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Gail A. Perryman
Recorder of Deeds

BOGARD TOWNSHIP

HENRY COUNTY, MISSOURI

MASTER PLAN AND ZONING ORDER

- c. Where, by reason of exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of these regulations would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the zoning regulations and map.

In exercising the above powers, the board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the board of adjustment may appeal to the township board for review. Any person aggrieved by a decision of the township board may present to the Henry County Circuit Court, a petition, duly verified, stating that the decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom.

- 8. **Definitions.** Words expressly defined in these regulations have the specific meanings assigned. Words that are not expressly defined in these regulations will be given their plain and ordinary meaning.

- a. **Accessory Buildings and Uses** means those included in these regulations and those that, in the determination of the Code Enforcement Officer, satisfy all of the following criteria: 1. They are customarily found in conjunction with the subject principal use or principal building; 2. They are subordinate and clearly incidental to the principal use of the property; and 3. They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.
- b. **Dwelling** means any building, or portion thereof, designed or used primarily for residential purposes, including residential-design manufactured homes and modular homes.
- c. **Family** means one (1) or more persons related by blood or marriage or adoption, living together as a single housekeeping unit; and/or a group of not more than five (5) unrelated persons living together as a single housekeeping unit.
- d. **Farming/Agricultural/Livestock** means the land and buildings for the production of plants, crops, or livestock, such as: field crops (such as corn, wheat, oats, rye, barley, hay, etc.); fruits and vegetables; horticultural products (such as nursery stock, ornamental shrubs, ornamental trees and flowers); livestock; Christmas trees (whether dug for transplanting or cut from the stump); aquaculture products (such as fish); apiary (such as bees, honey, beeswax); and vineyards.
- e. **Single-family dwelling** means a building consisting solely of one dwelling unit.

- f. **Two-family dwelling** means a building consisting of two separate dwellings with the separation being either horizontal or vertical. Sometimes referred to as “duplexes.”

SECTION 2: ZONING DISTRICTS AND ZONING MAP.

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

AG	Agricultural
R	Residential
C	Commercial.

2. **Zoning Map.** The Official Zoning Map ("Zoning Map") is hereby adopted by reference and declared to be a part of these Regulations. The zoning districts shall be designated on the Zoning Map. The zoning district for all unincorporated area within the Township not noted within the District R zoning district (or in any additional district which may be later added to these regulations) shall be District AG. The Code Enforcement Officer shall maintain the Zoning Map. Whenever the Township Board approves an amendment to the Zoning Map, the Code Enforcement Official shall update the Zoning Map accordingly. Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the Code Enforcement Official shall make a final determining in the exercise of his or her discretion.

3. **District AG (Agricultural)**

- a. **Permitted Uses.** In District AG, no structure, land or premises shall be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

- i. Farming/Agricultural/Livestock;
- ii. One family residential dwelling;
- iii. Church;
- iv. Cemetery;
- v. School.

- b. **Accessory Buildings and Uses.** Accessory buildings and uses include flag poles, guest houses, satellite dish-type antennas, play equipment, garages and carports, barns, storage sheds and workshop outbuildings, small-scale solar facility with a rated capacity of twelve kilowatts or less, swimming pools, television and radio receiving antennas.

4. **District R (Residential).**

- a. **Permitted Uses.** In District R, no structure, land or premises shall be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

- i. One or two-family residential dwelling;
- ii. Church;
- iii. Cemetery;
- iv. School;
- v. Mobile home. Mobile home(s) shall include a manufactured home or modular home, be it single-wide or double-wide, and shall include a vehicle or structure equipped as a dwelling place and containing a toilet, lavatory or bathing facilities, which such home has the capability of being moved by wheels.

1. Each mobile home shall be placed on a concrete foundation or concrete pad, which is designed to run the full length and width of the trailer and is a minimum of four (4) inches thick.
2. The grade of the surface under the mobile home must be designed to allow water to drain out from underneath the mobile home.
3. The wheels and tires must be removed from the mobile home when being placed on the concrete foundation or the concrete pad.
4. The mobile home must be anchored to concrete on all four corners and must be anchored in full compliance with Section 700.070 RSMo and the applicable State Regulations.
5. Every mobile home must meet or exceed United States Housing and Urban Development Requirements for construction as set forth in the Code of Federal Regulations or must be approved by AVSI. The approval sticker showing the approval by either of these organizations must be clearly displayed. No mobile home that is more than 10 years old at the time of application shall be allowed.

All residential development including mobile home parks must submit proposed plans and obtain a building permit. Each site must have an adequate sewage disposal system to meet current County and State requirements and must be located on at least five (5) acres.

- b. **Accessory Buildings and Uses.** Accessory buildings and uses include flag poles, guest houses, satellite dish-type antennas, play equipment, garages and carports, storage sheds and workshop outbuildings, small-scale solar facility with a rated capacity of twelve kilowatts or less, swimming pools, television and radio receiving antennas. Any person may maintain an office or may operate a home occupation in a residential district

5. District C (Commercial)

- a. **Permitted Uses.** In District C, no structure, land or premises shall be used, and no structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

- i. Restaurant, including service of alcohol on the premises or packaged.
- ii. Event Space for celebration, ceremony, wedding, reception, corporate function, or similar activity, involving the gathering of individuals assembled for the common purpose of attending an event.
- iii. Winery.

SECTION 3: SPECIAL USE PERMITS.

1. **Purpose.** The purpose of special use permits is to provide the Township with a procedure for determining the appropriateness of a proposed use not authorized as a matter of right by the regulations of the district in which the use is proposed to be located. The appropriateness of the use shall be determined in consideration of surrounding uses, activities and conditions of the site and of surrounding areas. Based upon this determination, the Township may decide to permit, reject or permit conditionally the use for which the special use permit is sought.
2. **Issuance.** The Township Board may authorize, under prescribed conditions, the construction or undertaking of any special use that is expressly permitted as a special use in a particular zoning district; however, the Township reserves full authority to deny any request for a special use, to impose conditions on the use or to revoke approval at any time, upon a finding that the permitted special use will or has become unsuitable and incompatible in its location as a result of any nuisance or activity generated by the use.
3. **Status of Special Permitted Uses.**
 - a. The designation of a use in a zoning district as a special use does not constitute an authorization or assurance that such use will be approved.
 - b. Approval of Special Use Permit shall be deemed to authorize only the particular use for which the permit is issued.
 - c. No use authorized by a special use permit shall be enlarged, extended, increased in intensity or relocated unless an application is made for a new special use permit in accordance with the procedures set forth in these regulations.
 - d. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these regulations, or any permits required by regional, state or federal agencies.
4. **Application for Special Use Permit.**
 - a. An application for a special use permit may be submitted by the property owner or by the property owner's authorized representative.
 - b. The Zoning Commission shall consider the applications under the standards of Section 3.6, as applicable to the requested special use, and decide whether to recommend approval to the Township Board. The Zoning Commission shall hold a public hearing on the application and make a recommendation to the Township Board.

- c. Prior to the Zoning Commission making its recommendation regarding an application, the Zoning Commission shall set a date for a public hearing before the Zoning Commission. Notice of such public hearing shall be published in at least one newspaper having general circulation within the township, posted at least fifteen days in advance thereof in one or more public area in the township, and by certified mail to all owners of any real property located within one thousand feet of the subject parcel of land.
 - d. After receipt of a recommendation from the Commission, the Township Board shall consider the application.
- 5. **Standards.** The burden of persuasion shall rest with the applicant to clearly establish to the satisfaction of the Township Board that the proposed special use will meet the following criteria. The Township Board shall not approve a special use unless it finds that the application and evidence presented clearly indicate that the proposed special use:
 - a. The proposed use is consistent with the goals and objective of these regulations;
 - b. The proposed special use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity;
 - c. The proposed use is compatible with and preserves the character and integrity of the surrounding area and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse to impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to surrounding area. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings or structures, parking areas, buffer yards, and the addition of landscaping, walls, or both, to ameliorate such impacts;
 - d. The proposed use does not generate pedestrian and vehicular traffic which will be hazardous to the existing and anticipated traffic in the area;
 - e. Will contribute to and promote the community welfare at the specific location;
 - f. Will not cause substantial injury to the value of neighboring property.

Upon final consideration of an application, if the motion to approve the proposed order granting the special use permit fails, then the Code Enforcement Officer shall prepare a proposed record of decision of disapproval, to be presented for consideration by the Township Board at its next regular meeting or such later date as may be determined by the Township Board. The Township Board may take such time as it determines necessary before adopting a proposed record of decision of disapproval.

- 6. **Conditions And Restrictions.** In approving a special use permit application, the Township Board may impose conditions and restrictions as necessary to assure that the standards of Section 3.5 are complied with and intent, goals and objectives of this Order is carried out. Exercise of the rights granted pursuant to the issued permit shall constitute acceptance of all conditions and restrictions imposed by the Township Board. Any future enlargement or alteration in the use of the structure or site must be approved by the Township Board upon receipt of the recommendation of the Planning and Zoning Commission as an amendment to the

special use permit before a building permit for the enlargement or alteration may be issued. Failure to comply with any of these conditions or restrictions shall constitute a violation of these regulations.

7. **Designated Special Uses.** Any of the following uses may be located in any district by Special Use Permit: none at this time.

SECTION 4: LAWFUL NONCONFORMING USES.

1. **Definition.** A nonconforming use is a use of land that lawfully existed prior to the enactment of these regulations, or an amendment to these regulations, that is maintained after the effective date of the adoption or amendment even though the use is not in compliance with restrictions applicable to the district in which it is situated.
2. **Continuation.** A lawful nonconforming use of land may be continued so long as it remains otherwise lawful.
3. **Abandonment.** If a lawful nonconforming use is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with these regulations.

SECTION 5: CODE ENFORCEMENT OFFICER.

1. **Appointment.** The Code Enforcement Officer shall be appointed by the Township Board.
2. **Responsibilities.** The Code Enforcement Officer's responsibility shall be to administer and enforce these regulations, including but not limited to:
 - a. Maintain the Zoning Map;
 - b. Develop and provide necessary forms and applications, requesting such information as is reasonable and necessary;
 - c. Issue a permit upon demonstration of the applicant's compliance with these regulations;
 - d. Provide assistance to the Zoning Commission and Township Board with respect to changes to these regulations or the Zoning Map or application for a special use permit;
 - e. Maintain files of applications, permits, and other relevant documents;
 - f. Make an annual report in March of his activities to the Zoning Commission.
3. Pursuant to Section 65.687, RSMo, but subject to Section 7 (Limitations), no building or other structure shall be erected, constructed, reconstructed, enlarged or altered, or repaired in such manner as to prolong the life of the building, nor shall the use of any land be changed without a permit issued by such officer. This section shall not be construed to mean that a permit is required for maintenance.

SECTION 6: ENFORCEMENT.

1. Pursuant to the authority granted in Section 65.697.2, RSMo, in the event any subdivision of land is begun or made in violation of these regulations, or in the event any building or structure is constructed, reconstructed, relocated or maintained or any building, structure, lot or land is used in violation of these regulations, the Township Board, the Township Planning and Zoning Commission, the prosecuting attorney, or the Code Enforcement Officer, or the owner of any private property or any public body the property of whom or which is or may be affected by any such violation, may institute in the circuit court of Henry County, any appropriate action or proceedings to prevent such unlawful subdivision development or erection, construction, reconstruction, alteration, relocation or maintenance or use, or to restrain, abate or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land, and to prevent any illegal act, conduct, business or use in or about the premises.
2. Pursuant to the authority granted in Section 65.697.3, RSMo, the Code Enforcement Officer may cause any land, building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any these regulations.

SECTION 7: LIMITATIONS.

1. These regulations shall not impose restrictions or require permits with respect to land, used or to be used for the raising of crops, orchards or forestry.
2. These regulations shall not impose restrictions or require permits with respect to the erection, maintenance, repair, alteration or extension of farm buildings or farm structures.
3. These regulations shall not be construed to authorize interference with such public utility services as may have been or may hereafter be authorized or ordered by the public service commission, or to apply to railroads.
4. These regulations shall not be construed to contradict the home-based work provisions of Sections 65.710 or 71.990, RSMo.

SECTION 8: AMENDMENTS AND APPLICATIONS.

1. **Zoning Map.** An owner of real property within the Township, or that owner's authorized representative, may apply for amendment to the Zoning Map for that landowner's property. Such amendment may also be initiated by the Zoning Commission, the Code Enforcement Officer, or the Township Board.
2. **Zoning Order.** An owner of real property within the Township, or that owner's authorized representative, may apply for an amendment to these regulations. In considering such application, the Zoning Commission may recommend to the Township Board that these regulations be amended as requested, remain unchanged, or the Zoning Commission may recommend amendments it determines are reasonable notwithstanding the application.

3. **Special Use Permit.** An owner of real property within the Township, or that owner's authorized representative, may apply for a special use permit, and may include with such application an application for a Zoning Order amendment. The application for a special use permit shall be on forms provided by the Code Enforcement Officer and shall contain and be supplemented with such information as the Code Enforcement Officer may prescribe.
4. **Building Permit.** An owner of real property within the Township, or that owner's authorized representative, may apply for a permit that is required under Section 65.687, RSMo. The application for a building permit shall be on forms provided by the Code Enforcement Officer and shall contain and be supplemented with such information as the Code Enforcement Officer may prescribe.
5. **Fees.** No action shall be taken on any application by an applicant other than the Zoning Commission or the Township Board until the applicant shall have paid an application fee in an amount as may be established by the Township Board.

SECTION 9: TOWNSHIP ROAD RIGHT-OF-WAYS. Owners of any inanimate object that would hinder mowing of roads or ditch maintenance including the back slope of the side ditch, shall be notified by regular mail or personal service to remove such object. Such owner shall be allowed thirty days from receipt of such notice for the accomplishment of such removal. The Code Enforcement Officer, upon failure of the owner to remove the object, shall arrange for removal and bill such costs to the owner as may be incurred.

SECTION 10: SEVERABILITY.

In any case in which the provisions of this Order are declared by a court to be unconstitutional or invalid, such ruling shall not affect the validity of the remaining provisions of this Order and to this end the provisions of this Order are declared to be severable.

CERTIFICATE

To: Bogard Township Board of Directors

Henry County Commission

Henry County Recorder of Deeds

Bogard Township Clerk

I certify that the attached is a true and complete copy of the Bogard Township Master Plan and Zoning Order, which (together with the Official Zoning Map) were adopted by the Planning and Zoning Commission of Bogard Township on the 18 day of December 2024.

Attest:


Terra J. Salmon
Chairperson
Bogard Township Planning and
Zoning Commission

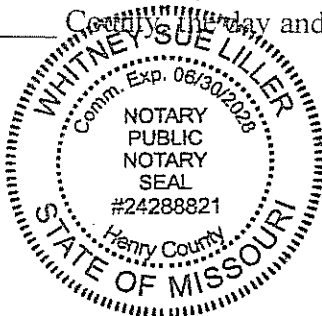
ACKNOWLEDGMENT

STATE OF MISSOURI)
) ss:
COUNTY OF HENRY)

ON THIS 19 day of December, 2024 before me, personally appeared Terra Salmon to me personally known, who being by me duly sworn, did say that she is the Chairperson of the Bogard Township Planning and Zoning Commission, and that said instrument was signed by her in this capacity and it was and acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at my office in Henry County, Missouri, this day and year last above written.

(SEAL)




Printed Name: Whitney S. Liller
Notary Public in and for said State
Commissioned in Henry County

My Commission Expires: 6-30-2028

BOGARD TOWNSHIP PLANNING AND ZONING COMMISSION

A RESOLUTION APPROVING A FINAL REPORT RECOMMENDING TO THE BOARD OF DIRECTORS THE BOUNDARIES OF THE VARIOUS ORIGINAL ZONING DISTRICTS AND APPROPRIATE ZONING REGULATIONS

BE IT RESOLVED BY THE BOGARD TOWNSHIP PLANNING AND ZONING COMMISSION AS FOLLOWS:

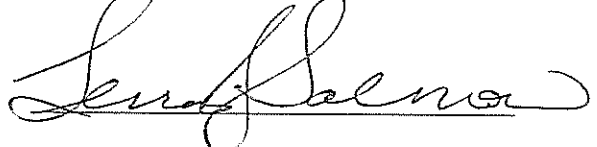
Section 1. The Commission hereby makes this final report recommending to the Board of Directors the boundaries of the various original zoning districts and appropriate zoning regulations. The Commission reports that there is a need to adopt zoning regulations in furtherance of the health, safety, and welfare of the Township as a whole, and to have a zoning map. The proposed Master Plan and Zoning Order ("Zoning Order") reflects Missouri court decisions regarding the Township's limitation of authority regarding concentrated animal feeding operations and agricultural uses. The Zoning Order's approach is to generally align permitted uses that reflect current, existing uses within the Township. The Zoning Order is permissive in form, permitting specified uses and buildings in a zoning district and prohibiting all others within a zoning district. In other words, a use not listed as permitted is prohibited. The Zoning Order contains procedures for an owner (or the owner's authorized representative) to submit an application to amend the text of the Zoning Order and/or rezone his or her property if an owner proposes a use that is not permitted by the Zoning Order. An accompanying proposed Official Zoning Map ("Zoning Map") has been prepared.

Section 2. The Commission adopts the attached Master Plan and Zoning Order and recommends that the Board of Directors adopt the attached Master Plan and Zoning Order and its accompanying Zoning Map, both are which are incorporated herein by this reference.

PASSED this 18 day of December, 2024.

Commission Member	Vote			
	Yes	No	Abstain	Absent
<u>Sam Adams</u>	✓			
<u>Terra Salmon</u>	✓			
<u>Jim Vederberg</u>	✓			
<u>Rick Fossum</u>				✓

Attest:



Commission Chairperson

BOGARD TOWNSHIP BOARD OF DIRECTORS

AN ORDER ADOPTING A MASTER PLAN AND ZONING ORDER AND AN
OFFICIAL ZONING MAP

BE IT ORDERED AND RESOLVED BY THE BOGARD TOWNSHIP BOARD OF
DIRECTORS AS FOLLOWS:

Section 1. The Bogard Township Board of Directors adopts the Master Plan and Zoning Order, attached hereto and incorporated herein by this reference, and Official Zoning Map, on file with the Trustee and incorporated herein by this reference.

Section 2. Terra Salmon is appointed the Code Enforcement Officer.

Section 3. All resolutions, orders, or other Board approvals in conflict with this Order are hereby repealed, including prior adopted master plan and zoning order.

Section 4. The following non-refundable filing fees, which must accompany an application, are hereby established: Zoning Order Text Amendment: \$250.00; Zoning Map Amendment: \$100.00; Special Use Permit Application: \$250.00; Building Permit: \$100.00.

Section 5. This Order shall be in full force and effect from and after its date of passage and approval.

Section 6. An attested copy of this Order and the attached Master Plan and Zoning Order, shall be certified by the Trustee to the Board of Directors, to the Henry County Commission, to the Henry County Recorder of Deeds, and to the Township Clerk.

PASSED THIS 8 DAY OF January 2025, BY THE BOARD OF DIRECTORS OF THE
BOGARD TOWNSHIP, HENRY COUNTY, MISSOURI.

Board Member	Vote			
	Yes	No	Abstain	Absent
<u>Paul Salmon</u>	☒			
<u>Greg Brown</u>	☒			
<u>Ken</u>	☒			

Greg Brown, Trustee

ATTEST: _____

Terra Salmon, Clerk

Purpose: Financing
Language: English
Block: Residential
Bank: Agricultural
End: Commercial

