site area. Each Utility Waste Landfill cell shall include a second (inner) component which shall be constructed of a minimum 30-mil flexible membrane liner (FML). The FML component shall be required to be installed in direct and uniform contact with the compacted soil component.

d. All "cells" shall be designed and constructed so that they shall be protected by an exterior berm meeting the following criteria:

   i. The top of the berm at a minimum shall be equal to the five hundred (500) year flood level in the area of the proposed Utility Waste Landfill.

   ii. All designs of and materials proposed for use in construction of each berm shall be approved by the Independent Registered Professional Engineer retained for the project, for compliance with the requirements of this Section 238. All berms shall be constructed of concrete or cement-based material sufficiently thick for the purpose intended and approved by the Independent Registered Professional Engineer. Only fly ash produced at the contiguous power generating plant may be used in the manufacturing of concrete or other products to be used for the construction of any berm or cell. It is the expressed intent of these regulations that fly ash or other CCRs, whether encapsulated or not, produced at facilities other than the one which is contiguous to the Utility Waste Landfill, shall not be used in the construction of any berm, wall, cell, containment area or any other structure which is part of the Utility Waste Landfill as described above.

   iii. In-place waste material shall be compacted and stabilized so that such waste is able to counter-balance and mitigate the uplift pressures to withstand flood events.

e. All Utility Waste Landfills shall include a leachate collection system which shall be designed and constructed in the manner required by Missouri Department of Natural Resources (MDNR) and as approved by the Independent Registered Professional Engineer for compliance with the requirements of this Section 238.

f. All Utility Waste Landfills shall have a ground water monitoring system capable of monitoring the ground water quality around the entire perimeter of the proposed landfill. The Independent Registered Professional Engineer shall how many up-gradient and down-gradient monitoring wells shall be required to comply with the requirements of this Section 238, but in no event shall the number be less than that which would be required by Missouri Department of Natural Resources regulations.

The Independent Registered Professional Engineer shall subcontract this duty, if necessary, to a professional geologist registered in Missouri.

g. The construction of the initial cell or cells and all cells shall be monitored by the Independent Registered Professional Engineer retained for the project. Such engineer shall have the authority to stop construction if it is believed that construction is not being performed in accordance with the plans approved under the Section 238.

h. The design of any Utility Waste Landfill shall include a foot setback area from all property lines not under common ownership with the Landfill site. The setback area shall contain a buffer of natural vegetation not less than 25 feet wide. Any necessary wetlands mitigation must be, if at all possible, performed on site.

4. Licensing of Utility Waste Landfill: All Utility Waste Landfills shall be subject to the requirement to obtain an operating license prior to the commencement of operations and a license annually thereafter on the anniversary date the license was originally issued. With respect to the construction of a new Utility Waste Landfill. No construction of any component shall be commenced without the prior approval of the design and construction plans by the Independent Registered Professional Engineer. In order to obtain or renew a license the owner/operator must meet the following requirements:

   a. The original construction and all additions must have been approved by the Independent Registered Professional Engineer, or his or her successor, for compliance with the requirements of this Section 238.

   b. The owner/operator must have submitted to and have successfully passed all tests required by Franklin County and the Missouri Department of Natural Resources. Tests required by Franklin County shall be in addition to those required by MoDNR, provided that any additional test required by Franklin County must not be in conflict with any tests required by the Missouri Department of Natural Resources. The purpose of this requirement is to insure that all tests results are submitted to and on record with Franklin County in a timely fashion.

   c. The owner/operator must submit the annual fee of $50,000.00 with the application and must have no fines or penalties unpaid. The annual fee of $50,000.00 shall be used to fund in part, the position of the County Environmental Resource Officer, who shall, among other duties, assist the Independent Registered Professional Engineer retained for the project in the inspection and monitoring of the Utility Waste Landfill.

5. All Utility Waste Landfills shall be operated in such a manner so as to minimize the impact of operations at all times on the citizens and inhabitants of Franklin County, Missouri which shall be demonstrated by explicit compliance with these regulations, generally accepted engineering standards and permitting requirements of the Missouri Department of Natural Resources. The Owner/Operator of the Utility Waste Landfill shall insure that at all times each of the following components are operating properly:

   a. Leachate Collection System;

   b. Ground Water Monitoring;

c. Liner system; and

d. All components of the berm system. The County Environmental Resource Officer shall periodically inspect all components of the system for compliance with this Section 238 and shall immediately report any violations or deficiencies to the owner/operator with a notice directing that the deficiency must be corrected. After discussing such deficiency with the owner/operator and with the project Independent Registered Professional Engineer, a deadline for correcting the deficiency shall be established. In the event the deficiency is not corrected by such deadline or the extended deadline if granted by the Environmental Resource Officer, then the facility shall be subject to a penalty as hereinafter set forth.

6. Monitoring and Annual Inspections: The owner/operator shall be required to perform all monitoring as required by MoDNR and shall be subject to routine inspections as set forth in these regulations. Any deficiency discovered as a result of monitoring or inspecting which is not remedy as directed shall subject the owner/operator to daily penalties as hereinafter set forth.

7. Operations: All Utility Wastes Landfills shall be operated in accordance with these regulations and with all requirements of the regulations established by MoDNR, as they currently exist or as they be hereafter amended, subject to the provisions in this regulations on what is or is not "grandfathered". In the event of a conflict between these regulations and those promulgated by MoDNR, the more restrictive shall control.

   a. CCR Removal: If the owner/operator of an Utility Waste Landfill desires to remove fly ash or other CCR's from the landfill site the owner/operator shall be subject to the following requirements:

      i. All CCR's shall be removed in sealed, container trucks. Dump trucks or similar vehicles with only "tarp" coverings shall not be permitted. The owner/operator of any Utility Waste Landfill shall notify the Environmental Resource Officer of its intention to remove CCRs from the site and shall identify the vehicles which are intended to transport CCRs. Prior to loading CCRs onto any vehicle, the Environmental Resource Officer must inspect and approve each of the intended vehicles. There shall be a truck washing facility at or near the exit from the Utility Waste Landfill. All trucks filled with residue shall be washed prior to leaving the site.

      ii. As part of the original plan, or any amendment thereto, the owner/operator shall identify the primary route and secondary route over which the vehicles shall travel. Prior to any CCR being transported the Independent Registered Professional Engineer retained by the County shall cause a traffic impact analysis to be performed at the expense of the landfill owner/operator. The Franklin County Commission shall direct which, if any, of the recommendations or findings of the impact study shall be implemented prior to permission being granted to transport CCR's away from the landfill site. All transport routes shall be selected with the goal of minimizing fugitive dust from affecting residential property and with minimizing the possibility of damage to roadways and other public infrastructure.

iii. Under no circumstances shall CCR's or other residue from coal combustion from facilities other than the utility power generation plant as described in Section C(1)(a) above be deposited in an Utility Waste Landfill in Franklin County, Missouri. By applying for a license the owner/operator agrees to not deposit Utility Waste anywhere on the Utility Waste Landfill outside of the approved cells and associated berm, except during the construction period for materials permitted under Section C(3)(d)(ii) above.

b. Cell usage: No new cell shall be constructed prior to the filling of all active cells with waste material to 70% of each such active cells total capacity. In the event generally accepted Utility Waste Landfill engineering standards require the commencement of construction of a new cell prior to the capacity level of active cells reaching 70% the owner/operator of the landfill shall submit to Franklin County Commission a request to proceed with the construction of new cells. The request shall include an analysis in support of such request prepared by a registered professional engineer with experience in landfill engineering. The County Commission shall either approve the request or shall submit the request to the Independent Registered Professional Engineer retained for the project for his or her recommendation. Under no circumstances shall the construction of a new cell be commenced without prior notification to the County Environmental Resource Officer. The notification from the owner/operator shall be submitted by a registered professional engineer on behalf of the owner/operator and shall contain an affidavit signed by the registered professional engineer to the effect that the new cell or cells shall be constructed in accordance with all applicable requirements as they exist on the date of the notification.

c. CCP Usage: All owners/operators of Utility Waste Landfills are encouraged to maximize beneficial usage of CCPs. The beneficial usage should focus on "on site" usage of the CCPs produced at the contiguous generating plant in order to further minimize the transportation of Coal Combustion Products.

8. Severability and Savings Clause: Any action by a court of competent jurisdiction which results in a finding that a portion, paragraph or section of these regulations is invalid and/or unenforceable shall not operate to void the entirety of the regulations. In the event of such action, these regulations shall be construed as if the provision found to be invalid or unenforceable never existed as a part of these regulations.

9. Penalty: The County Environmental Resource Officer shall have the authority to assess a daily penalty for the violation of these regulations. The County Environmental Resource Officer shall not assess any penalty without first notifying the owner/operator of the violation in writing and thereafter allowing suitable opportunity as determined by the County Environmental Resource Officer after consultation with representatives of the owner/operator and, if needed, the Independent Registered Professional Engineer retained for the project. If an agreement as to a reasonable "cure" period cannot be achieved then in such event the County Environmental Resource Officer shall establish the "cure" period. There shall be a fine of $1,000.00 per day for each and every day an identified violation is not rectified. All penalties shall be paid into the General Fund of the County and shall be credited to a dedicated fund to be known as the

"Environmental Mitigation Fund". Any penalty not paid within ninety (90) days after it is assessed shall result in the operating license for the landfill being revoked.

Section 237: **Special Occasion Permits**

A. Purpose
   1. To provide criteria for special occasions such as, but not limited to, weddings, corporate events, holiday events, and birthday parties while ensuring compatibility with adjacent land uses.

   2. To protect nearby property owners, residents and businesses from special occasions that may be disruptive, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use.

   3. The provisions of this section shall govern special event uses on private property.

B. Types of Events. The following definitions shall only apply to this section of the code:
   1. Special Occasion, Indoor: These types of events take place inside a designated structure, with four walls and a roof, such as a banquet hall, with limited or no outdoor activities associated with the special occasion event.

   2. Special Occasion, Outdoor: These types of events are held in any other facility, space or structure which can be temporary in nature including but not limited to tents, pavilions, and open barns.

C. General requirements: Special Occasion, Indoor and Special Occasion, Outdoor are allowed, subject to a Special Occasion Permit, in Franklin County and shall meet the following standards.
   1. Zoning
      Special Occasion, Indoor and Special Occasion, Outdoor are allowed according to the following table with a Special Occasion Permit (SOP):

	NUA	SD	RD	RD1	RD2	CD	CA	CA3	ID
Special Occasion, Indoor	SOP	N/A	N/A	N/A	N/A	SOP	SOP	SOP	N/A
Special Occasion, Outdoor	SOP	N/A	N/A	N/A	N/A	SOP	SOP	SOP	N/A

   2. Operational Limitations: The following operational limitations apply to all Special Occasions:
      a. No special occasion shall be allowed to exceed an attendance level of 300 people. If any event is expected to exceed 300 people a Conditional Use Permit is required.

      b. The special occasion duration shall be limited to the hours as follows:
         i. Monday thru Thursday: 7:00am to 10:00pm

         ii. Friday: 7:00 am to 12:00am

         iii. Saturday: 9:00 am to 12:00am

iv. Sunday: 10:00 am to 10pm

c. Minimum lot size:
   i. Special Occasion Facility, Indoor – 3 acre minimum

   ii. Special Occasion Facility, Outdoor – 10 acre minimum

3. Any structures, temporary or permanent, built or used for the special occasion shall have a commercial building permit, approved through the Franklin County Building Department.

4. For any gravel driveways or parking areas, fugitive dust shall be minimized by reducing vehicle speeds and, during visibly dry conditions, applying water to the areas.

5. Noise: All amplified and un-amplified noise or music shall end according to the following:
   a. Monday thru Thursday and Sunday – 10:00pm

   b. Friday and Saturday – 12:00am

6. Lighting. All lighting shall comply with the following requirements:
   Lighting associated with the special occasion facility shall be limited to downcast and shielded fixtures so that the source of the light is not visible from adjacent roads or neighboring properties.

7. Parking. Onsite parking shall be provided in accordance Article 12: Parking: 1 space per 4 people or 1 space per 4 seats based on maximum capacity, whichever is greater. Parking shall also be in accordance with Article 12, Section 271, "Accessible Parking Space Requirements".

8. Buffers shall be provided in accordance with Article 13.

9. Access
   If the special event facility is accessing a county or state maintained road, the Planning and Zoning Department shall receive an approved commercial entrance permit prior to issuing the "Special Occasion Permit."

10. Setbacks
    a. Outdoor activity spaces shall be setback at least 100 feet from any property line and at least 200 feet from any neighboring residence.

    b. Parking shall be setback at least 100 feet from any property line and at least 200 feet from any neighboring residence.

    c. Indoor activity space shall be setback at least 50 feet from any property line and at least 100 feet from any neighboring residence.

D. Application: All "Special Occasions" are required to obtain a "Special Occasion Permit". The application shall include the following:

1. Completed "Special Occasion Application" form provided by the Planning and Zoning Department.

2. Completed "Applicant Information" form provided by the Planning and Zoning Department.

3. Description of all uses.

4. Detailed site plan, drawn by an engineer, showing the following:
    a. Size of tract being used for the special occasion

    b. Location and size of all permanent and/or temporary structures

    c. Distance of the proposed uses to all property lines

    d. Distance to nearest residence(s)

    e. Location of parking lot

    f. Number of parking spaces and parking surface material

    g. Buffers

    h. Driveways and driveway widths

    i. Ingress and egress locations

    j. Required setbacks

5. Lighting Plan: Should include where the lights will be located as well as what types of lights will be used.

6. Access permit, if applicable, from the Franklin County Highway Department or the Missouri Department of Transportation

7. Other information as deemed necessary by the Planning Director.

Section 238: Lots Divided by District Lines

A. Whenever a single lot greater than ten acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located.

B. Whenever a single lot ten acres or less in size is located within two or more different zoning districts, the following shall apply:

a. If the zoning change was initiated by the County Commission, Planning and Zoning Commission, Board of Zoning Adjustment, or the Planning and Zoning Department, the owner of the property has their choice to which zoning district shall apply to the entire parcel.

b. If the zoning change was initiated by any other person, the zoning of the parcel shall be in accordance to the Commission Order approved by the County Commission.