

POLK TOWNSHIP

ZONING/SUBDIVISION

&

REGULATION

Adopted April 16, 2009
By Resolution of Polk Township Board

Certified

Copy

ADOPTED: 16th day of April, 2009.

ATTEST:
Township Clerk

A handwritten signature in cursive script that reads "Teresa Blackford". The signature is written in black ink and is positioned above a solid horizontal line.

TERESA BLACKFORD

RESOLUTION NO: 4-17-09-01

A RESOLUTION TO REPEAL THE POLK TOWNSHIP ZONING AND SUBDIVISION REGULATION AND ZONING MAP FOR POLK TOWNSHIP, NODAWAY COUNTY, MISSOURI, DATED JANUARY 10, 2002 IN its ENTIRETY: AND ENACT IN LIEU THEREOF A NEW POLK TOWNSHIP COMPRENSIVE PLAN, ZONING REGULATION AND ZONING MAP

Be It Ordained By the Board of Polk Township, Nodaway, Missouri, As Follows:

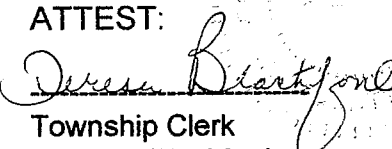
SECTION 1: That the, zoning and subdivision regulations and zoning map for Polk Township Nodaway County, Missouri dated January 10, 2002 enacted in connection therewith, are repealed in their entirety; that in lieu thereof there is substituted a new set of regulation entitled the Polk township comprehensive plan, zoning regulations and zoning map which shall read as follows: **{See Attached Document}**

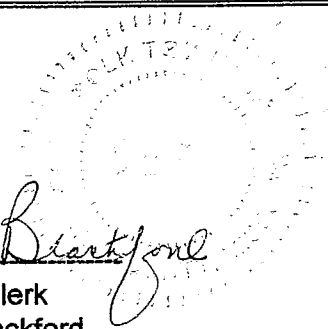
SECTION 2: This resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of April, 2009.

BOARD MEMBERS	YES	NO	ABSTAIN	ABSENT
Mark Steins	✓			
Mike Barman Chairman	✓			
Mark Kinman	✓			


Trustee Mark Steins

ATTEST:

Township Clerk
Teresa Blackford



FINAL COPY

APPROVED BY POLK TOWNSHIP BOARD 4/16/09

Title	4
CHAPTER 100: COMPERHENSIVE PLAN	4
SECTION 100.010: ORDINANCES & RESOLUTIONS	4
SECTION 100.020: DEFINITIONS.....	4
SECTION 100.030: OFFICERS , PERFORMANCE & AUTHORITY	7
SECTION 100.040: COMPUTATION OF TIME.....	8
SECTION 100.050: OFFICIAL TIME.....	8
SECTION 100.060: RESERVED.....	8
SECTION 100.070: REPEAL OF INCONSISTENT ORDINANCES	8
SECTION 100.080: SAVING CLAUSE.....	8
SECTION 100.090: CITING CODE	8
SECTION 100.100: SEVERABILITY	8
SECTION 100.110: GENERAL PENALTY	8
SECTION 100.120: CONTINUING VIOLATIONS	8
TITLE II.....	9
CHAPTER 200: PLANNING & ZONING COMMISSION.....	9
SECTION 200.010: COMMISSION CREATED.....	9
SECTION 200.020: COMPOSITION, APPOINTMENTS, TERM, COMPENSATION	9
SECTION 200.030: MEETINGS, QUORUM, RECORD, OFFICERS.....	9
SECTION 200.040: PROCEDURE FOR ZONING CHANGES.....	10
SECTION 200.050: APPLICATION FOR RE-ZONING.....	10
SECTION 200.060: APPLICATION FOR ZONING ORDINANCE AMENDMENT.....	10
SECTION 200.070: COMMISSION ACTION	10
SECTION 200.080: TOWNSHIP BOARD ACTION.....	11
TITLE III.....	13
CHAPTER 300: BOARD OF ZONING ADJUSTMENT.....	13
SECTION 300.010: ESTABLISHMENT BOARD OF ZONING ADJUSTMENT	13
SECTION 300.020: MEETINGS	13
SECTION 300.030: RECORD	13
SECTION 300.040: APPEAL BEFORE THE BOARD OF ZONING ADJUSTMENT.....	13
SECTION 300.050: JURISDICTION	14

SECTION 300.060: TERMINATION OF VARIANCE	14
SECTION 300.070: ENFORCEMENT	14
SECTION 300.080: STRUCTURES IN VIOLATION	14
SECTION 300.090: PENALTIES FOR NON-COMPLIANCE	15
SECTION 300.100: AMENDMENTS	15
SECTION 300.110: FEE.	15
TITLE IV	16
CHAPTER 400: ZONING DISTRICTS.....	16
SECTION 400.010: LAND USE DISTRICTS.....	16
SECTION 400.020: AGRICULTURE A-1	17
SECTION 400.030: RESIDENTIAL R-1.....	18
SECTION 400.040: RESIDENTIAL R-2.....	20
SECTION 400.050: COMMERCIAL C-1	22
SECTION 400.060: COMMERCIAL C-2	25
SECTION 400.070: MANUFACTURING M-1.....	27
SECTION 400.080: MANUFACTURING M-2.....	29
TITLE V	30
CHAPTER 500: SUBDIVISIONS	30
SECTION 500.010: SUBDIVISION REGULATIONS	30
SECTION 500.020: INTERPRETATION AND PURPOSE	30
SECTION 500.030: SCOPE	30
SECTION 500.040: APPROVING AGENT	30
SECTION 500.050: DEFINITIONS.....	30
SECTION 500.060: APPLICATION OF SUBDIVISION REGULATIONS.....	33
SECTION 500.070: LOT SPLITS	34
SECTION 500.080: ENFORCEMENT	34
SECTION 500.090: OVERVIEW OF SUBDIVISION DEVELOPMENT	35
SECTION 500.100: PROCEDURE.....	36
SECTION 500.110: PRELIMINARY DEVELOPMENT PLAN	36
SECTION 500.120: REVIEW AND APPROVAL OF PRELIMINARY PLAT	37
SECTION 500.130: EFFECT OF DISAPPROVAL OF THE PRELIMINARY PLAT	37
SECTION 500.140: EFFECT OF APPROVAL OF PRELIMINARY PLAT	37
SECTION 500.150: RIGHT OF SUB-DIVIDER AFTER APPROVAL	37

SECTION 500.160: FEES SEE CHAPTER 600.....	38
SECTION 500.170: APPROVAL OF FINAL PLAT AND DEVELOPMENT PLAN.....	38
SECTION 500.180: SUBDIVISION DESIGN STANDARDS	38
SECTION 500.190: IMPROVEMENT PLAN.....	40
SECTION 500.200: VIOLATIONS	41
SECTION 500.210: VARIANCES.....	41
SECTION 500.220: GENERAL PROVISIONS	41
SECTION 500.230: MANUFACTURED HOME	41
TITLE VI.....	43
CHAPTER 600	43
600.010: RESIDENTIAL DWELLING	43
600.020: ACCESSORY STRUCTURES	43
600.030: ADDITIONS AND ALTERATIONS TO STRUCTURES.....	43
600.030: AGRICULTURAL STRUCTURES.....	43
600.040: PROCESSING FEES.....	44
600.040: VIOLATION AND PENALTY	44
APPENDIX A.....	Error! Bookmark not defined.

TITLE I

CHAPTER 100: COMPERHENSIVE PLAN

The Townships Board recognizing a need to have a formalized Comprehensive plan, for organizes development in the unincorporated areas of Polk Township, has divided the undecorated area into three (3) Tears. Tear One (1) shall include all parcels of land that are contiguous to the City Limits Boundaries of Maryville as shown on the Official Map Of Polk Township. Polk Township encourages all applicants to check with the City of Maryville about codes before construction, this may help with future annexation. Tear Two (2) shall include all parcels located inside a boundary line presently designated as the Two (2) Mile Buffer. Tear Three (3) shall include the remaining parcels included inside the boundaries of Pope Township that are ,not in Tear one (1) or Tear two (2) ,as designated on the official County Map of Nodaway Missouri. The Comprehensive Plan shall include but not be limited to the following. To improve, preserve, and wisely use the natural resources of Polk Township to, insure efficient expenditures of public funds, to promote the health safety and general welfare of the inhabitants of Polk Township. To preserve and promote agriculture as a way of life and to encourage any business and industry to locate in Polk Township that would promote jobs without damaging the land or environment. The Commission should consider the surrounding area and existing zoning as well as any existing land usages when making a zoning decision, and try to keep the zoning compatible.

1. Tear One (1) shall accommodate a diversity of land uses in the proper zone and shall requires a Township Zoning permit and shall comply with Polk Township Zoning.
2. Tear two (2) shall accommodate a diversity of land uses in the proper zone requiring a Township Zoning Permit and shall comply with Polk Township Zoning.
3. Tear Three (3) shall accommodate Land uses that are compatible with Farming as well as low density residential housing, lot sizes shall not be less than five (5) acres.
4. After the adoption of the official Comprehensive plan, or part thereof, an attested copy shall be certified to the Township Board, to the County Commission, to the recorder of deeds and to the Township Clerk.

SECTION 100.010: ORDINANCES & RESOLUTIONS

INTERPRETATION, CONSTRUCTION

All ordinances and resolutions of Polk Township, Nodaway county Missouri shall be interpreted and construed in accordance with the following provisions, unless such interpretation and construction would be inconsistent with the manifest intent of the Township Board.

SECTION 100.020: DEFINITIONS

The Following Words Shall Have The Meanings Respectively Ascribed To Them:

5. **AGRICULTURAL BUILDINGS:** Shall be structures used for agricultural purposes.

- a. Loafing sheds, Machine sheds, Barnes, Grain storage bins, Ect.
 - b. Watering tanks, feed bunks, minerals, feeders, grooming stations, loading chutes, detention pond, waste lagoons ect.
6. **AND/OR:** Whenever The Words "And/Or" Are Used, "And" Shall Apply Where Possible; Otherwise, "Or" Shall Apply
 7. **BONDED:** Shall be construed to mean a surety bond or other form of insurance presented to the Township by the developer that protects the Township and County from loss if the infrastructures of an approved subdivision is not completed.
 8. **Commission:** A board consisting of the Township Trustee, County Commissioner of Nodaway County ,one member of the Township Board, selected by the Township Board, and two resident freeholders, appointed by the Township Board one of which must be from the unincorporated part of the Township.
 9. **COMPERHENSIVE PLAN:** A general plan approved by the Polk Township Board providing the Board and the Zoning Commission with a general plan of development for Pope Township.
 10. **CONJUNCTIVE, DISJUNCTIVE WORDS:** Conjunctive And Disjunctive Words May Be Interchangeable To Effect The Purpose Of Any Provisions.
 11. **COUNTY:** The Word "County" Means The County Of Nodaway, Missouri.
 12. **DOG KENNELS:** Shall be defined as those areas and structures used for breeding dogs for sale.
 13. **FREEHOLDER:** the term "freeholder" or the phrase "resident freeholder" shall be defined to mean "resident". The provisions of this section shall have no effect on pending litigation.
 14. **GENDER:** Words Importing Masculine Gender Shall Apply To Females And To Firms, Associations, Partnerships And Corporations
 15. **Grand Fathered:** A Structure, land use, business or zoning that was in place before the acceptance of this ordinance.
 16. **HOME OCCUPATION:** A business, occupation, or profession which is primarily ran from or within a residential house.
 17. **LOT SPLITS:** Lot splits may follow natural topography but must contain at least ninety five percent of the required land area.
 18. **MANUFACTURED HOME:** A residential or commercials structure built off site and transported to the building site.
 19. **MONTH:** The word "Month" shall mean a calendar month.
 20. **NUMBER:** Words in either the singular or the plural numbers shall include either or both numbers and may apply in any instance to a particular person or persons.

21. **OATH, AFFIRMATION, SWORN, AFFIRMED:** The word "**Oath**" shall be construed to include the word "**Affirmation**" in all cases where by law an affirmation may be substituted for an oath. and in like cases the word "**Sworn**" shall be construed to include the word "**Affirmed**".
22. **OWNER:** The word "Owner", applied to a building or land, shall include any part- owner, land contract vendee, joint-owner, tenant-in-common, tenant-in-partnership, joint-tenant, or tenant-by-the-entirety, of the whole or of a Part of such building or land.
23. **PERSON:** The word "person" includes firms, joint adventures, partnerships, corporations, clubs, and all associations or organizations of natural persons, either incorporated or unincorporated, howsoever operating or named, and whether acting by themselves or by a servant, agent or fiduciary, and includes all legal representatives, heirs, successors and assigns hereof.
24. **PRECEDING, FOLLOWING:** The words preceding and following, when used by way of reference to any title, chapter or section of any ordinance of Polk Township, shall mean the title, chapter or section next preceding or next following that in which such reference is made unless when some other title, chapter or section is expressly designated in such reference.
25. **PROPERTY:** The word "property" shall include real and personal property.
26. **PUBLIC PLACE:** The words "public place" shall include any street, alley, park, cemetery, public building, or any place of business or assembly or parking lot, or any other premises open to the public or frequented by the public.
27. **SEAL:** In all cases in which the seal of any court or public office shall be required to be affixed to any paper issuing from such court or office, the word "seal" shall mean the impression of such seal on such paper alone, as well as the impression of such seal affixed thereto by means of a wafer or wax.
28. **SHALL, MAY:** The word "**Shall**" means imperative or mandatory; the word "**May**" means permissive.
29. **SIGNATURE, SUBSCRIPTION:** The words "signature" and "subscription" include a mark when the person cannot write.
30. **STATE:** The word "State" means the State of Missouri.
31. **STRUCTURE:** Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some manner. A detention pond shall be a structure.
32. **TEAR ONE:** All land parcels that are contiguous to the City Limits of Maryville Missouri.
33. **TEAR TWO:** All land parcels inside a boundary line designated as the Two Mile Buffer on the official Zoning Map of Polk Township that are not contiguous to the city limits.
34. **TEAR THREE:** All land parcels in Polk Township that are not in Tear (1) or Tear Two (2). That is contained inside the boundary of Polk Township.

35. **RE-ZONING:** Shall mean the amendment, change or modification of the boundaries of zoning districts or classifications indicated on the Official Zoning Map.
36. **TENSE:** Words used in the present or past tense shall including the future as well as the present or past.
37. **TITLES, HEADINGS AND CATCH LINES:** The key words used as headings, titles or catch lines for chapter, sections and subsections are inserted for convenience and to facilitate search, and such words shall not be construed to limit or affect the meaning of any of the provisions hereof.
38. **TOWNSHIP BOARD:** The words Township Board mean the legislative body of Polk Township, of Nodaway County, Missouri.
39. **TOWNSHIP:** Polk Township ,of Nodaway County, Missouri.
40. **UNDUE-HARDSHIP:** shall mean a situation where an ordinance or zoning law unreasonably limits the normally accepted use of the property. The sole fact that the property has more profitably for variances granted is not sufficient to meet the tests of undue hardship.
41. **WEEK:** The Word "Week" Shall Mean Seven calendar (7) Days.
42. **WRITTEN, IN WRITING:** The words "Written" or "in writing" may include any form of reproduction or expression of language.
43. **YEAR:** The Word "Year" Shall Mean A Calendar Year; And The Word "Year" Alone, Shall Be Equivalent To The Words "Year Of Our Lord".
44. **ZONING PERMIT:** An Application form filed with the Zoning officer stating the type of proposed structure to be erected, with a plot plan showing the location and setback distances for approval.

SECTION 100.030: OFFICERS, PERFORMANCE & AUTHORITY

After the Township Board has adopted a Zoning Plan, as provided in **RsMO 65.650 to 65.700**, it shall appoint an officer or shall designate one of the existing officials to enforce the provisions. After the appointment or designation of such officer or official, no building or other structure shall be erected, constructed, reconstructed, enlarged or altered, in such a manner as to prolong the life of the building, general maintenance shall be exempt from permits and fees, nor shall the use of any land be changed without a permit issued by Such officer or official. After adoption of a zoning plan or regulations adopted pursuant thereto, any parcel of land included in the plan or regulations shall require a public hearing to change the zoning classification. The person or body, which conducts the hearing, **shall give notice, at least fifteen days before the hearing**, by certified mail, to all owners of any real property located **within one thousand (1000) feet** of the parcel of land, for which the change is proposed. Whenever, in accordance with the provisions of this code or any ordinance of Polk Township, any specific act is required, any employee duly authorized to perform that act by such officer or official may perform such act.

SECTION 100.040: COMPUTATION OF TIME

The time within which an act is to be done, as provided in this code or in any order issued pursuant to this code, when expressed in days, shall be computed as described by state statute.

SECTION 100.050: OFFICIAL TIME

Central Standard Time, Zone, shall be the official time of Polk Township except during Such Period Of Time As May Be Designated Daylight Savings Time By State Or Federal Law.

SECTION 100.060: RESERVED

SECTION 100.070: REPEAL OF INCONSISTENT ORDINANCES

Whenever an ordinance is adopted all ordinances or parts of ordinances in conflict therewith shall, to the extent of such conflict, be repealed.

SECTION 100.080: SAVING CLAUSE

The repeal of any ordinance or part thereof shall not release or relinquish any penalty, forfeiture or liability incurred under such ordinance or any part thereof. Unless the repealing act shall so expressly provide, and such ordinance and part thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

SECTION 100.090: CITING CODE

This code shall be The **Zoning Ordinance of Polk Township**.

SECTION 100.100: SEVERABILITY

If any part of an ordinance or the application thereof to any person or circumstance is, ruled invalid by any court. Such invalidity shall not affect the remaining parts or applications of the ordinance which can be given effect without the invalid part or application; provided such remaining parts are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

SECTION 100.110: GENERAL PENALTY

Violation of the zoning regulations as contained within the Polk Township zoning ordinance are punishable as provided by Missouri Law, included in Section 65.697, RsMO.

SECTION 100.120: CONTINUING VIOLATIONS

In addition to the penalties hereinbefore provided, any condition caused or permitted to continue to exist in violation of any of the provisions of this ordinance or any ordinance of Polk Township a new and separate offense for each day that such condition continues to exist, may be separately punished as Hereinbefore provided.

TITLE II

CHAPTER 200: PLANNING & ZONING COMMISSION

GENERAL PROVISIONS

The Goals set forth in these regulations shall be a part of the Polk Township Planning & Zoning Regulations. The purpose of these regulations is to ensure a high quality of life in Polk Township. To preserve and promote agriculture as a way of life and to encourage any business and industry to locate in Polk Township that would promote jobs without damaging the land or environment. The commission should consider the surrounding area and existing zoning in the Township And City Of Maryville, as well as any existing land usages when making a zoning decision, and try to keep the zoning compatible. Commercial zoning is usually along Major highways and arterial streets. Residential R-1 zoning is not compatible with manufacture zones; if possible, it should be buffered with R-2 multi family then, C-1 Restricted Commercial, and C-2 General Commercial.

SECTION 200.010: COMMISSION CREATED

Polk Township created and appointed a Polk Township Planning & Zoning Commission under State Statute, Sections 65.650 to 65.700, RsMO. [COMMISSION](#).

SECTION 200.020: COMPOSITION, APPOINTMENTS, TERM, COMPENSATION

The **Planning & Zoning Commission** shall consist of the **Polk Township Trustee**, the presiding **County Commissioner**, **One member of the Township Board**, selected by the township board, and **two (2) resident freeholders** appointed by the Township Board, one of which shall be from the unincorporated part of the township. All of whom shall serve for a term of four years or until his successor takes office. The terms of all elected officials shall be only for the duration of their tenure of official position. The members shall serve without compensation and shall perform the duties and have the powers hereinafter provided for.

SECTION 200.030: MEETINGS, QUORUM, RECORD, OFFICERS

The members of the **Commission** shall meet as needed when an application is filed, at a time and place as they may set. They shall select one (1) member as chairperson, one (1) as Vice- chairperson, and a secretary who may or may not be a member of the Commission, each shall serve one (1) year or until their successors have been selected by the Commission. The chair or, in his absence, the Vice- chairperson may call a special meetings at any time notification requirements can be met. A majority of the commission shall constitute a quorum for the transaction of business. The Commission shall cause a proper record to be kept of its' proceedings.

SECTION 200.040: PROCEDURE FOR ZONING CHANGES

All requests, , for an amendment, modification or repeal of such regulations and restrictions contained in the zoning ordinance, including amendments to the boundaries of the zoning districts or classifications indicated on the official zoning map, shall be made in accordance with the requirements and procedures as Provided in this chapter, and of Missouri law. :

SECTION 200.050: APPLICATION FOR RE-ZONING

All requests for re-zoning shall be by written application to the zoning officer on forms provided therefore; unless the application shall conform in all respects to the requirements of this chapter; the zoning officer shall not accept it.

1. **Information Required:** An application for Re-Zoning Shall Contain The Following Information:
2. **Plot Plan :** Depicting the property for re-zoning, indicating there on the dimensions of the property, the dimensions and locations of any buildings or structures, any access to public rights of way,(public or private) on-site drives, and off-street parking areas located thereon and all public and private rights of way including utility easements bounding or intersecting the property. The **Requested Zoning Classification:** and desired use of the property affected by the re-zoning.
3. **A List:** of the names and **current mailing address** of all property **owners within a one thousand (1000) feet** distance from the boundary of the property affected by the proposed re-zoning may be prepared from the county assessors records or certified by a qualified abstractor.
4. **Application Fees:** SEE [CHAPTER 600](#)

SECTION 200.060: APPLICATION FOR ZONING ORDINANCE AMENDMENT

All requests for an amendment of the text of the zoning ordinance shall be made by written application to the zoning officer and shall state the wording of the proposed amendment of the zoning ordinance including the portions thereof to be repealed or modified and the reasons therefore, plus a **filing fee** [SEE CHAPTER 600](#)

SECTION 200.070: COMMISSION ACTION

Upon receipt of an application by the Zoning Officer, the Commission shall schedule a public hearing to be held at the next meeting thereof, which occurs at least three (3) weeks following the date of acceptance.

1. **NOTICE OF RE-ZONING HEARING:** Prior to the public hearing before the commission as required pursuant to this chapter, notice there of shall be given in compliance with the following provisions: Before the adoption, amendment or extension of the plan or portion thereof, the township planning ,zoning commission shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the township, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public area in the township.

2. **OWNERS NOTIFICATION:** The owners of all property within a one thousand (1000) feet distance from the boundary of the property affected by a re-zoning application shall be furnished written notice by certified mail not less than fifteen (15) days prior to the hearing. Said notice shall set forth the nature of the request and the date, time and location of the hearing before the zoning commission. Such notice shall be prepared by the zoning officer and it shall be conclusively presumed to be given if mailed by **CERTIFIED MAIL**, postage prepaid, at least **FIFTEEN (15) DAYS** prior to the hearing.
3. **COMMISSION NOTIFICATION:** All Members of the **COMMISSION** shall be furnished written notice at least **TEN (10) DAYS** prior to the hearing. Said notice shall set forth the nature of the request and the date, time, and location of the hearing before the **Zoning Commission**. The Commission shall conduct a public hearing according to their rules of procedure and may require the applicant to furnish such additional information as may be necessary for a full understanding of the proposed re-zoning. At the conclusion of such hearing, the Commission shall forward to the zoning officer, for transmittal to the Township Board, its recommendation for disposition of the application. Such recommendation shall be accompanied by the findings of the Commission concerning the relationship of the request to the Master Plan and the effect of such re-zoning on the achievement of the purpose of zoning regulations as prescribed by section **65.677, RsMO**. The Commission may, recommend approval of re-zoning for a zoning classification other than that requested in the application, if the desired use of the applicant would be permissible in that zone and the applicant files his written concurrence therein.
4. **POSTPONEMENT OR CONTINUANCE OF A HEARING:** For good cause shown by the applicant, by the Township Board or upon its own motion, the Commission may recess or continue a hearing, notice of recess or continuance shall be published. Within ninety days after the final adjournment of such hearings, the Zoning Commission shall make a report and submit a proposed order to the Township Board. The Township Board may adopt the order with or without change or may refer it back to the Zoning Commission for further consideration and report.
5. **WITHDRAWAL OF APPLICATION:** The applicant may, request the Zoning Officer to withdraw an application; however, the fee shall is not refundable.

SECTION 200.080: TOWNSHIP BOARD ACTION

Following action by the commission, the Zoning Officer shall transmit the application to the Township Board together with the recommendations and findings of the Commission, and the board shall place it on the agenda for the next regular Township Board meeting agenda.

1. **PUBLIC HEARING:** The Township Board shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the township, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public area in the township.
2. **DECISION OF THE BOARD:** The decision of the board on whether or not to approve the application shall be by resolution. It shall be effective upon approval of the board.

3. **EFFECT OF PROTEST PETITION:** If a written protest signed by Thirty (30) percent of property owners within One thousand (1000) feet of the boundaries of the property protest a change in zoning or boundaries as provided by **Section 65.692, Rsmo**. The amendment shall not become effective except by the favorable vote of all the members of the Board.

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TITLE III

CHAPTER 300: BOARD OF ZONING ADJUSTMENT

SECTION 300.010: ESTABLISHMENT BOARD OF ZONING ADJUSTMENT

GENERAL PROVISIONS

The **Township Board of Zoning Adjustment** is hereby established, the board shall consist of five freeholders, not more than one of whom may be a member of the township planning commission or the township zoning commission. The membership of the first board appointed shall serve respectively: one for one year, one for two years, one for three years, and two for four years. Thereafter, members shall be appointed for terms of four years each. Members shall be removable for cause by the township board upon written charges and after public hearings. Vacancies shall be filled by the Township Board for the unexpired term of any member whose term becomes vacant. Members of the board shall serve without compensation,. The board of zoning adjustment shall elect its own chairperson and shall adopt rules of procedure consistent with the provisions of the zoning regulations and the provisions of sections 65.650 to 65.700. The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of zoning adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the board and shall be a public record.

SECTION 300.020: MEETINGS

Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Business of the board shall be conducted in accordance with the regulations set forth herein and with the provisions of Missouri Statutes and shall adopt its own rules of procedure in harmony with said provisions.

SECTION 300.030: RECORD

All meetings of The Board of Zoning Adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions. The minutes shall be filed in the office of the Board and shall be a public record.

SECTION 300.040: APPEAL BEFORE THE BOARD OF ZONING ADJUSTMENT

Appeals to the Board of Zoning Adjustment may be taken by any owner, lessee or tenant of land, or by a public officer, department, board or bureau, affected by any decision of the administrative officer in administering a Township Zoning rule. Such appeals shall be taken within a period of not more than three months, and in the manner provided by the rules stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board that by reason of facts stated in the certificate a stay

would, in his opinion, cause imminent peril to life or property.

SECTION 300.050: JURISDICTION

The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the township zoning regulations;
2. To hear and decide all matters referred to it or which it is required to determine under the zoning regulations adopted by the township board as herein provided;
3. Where, due to exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property. The strict application of any regulation adopted under sections 65.650 to 65.700 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.
4. . 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 To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Office: To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official in the enforcement of the township zoning regulations;

SECTION 300.060: TERMINATION OF VARIANCE

Where property is in use under the terms of a variance and such use ceases or in the case of a structure, such structure ceases to exist, then the variance shall terminate unless the terms of the variance specify otherwise

SECTION 300.070: ENFORCEMENT

It shall be the duty of the Zoning Officer to enforce the provisions of this chapter and enforce such decisions as shall be duly passed by the Board of Zoning Adjustment.

SECTION 300.080: STRUCTURES IN VIOLATION

Any structure erected, converted, or land used in violation of any of the provisions of this ordinance, shall be brought in compliance with this ordinance or be removed.

SECTION 300.090: PENALTIES FOR NON-COMPLIANCE

Violation of the zoning regulations as contained within the Polk Township zoning ordinance. Shall be punished as provided by Missouri Law, Section 65.697, Rsmo.

SECTION 300.100: AMENDMENTS

The Township Board from time to time, may make amendments to the text and maps of this title in accordance with the statutes of Missouri.

SECTION 300.110: FEE.

Appeals to the Polk Township Board of Zoning Adjustment: **SEE [CHAPTER 600](#)**

[Top of the Document](#)

TITLE IV

CHAPTER 400: ZONING DISTRICTS

SECTION 400.010: LAND USE DISTRICTS

A-1: Agriculture

R-1: Residential Single Family

R-2: Multi-Family

C-1: Restricted Commercial

C-2: General Commercial

M-1: Light Manufacturing

M-2: Heavy Manufacturing

1. Additional districts may be added from time to time upon the recommendation of the Polk Township Zoning Commission, Polk Township Board or other interested parties; buildings or structures or portions thereof, lawfully existing at the time of adoption of this ordinance (January 10, 2002) or amendment thereto becomes effective, which does not meet the requirements of this ordinance or a use which lawfully occupies buildings or lands at the time of the adoption (January 10, 2002) which does not meet the requirements of this ordinance or amendment thereto shall be **Grand Fathered** as a legal use.
2. The Zoning Officer shall maintain the official zoning map of Polk Township and changes shall be clearly shown on the map when officially adopted by a resolution of the Township Board.
3. The zoning districts referred to in this ordinance shall be designated on the official zoning map of Polk Township. The official zoning map shall be located in the office of the Township Zoning Officer but may be placed in other locations.
4. The land use districts appearing on the official zoning map of Polk Township shall follow: road center lines, stream or river center lines, section lines, property lines, or be clearly noted in feet on the official zoning map, with noted distances from the above lines and other necessary dimensions for a clear interpretation of the boundary lines.
5. These regulations are minimum requirements to provide for coordinate, efficient, and economic development of the Township, to insure the adequacy of street and utility facilities, and to promote the public's health, safety, and welfare.

[Top of the Document](#)

SECTION 400.020: AGRICULTURE A-1

GENERAL DESCRIPTION

This district is to preserve and protect land valuable for agriculture and as open space and may be use used for **low-density residential areas**.

Permitted Uses: The following are permitted as a matter of right in an A-1, agricultural district: all agricultural uses, with respect to the following restrictions.

1. **Agricultural buildings and residential structures:** Shall be restricted only in reference to the distance from road r/w, all structures must be a minimum distance of **,seventy five (75) feet** from a Road Right-Of-Way.
 - a. All agricultural structures must meet county road setbacks.
 - b. Livestock Feedlots, and sewage lagoons, must be located at least 1,400 feet from an adjacent residence. except sewage lagoons comprising part of on-site waste water treatment and disposal system connected to a dwelling or other facility producing sewage of 3,000 gallons or less per day and constructed in accordance with the on-site sewage disposal rules promulgated by the Department Of Health of the State Or Missouri,
2. A zoning permit for a resident shall not be issued on land that falls inside Tear (3) unless it contains five (5) acres or more having road frontage on an approved road.
3. A zoning permit shall be issue for a residence on agricultural zoned lots or tracts of land located within the designated Tear (1) (2) if they contain not less than Five (5) acres with frontage on an approved road, street or highway.
4. Wind generators and commutations towers on A-1 (Agricultural) land, shall be allowed provided they comply with all county, state and federal laws.
5. **SPECIAL & CONDITIONAL USES:** The Zoning Commission shall review all applications for a Special use. The Zoning Commission may permit these uses upon the terms and conditions adopted and set forth in writing by the Commission.
 - c. Home Occupations.
 - d. **Dog Kennels** Dog Kennels Shall be located at lease fourteen hundred (1400) feet from a neighbor's residential structure

[SECTION 100.020: DEFINITIONS](#)

[Top of the Document](#)

SECTION 400.030: RESIDENTIAL R-1

GENERAL DESCRIPTION Single Family Residential Housing (2) unrelated persons per dwelling unit

Area Regulations:

1. Lot size in an approved subdivisions shall be a minimum of eight thousand (8000) square feet and one (100) hundred feet street frontage lot sizes outside of subdivisions shall be a minimum of five (5) acres.
 - a. **Front Yard:** All buildings shall be set back a minimum depth of thirty (30) feet from the front property line or road right-of-way if the property line extends to the center of the road.
 - b. **Double Frontage Lots:** The Front Yard Requirements Shall Be Provided On Both Streets.
 - c. **Side Yard:** For dwellings located on interior lots, there shall be a side yard on each side of the main building of not less than ten (10) feet. For accessory buildings, there shall be a side yard or not less than five (5) feet.
 - d. **Dwellings & accessory buildings** located on corner lots there shall be a side yard setback from the intersecting street of not less than thirty (30) feet or road right-of-way if the property line extends to the center of the road. The interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
 - e. **Rear Yard:** There shall be a rear yard for dwellings of not less than thirty-five (35) feet. For buildings of accessory use, there shall be a rear yard of not less than five (5) feet.
 - f. **Coverage:** Main and accessory buildings shall not cover more than fifty (50) percent of the lot area.

Permitted Uses: The following uses are permitted as a matter of right in an R-1, Single Family District.

1. **Agricultural:**
2. **Keeping Of Animals :** Personal pets such as dogs and cats” no farm livestock allowed”.
3. **Residential Dwellings:** Maximum **two (2) unrelated persons** per dwelling unit.
4. **Churches & places of worship:**
5. **Public parks & playgrounds:**
6. **Modular Home:** Set by state and federal standards. **Maximum of two (2) unrelated persons** per dwelling unit.
7. **Accessory Uses:** Associated with residential uses.
8. **Duplex:** Maximum occupancy **2 unrelated** persons per dwelling unit.

Accessory Signs:

1. Home Occupations:

- a. One sign, not over **(4) square feet** in sign area, set-back at least **ten (10) feet** from the designated street line.

2. Non-Residential Establishment Or Institution:

- a. One sign, not over **ten (10) square** feet in area at least ten feet from the street r/w

3. Undeveloped Subdivision:

- a. **One sign** located entirely upon private property, and shall be removed upon the sale of the lots in the subdivision. No sign shall have an area greater than **50 square feet**.
- b. **For Sale or For Rent:** One Non-Illuminated Sign Per Lot, Not More Than 4 Square Feet In area

Special Uses: Shall be approved by the Zoning Commission prior to permitting.

1. Country Clubs, Golf Courses:

2. Cemeteries And/Or Mortuaries:

3. Dog Kennels Not allowed:

4. Home Occupations:

5. Libraries, Museums , Public Art Galleries :

6. Nursing Homes:

7. Nursery schools and child care centers :

8. Plant Nurseries:

9. Public and private hospitals :

10. Recreation Facilities :

11. Telecommunications, Transmissions Towers

12. Schools of General Instruction:

13. Tennis Clubs, And Swimming Clubs:

The Commission May Permit These Uses Upon The Terms And Conditions Adopted And Set Fourth In Writing By The Zoning Commission.

SECTION 400.040: RESIDENTIAL R-2

GENERAL DESCRIPTION

Multi-Family Residential Housing

- a. Four (4) unrelated persons per dwelling unit
- b. Parking shall be no less than one (1) space for each two (2) occupants.

Area Regulations:

1. **Lot size:** shall be no less than twelve thousand (12,000) square feet to accommodate additional parking in an approved subdivisions or Five (5) acres out side of a subdivision.
2. **Front Yard:**
 - a. All Buildings Shall Be Set Back From Street Right-Of-Way Lines **Thirty (30) Feet:**
 - b. **Double Frontage Lots:** The front yard requirements shall be provided **on both streets.**
3. **Side Yard:**
 - a. **Dwellings Located on Interior Lots:** There Shall Be A Side Yard On Each Side Of The Main Building Of Not Less Than **ten (10) Feet.**
 - b. **Accessory Buildings** There Shall Be A **Side Yard** Or Not Less Than **four (4) Feet.**
 - c. **Dwellings And Accessory Buildings Located On Corner Lots:** there shall be a side yard setback from the intersecting street of not less than **thirty (30) feet** in case such lot is back to back with another corner lot, the interior side yard shall be the same as for dwellings and accessory buildings on an interior lot.
4. **Rear Yard:**
 - a. There shall be a rear yard for dwellings of not less than thirty-five (35) feet.
 - b. Buildings of accessory use, there shall be a rear yard of not less than **four (4) feet.**
5. **Coverage:** Main And Accessory Buildings Shall Not Cover More Than Fifty (50) Percent Of The Lot Area.

Permitted Uses:

The following are permitted as a matter of right in an R-II, multi-family residential district:

1. **Use Permitted In Districts A-1 and R-1.**
2. **Apartments:**

Accessory Signs:

1. Home Occupations:

- a. One sign, not over **(2) square feet** area, **setback** at least **ten (10) feet** from the designated street line.

2. Non-Residential Establishment or Institution: One sign, not over **ten (10) square feet** in area at least **ten feet from the street r/w:**

3. Undeveloped subdivision: Ground signs displaying, information pertinent to the subdivision. Shall be located entirely upon private property, and shall be removed upon the sale of the lots in the subdivision. No sign shall have an area greater than **50 square feet.**

4. For Sale or For Rent: One non-illuminated sign per lot, not more than **four (4) square feet** in area:

5. Apartment Development: One ground sign not to exceed **50-square feet** in area, located entirely on private property in addition

- a. A non-illuminated ground signs advertising the **Rental or Lease** of the premises, each sign not exceeding **4-square feet** in area:

Special Uses:

The following special uses must be submitted for approval by the Zoning Commission prior to permitting.

1. Country Clubs:

2. Golf Courses:

3. Golf Driving Ranges:

4. Tennis Clubs, And Swimming Clubs:

1. Telecommunications, Transmissions Towers:

2. Cemeteries And / Or Mortuaries:

3. Nursing Public and Private Hospitals and Sanitariums for General Medical Care:

4. Homes for the Aged and Sheltered Facilities:

5. Schools of General Instruction:

6. Libraries, Museums and Public Art Galleries:

7. Nurseries:

Family Unit-Studio and One-Bedroom--Maximum Two Unrelated Persons:

Two or More Bedrooms--Maximum Four Unrelated Persons:

- 8. Dog Kennels not Allowed:**
- 9. Area Regulations:**
- 10. Front, Side, And Rear Yard Requirements Shall Be The Same As In Residential R-1:**
- 11. Space Limits:**
- 12. Minimum Lot Area--Every Dwelling Shall Be Provided With A Lot Area Per Dwelling As Follows:**
 - a. One Dwelling Unit—Minimum: Lot Area eight thousand (8) Square Feet:**
 - b. Two and Three Dwelling Units Minimum: Lot Area twelve thousand (12) Square Feet:**
 - c. Four and More Dwelling Units Minimum: Lot Area sixteen (16) Square Feet Per Dwelling Unit:**
- 13. Maximum Ground Coverage Including Accessory Buildings--50%:**

The Zoning Commission may permit these uses upon terms and conditions adopted and set forth in writing by the Zoning Commission.

SECTION 400.050: COMMERCIAL C-1

Principal Permitted Uses:

In District "C-1", No Building, Structure, Land Or Premises Shall Be Used; And No Building Or Structure Shall Be Hereafter Erected, Constructed, Reconstructed, Moved Or Altered, Except For One (1) Or More Of The Following Uses:

- 1. Any Use Permitted In Districts A-1 & R-1:**
- 2. Shops And Stores For Sale At Retail Of Foods And Beverages:**
- 3. Soft Goods Such As Clothing And Shoes:**
- 4. Drugs And Cosmetics:**
- 5. Furniture And Appliances:**
- 6. Printed Materials:**
- 7. Notions; Kitchenware:**
- 8. Toys; And Sporting Goods:**
- 9. Jewelry, Gifts And Novelties; Flowers:**

10. **Tobacco Products:**
11. **Photographic Equipment; Antiques; Artist And Hobby Supplies:**
12. **Music Supplies:**
13. **And Medical Supplies:**
14. **Bicycles:**
15. **Office Supplies:**
16. **Package Liquor Stores:**
17. **Professional Offices:**
 - d. **Banks And Savings And Loan Associations:**
 - e. **Insurance:**
 - f. **Barber And Beauty Shops:**
 - g. **Schools:**
 - h. **Optical Shops:**
 - i. **Seamstress And Tailoring:**
 - j. **Eating Establishments:**
 - k. **Interior Decorator:**
 - l. **Photographer:**
 - m. **Shoe Repairs:**
 - n. **Clinics, Small Animal Hospitals:**
 - o. **Offices Of All Types, Including Post Office:**
 - p. **Public Or Privately Owned Utilities Offices:**
 - q. **Warehousing & inside storage with “ Township Board approved” Commodities Except Junk Or Salvage**

Accessory Uses: Customarily Incidental to The Normal Operation Of The Above Uses, Including Parking Lots As Provided In This Chapter (**No Salvage or Junk Yards allowed**)

Performance Standards:

The Following Standards Shall Not Be Exceeded By Any Use In This District:

1. No Merchandise Or Equipment Shall Be Stored Or Displayed Outside A Building.
2. All Products Shall Be Sold And All Services Rendered Inside A Building Except That Produces Stands May Have Drive-Up Or Walk-Up Service.
3. No Smoke, Radiation, Vibration Or Concussion, Heat Or Glare Shall Be Produced That Is Toxic, Caustic Or Obviously Injurious To Humans Or Property
4. Alcoholic Beverages And Cereal Malt Beverages Shall Not Be Sold For Consumption On The Premises Except That Places Serving Food For Consumption Inside The Building May Serve Cereal Malt Beverages
5. No Case Shall The Noise Level Exceed 60db) For A Sustained Length Of Time Measured At Any Point Along The Property Line.

District C-1 Space Limits: The Height Of Buildings, Shall Not Exceed Two (2) Stories and all commutations towers shall comply with state and federal regulations.,

Front Yard: A Front Yard of Not Less Than Fifteen (15) Feet Shall Be Provided For One (1) and Two (2) Story Buildings.

1. **Side Yard:** For One (1) And Two (2) Story Buildings No Side Yard Is Required Except That Where A Side Line Of A Lot In This District Abuts The Side Line Of A Lot In A District R-1 A Side Yard Of **Fifteen (15) Feet** Shall Also Be Provided
2. **Rear Yard:** No Rear Yard Is Required Except That Where A Rear Line Of A Lot In This District Abuts Upon Land In Districts R-1, A Rear Yard Of Not Less Than **Ten (10) Feet** Shall Then Be Provided.
3. **Parking Regulations:** Four (4) Off-Street Parking Spaces Shall Be Provided On The Premises For Each One Thousand (1,000) Square Feet Of Floor Area.

[Top of the Document](#)

SECTION 400.060: COMMERCIAL C-2

Principal Permitted Uses.

In District "C-2", No Building, Structure, Land Or Premises Shall Be Used, And No Building Or Structure Shall Be Hereafter Erected, Constructed, Reconstructed, Moved Or Altered, Except For One (1) Or More Of The

Following Uses: Any Use Permitted In Districts "A-1, R-1 & Districts "C-1".

1. Shops And Stores For The Sale At Retail Or Wholesale Of General Merchandise,
2. New Automobiles And Trucks,
3. Used Car Lots, Automobile Supplies, Motorcycles;
4. Petroleum Products (Bulk Plants Not Permitted).
5. Pets,_____
6. Hotel Supplies
7. Trailers, Boats, Camping Accessories,
8. Tools, Farm Machinery And Supplies, Building Supplies
9. Lawn Accessories.
10. Services Such As Automobile Repair And Washing
11. Farm Machinery Repair
12. Pop Bottling
13. Miniature Golf And Commercial Recreation,
14. Drive-In Theaters,
15. General Repair And Fix-It Shops,
16. Frozen Foods, Including Lockers,
17. Swimming Pools.
18. Services Such As Clubs, Places Where Alcoholic Beverages Are Consumed On The Premises,
19. Dry Cleaning And Laundries,

20. Appliance And Small Equipment Repair
21. , Printing And Publishing,
22. Custom Maintenance And Delivery Services;
23. Radio And Television Broadcasting Studios
24. , Public And Private Entertainment And Recreation,
25. Charity And Welfare Services,
26. Vocational And Trade Schools,
27. Veterinarians,
28. Hotels, Motels and Motor Hotels.
29. Warehousing & inside storage Of Any Commodity Except Junk Or Salvage

Other business other than those listed may be allowed by special use .

Accessory Uses Customarily Incident To The Normal Operation Of These Uses, Including Parking Lots And Signs As Provided In This Chapter. **(SALVAGE AND JUNK YARDS NOT ALLOWED)**

Performance Standards:

1. Drive-Up Or Drive-In Service May Be Provided Where Ready-To-Eat Food, Including Beverages, Except Or Where Cereal Malt Beverages In Any Form Are Served, Dispensed Or Otherwise Change Hands.
2. No Smoke, Radiation, Vibration Or Concussion, Heat Or Glare Shall Be Produced That Is Perceptible Outside A Building And No Dust, Fly Ash Or Gas That Is Toxic, Caustic Or Obviously Injurious To Humans Or Property Shall Be Produced.
3. Automobiles, Boats And Trucks For Sale May Be Stored Or Displayed Outside A Building. Other Merchandise Which May Appropriately Be Displayed Or Stored Outside A Building Shall Be Kept Off The Public Streets, Shall Not Reduce The Capacity Of A Parking Lot Below That Required By This Chapter Shall Not Occupy An Area Greater Than Twenty Percent (20%) Of Ground Floor Area Of The Building.
4. In No Case Shall The Noise Level Exceed 60db) At Repeated Intervals Or For A Sustained Length Of Time Measured At Any Point Along The Property Line.
5. **Space Limits Height** of Buildings And Structures Shall Comply With FAA. Regulation
6. **No Front Yard** Is Required In This District.
7. **Side Yard:** No Side Yard Is Required In This District Except That Where A Side Line Of A Lot In This District Abuts Upon Land In A **District R-1** A Side Yard Of Not Less Than **Ten (10) Feet** Shall Then Be Provided..

- 8. Rear Yard:** No Rear Yard Is Required Except That Where A Rear Line Of A Lot In This District Abuts Upon Land In A District R-1A Rear Yard Of Not Less Than **Ten (10) Feet** Shall Be Provided.

Business other than those listed may be allowed by special use.

SECTION 400.070: MANUFACTURING M-1

M-1 LIGHT MANUFACTURING:

Industrial And Manufacturing Uses Which Can Meet Rigid Performance Standards Generally Small Processing and Manufacturing Plants.

Principal Permitted Uses:

In District "M-1", No Building, Structure, Land Or Premises Shall Be Used, No Building Or Structure Shall Be Hereafter Erected, Constructed, Reconstructed, Moved Or Altered, Except For One (1) Or More Of The

Following Uses: Any Use Permitted In District " A-1 Agricultural, C-1 & C-2" Commercial; Manufacturing, Processing, Fabrication, Or Assembling Of Any Commodity Except Junk Or Salvage.

1. Warehousing, Wholesaling and Storage of Any Commodity except Junk or Salvage.
2. **Freight Terminals:**
3. Offices; Laboratories:
4. Public Utility Facilities:
5. Restaurant, Beverage Vending Machines Distribution Centers:

Structures and Uses Clearly Accessory and Necessary To The Normal Operation Of The Above Uses, Including Signs As Herein Provided.

Performance Standards:

1. All Operations Shall Be Conducted Within A Fully Enclosed Building.
2. All Storage Of Materials, Products Or Equipment Shall Be Within A Fully Enclosed Building Or In An Open Yard So Screened That The Materials, Products Or Equipment Are Not Visible At Eye Level Within Three Hundred (300) Feet Of The Property Line.
3. No Use Shall Be Permitted Or So Operated As To Produce Or Emit Smoke Or Particulate Matter In Violation Of Any State, Or Federal Regulation.
4. Dust, Fly Ash, Radiation, Gases, Heat, Glare, or Other Effects Which Are Obviously Injurious To Humans At The Property Line.
5. Vibration or Concussion Perceptible ,Without Instruments, at the Property Line.

6. In No Case Shall The Noise Level Exceed 70db (A) At Repeated Intervals Or For A Sustained Length Of Time Measured At Any Point Along The Property Line.

7. Industrial Waste Shall Be Such A Quantity And Nature As To Not Overburden The Sewage Disposal Facilities Or To Cause Odor And Unsanitary Effects Beyond The Property Line.

Space Limits.

In District "M-1", The Height Of Buildings And The Minimum Dimensions Of Lots And Yards Shall Be As Follows:

1. **Height:** No Building Shall Exceed FAA Restrictions,
2. **Front Yard:** A Front Yard of Not Less Than **Fifty, (50) Feet** shall, be provided In District "M-1".
3. **Side Yard:** A Side Yard, **shall, be provided** on each side of a building or unit group of buildings, the total of which side yards shall be **not less than forty (40) feet** and **no side yard shall be less than ten (10) feet.** a side yard abutting a street in the case of a **corner lot shall** be not less than **twenty (20) feet.**
4. **Rear Yard:** A Rear Yard Of Not Less **Than Fifteen (15) Feet** Shall, Be Provided.
5. **Parking and Loading:** Each Establishment Shall Provide Sufficient Off-Street Parking Space For All Employees, Customers, Visitors And Others Who May Spend Time At The Establishment During Working Hours. . Each Establishment Shall Also Provide Adequate Loading Space Within A Building Or In A Side Or Rear Yard, In Such A Way That All Storage, Standing And Maneuvering Of Trucks Shall Be Off The Public Right Of Way. **No Portion Of A Parking Area Or Loading Space, Except The Necessary Drives, Shall Be Located Closer Than Ten (10) Feet To A Public Street.**

[Top of the Document](#)

SECTION 400.080: MANUFACTURING M-2

M - 2 GENERAL MANUFACTURING: Allows for greater latitude in meeting performance standards than the "M-1" zone, generally manufacturing which is defined by, a large industrial complex.

In District "M-2", No Building, Structure, Land Or Premises Shall Be Used, And No Building Or Structure Shall Be Hereafter Erected, Constructed, Reconstructed, Moved Or Altered, Except For Uses Allowed In M -1 And General Heavy Manufacturing And Assembling Plants.

Principal Permitted Uses.

Any Use Permitted in District "A-1 Agricultural, C-1 & C-2" Commercial; Manufacturing, Processing, Fabrication, or assembling that can meet state and federal regulations: The manufacturing of recovered materials into a merchantable product is allowed.

Performance Standards:

Vibration Or Concussion Shall Not Be Perceptible Without Instruments At The Property Line.

In No Case Shall The Noise Level Exceed 70db (A) At Repeated Intervals Or For A Sustained Length Of Time Measured At Any Point Along The Property Line.

Space Limits. In District "M-2", The Height Of Buildings, And Minimum Dimensions Of Lots And Yards Shall Be As Follows:

Height: Buildings Or Structures Shall Meet FAA Requirements

Front Yard: There Shall Be A Front Yard Of Not Less Than **Fifty, (50) Feet.**

Side Yard: A Side Yard Shall Be Provided On Each Side Of A Building Or Unit Group Of Buildings, The Total Of Which Side Yards Shall Be Not **Less Than Forty (40) Feet** And **No Side Yard Shall Be Less Than Ten (10) Feet.** A Side Yard Abutting A Street In The Case Of A Corner Lot Shall Be Not Less Than Twenty (20) Feet.

Rear Yard: There Shall Be A Rear Yard Of Not Less Than **Fifteen (15) Feet.**

Parking and Loading Regulations: Each Establishment Shall Provide Sufficient Off-Street Parking Space For All Employees, Customers, Visitors And Others Who May Spend Time At The Establishment During Working Hours. Each Establishment Shall Also Provide Adequate Loading Space In Such A Manner That All Storage, Standing And Maneuvering Of Trucks Shall Be Off The Public Right Of Way. No Portion Of A Parking Area Or Loading Space, Except The Necessary Drives, Shall Be Located Closer Than Five (5) Feet To A Public Street Or Other Property Line.

[Top of the Document](#)

TITLE V

CHAPTER 500: SUBDIVISIONS

SECTION 500.010: SUBDIVISION REGULATIONS

SHORT TITLE

This chapter shall, be known and may be cited as the subdivision ordinance of Polk Township Nodaway County Missouri.

SECTION 500.020: INTERPRETATION AND PURPOSE

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. The purpose of the subdivision regulations is to encourage the development of sound, healthful and economically stable residential neighborhoods, commercial and manufacturing areas, to provide for safe, convenient and efficient traffic circulation; to insure the drainage of the land is developed in compliance with state and federal regulations and coordinate land development in order to assure growth will be conducive to minimum outlay of public funds for providing maintenance of roads and snow removal services.

SECTION 500.030: SCOPE

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon property by deed, covenant or other private agreements, or with restrictive covenants running with the land to which the township is a part. Where this chapter imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control.

SECTION 500.040: APPROVING AGENT

The Zoning Officer Shall Administer The Provisions Of This Chapter After Recommendation Of The Zoning Commission And The Final Approval Of The Polk Township Board Of Nodaway County.

SECTION 500.050: DEFINITIONS

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

- 1. ALLEY:** A minor way, dedicated to the public use, which is used primarily for utilities and vehicular access to the back or the side of properties otherwise abutting on a street.
- 2. Arterial Or Collector Street:** Those Streets That Carry Traffic From Minor Streets To Major Streets Or To Other Traffic Generators. [Top of the Document](#)

3. **BLOCK:** A piece or parcel of land surrounded by public highways, streets, streams, railroad right-of-way, parks, etc., or a combination thereof. There may be more than one.
4. **BUILDING LINE:** A Line On A Plat Generally Parallel To The Street Right-Of-Way, Indicating The Limit Beyond Which Buildings Or Structures May Not Be Erected.
5. **COMPREHENSIVE PLAN:** The Plan or Series Of Plans Development Of The Township, Approved By The Township Board As The Guide For Future Development. Such Plans May Alternatively Be Referred To As Master Plan, Comprehensive Plan, Or Development Plan
6. **CUL-DE-SAC:** A Minor Street Having One End Open To Traffic And Being Permanently Terminated By A Vehicular Turn-Around.
7. **DAY:** Day Shall Refer To A Normal Work Day.
8. **DEVELOPER:** The Owner Or Agent Under Legal Authority Of The Owner Or Owners Who Undertakes To Cause A Parcel Of Land To Be Designed, Constructed And Recorded As A Subdivision. This Term May Be Used Interchangeably With The Term "Sub-Divider".
9. **DIVIDING LINE:** Shall Be A Line Dividing A Lot Or Parcel Of Land.
10. **EASEMENT:** A Grant By The Property Owner To The Public, A Corporation, Or Persons For The Use Of A Parcel Of Land For A Specific Purpose.
11. **FINAL IMPROVEMENT PLAN:** Engineering drawings, for construction, of all improvements required by the subdivision ordinance.
12. **FINAL PLAT:** A drawing to scale containing the items specified by these regulations indicating the layout of lots, blocks and public ways in a subdivision completed and improved or bonded for improvements along with legal documents required for recording. it is also the final map, drawing or chart on which the sub-divider's subdivision plan is presented to the Polk Township Board for approval and which, if approved, will be submitted to the county recorder of deeds for recording.
13. **FULL FRONTAGE:** Shall Be Not Less Than The Minimum Lot Width Allowed By Polk Township Zoning Code
14. **IMPROVEMENTS:** Shall Include, But Not Be Limited To, The Changes And Additions To Land Necessary To Prepare It For Building Sites, Including Street Paving, Curbing, Grading, Monuments, Drainage Ways, Sewers, Fire Hydrants, Water Mains, Sidewalks, Street Lights, Pedestrian Ways And Other Public Appurtenances.
15. **LOT:** A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map which is intended to be separately owned,
16. **LOT SPLIT:** The Division Of A Platted Parcel Into Two (2) Parcels Not Involving The Dedication Or Vacation Of A Street A Lot Split Which Does Not Comply With These Requirements Is Considered A Major Subdivision And Shall Be Approved By The Polk Township Zoning Commission
17. **Major Streets And Highways:** Those Which Are Used Primarily For Fast Heavy Traffic

- 18. .Marginal Access Street:** A Street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties; so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street. So that the flow of traffic on the arterial street is not impeded from direct driveway access from abutting properties.
- 19. Minor Street:** A Street Used Primarily For Access To The Abutting Properties
- 20. OFFICIAL MAP:** The Zoning Map Adopted By The Polk Townships Board Showing The Zoning Districts, Streets, Highways And Parts Theretofore Laid Out, Adopted And Established By Law And Any Amendments Thereto Adopted By The Township Board Or Additions Thereto Resulting From The Approval Of Subdivision Plats And The Subsequent Filing Of Such Approved Plats.
- 21. PARCEL:** A Continuous Quantity of Land in the Possession Of, Owned By, or Recorded As, the Property of the Same Person or Persons.
- 22. PEDESTRIAN WAY:** A Right-Of-Way Dedicated To Public Use, Which Cuts Across A Block To Facilitate Pedestrian Access To Adjoining Streets Or Properties
- 23. PLAT:** A Map Drawn To Scale From An Accurate Survey Including Items Set Forth Herein Along With All Certificates And Statements Required Herein And By State Statute for Recording A Subdivision Of Land. Without Modifying Adjectives, It Shall Refer To Land Subdivision Documents, Which Have Been Officially Recorded. In Appropriate Context, A Plat May Refer To The Land Represented By A Recorded Plat And May Be Synonymous With The Word "Subdivision". It May Also Be Used As A Verb Referring To The Act Of Preparing A Plat.
- 24. PRELIMINARY DEVELOPMENT PLAN:** A Plan Prepared And Submitted Including A Preliminary Plat For Review, That Shows The Proposed Improvements Of The Subdivision In Enough Detail For Evaluation By The Commission And The Township Board
- 25. PRELIMINARY PLAT:** A drawing with supporting documents that represents a proposal upon which a final plat is based. A preliminary plat is not a document to be recorded.
- 26. RE-PLAT, RE-SUBDIVISION:** A Plat Representing Land Which Has Previously Been Included In A Recorded Plat.
- 27. RESERVE STRIP:** Any Section of Land within or Adjoining A Subdivision Which, Intentionally Or Otherwise, Serves To Control Access To Public Streets, Right-Of-Way Or Public Facilities.
- 28. STREETS:** A Public Way For Vehicular Traffic Whether Designed As A Street, Highway, Thoroughfare, Parkway, Throughway, Road, Avenue, Boulevard, Place Or However Otherwise Designated.
- 29. STRUCTURE:** Anything Constructed Which Requires Permanent Or Temporary Location On The Ground Or Is Attached To Something Having A Permanent Or Temporary Location On The Ground, An Edifice Or Building Of Any Kind Or Any Piece Of Work Artificially Built Or Composed Of Parts Joined Together In Some Manner. A Detention Pond Shall Be A Structure.

30. SUBDIVISION, MAJOR: Except for "lot split" as defined, shall be the division of a tract of land in to three (3) or more lots, tracts, sites, parcels or areas of any size which includes improvements, streets, easements, rights-of-way, rights of ingress and egress, sanitary sewer system or provision for a public area or public facility.

31. SUBDIVISION, MINOR: The division of land into lots, tracts, sites, parcels or areas, for residential purposes each three (3) acres or more in area and having a frontage of not less than one hundred (100) feet on an existing township, county, state or federal highway, in the event that the proposed subdivision of land: does not include streets, dedications of rights-of-way or an approved sewer system.

32. SUB-DIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself\herself or for another.

33. Width of Street: The shortest distance between the lines delineating the right-of-way, of a street.

34. PLANNING & ZONING COMMISSION: The Planning & Zoning Commission of Polk Township Missouri, A board appointed by The Township Board, whose purpose it is to review plans and make recommendations about development and zoning issues to The Township Board. Referred, to as the Commission.

35. OTHER TERMS: All Other Terms Used In These Regulations Shall Have Their Normal Meaning, Except That Terms Common To Engineering And Surveying Shall Be Used In Their Professional Sense.

SECTION 500.060: APPLICATION OF SUBDIVISION REGULATIONS

1. Except as provided in this chapter, no person shall subdivide any tract of land, which is located within Polk Township except in conformity with the provisions of this chapter. Any plat hereinafter made or any subdivision or any part thereof lying within the un-incorporated limits of the Polk Township, Nodaway Missouri, shall be prepared, presented for approval, approved and presented for recording as herein prescribed. These regulations are enacted under the authority of applicable statutes of the state of Missouri.
2. **Subdivision Major Procedure:** Any subdivision other than a lot split shall comply with all procedures as set forth in this chapter.
3. **Subdivision Minor Procedure:** A Person Seeking To Subdivide Land As A Minor Subdivision Shall File A Written Statement And A Certified Plat Drawn To Scale Indicating The Nature Of The Proposed Development, With The Zoning Officer If It Is Determined That Said Development Qualifies As A Minor Subdivision, The Sub-Divider May Proceed With The Final Plat For Approval.

[Top of the Document](#)

4. **Development Stages:** When A Developer Or Group Of Developers Have In Their Control An Area Of Land, Which They Wish To Develop, They May Cause To Be Prepared A Preliminary Plat And A Preliminary Development Plan For The Entire Area. On Such Preliminary Plat Successive Development Divisions May Be Designated.

SECTION 500.070: LOT SPLITS

All Lot Splits Must be filed with the Zoning Officer along with a vicinity map showing the location of the lot split

1. **LOT SPLITS:** Lot splits may deviate from minimum lot sizes due to natural topography but must be approved by the Zoning officer and one board member..
2. **Lot Splits Developed Residential Subdivisions:** May be divided if the split parcel is added to an adjacent lot. In all cases, lots produced by a lot split shall conform to all minimum standards of this title and other applicable codes of Polk Township.
 - a. A lot split to make an additional building lot shall require the Zoning officials approval.
3. **Lot Splits Residential Zoned land:** Shall meet the following requirements.
 - a. **In Tear two (2):** Shall have a minimum of five (5) acres unless they are in an approved subdivision.
 - b. **In Tear three (3):** Approved residential subdivision. Shall have a minimum of five (5) acres .
4. **Lot Splits Agricultural Land:** Shall meet the following requirements.
 - a. **Agricultural:** The division of land for agricultural use shall be exempting from the requirements of these regulations.
 - b. A lot split to separate the improvements from farmland for the purpose of an estate sale shall include the complete sewer system and have a minimum area of five (5) acres
 - c. **In Tear two (2):** Shall have a minimum of five (5) acres.
 - d. **In Tear three (3):** Shall have a minimum area of five (5) acres.

SECTION 500.080: ENFORCEMENT

1. **Recording Of Plat:** No plat of any subdivision shall be recorded in the county recorder's office or have any validity until it has been approved in the manner prescribed herein. In the event, any such unapproved plat is recorded. It shall be considered invalid and the zoning officer shall institute proceedings to have the plat stricken from the records of Nodaway County, Missouri.
2. **Permits:** The Zoning Officer shall not issue zoning permits for construction on a lot in a subdivision for which a plat has not been approved and recorded, in the manner prescribed herein.

3. **Public Improvements:** The Township Hereby defines its policy to be that the township **will withhold all maintenance of streets including snow removal, which have not been accepted** by the **Nodaway County Commission** in the manner prescribed herein.
 - a. **Subdivision Roads:** The developer must submit an application for road construction to the Nodaway County Commission and the Polk Township Board, to acquire the specifications for the type of road they propose to construct and receive a list of information and documentation the County will require before accepting the road into the county system.
 - b. After receiving the approval of proposed future acceptance from the County Commission and Polk Township and the road construction is complete, the developers shall submit a written application for acceptance of the subdivision roads, which may include inspection reports, to the **Township Road Foreman** for his inspection and signature. The Road Foreman submits the application to the **County Road Foremen** for his inspection; he will forward the application to the **County Commission** for their review and approval before recording. At **least a year guarantee** may be required before final acceptance.
1. **Revision of Plat after Approval:** No Changes, Erasures, Modifications Or Revisions Shall Be Made In Any Plat Of A Subdivision After Approval Has Been Given By The Township Board And Endorsed In Writing On The Plat Unless The Said Plat Is First Resubmitted To The Commission And The Changes Found Acceptable.
2. **Sale Of Land In Subdivision:** No Owner Or Agent Of The Owner Of Any Land Located Within A Subdivision Shall Transfer, Sell, Agree To Sell Or Negotiate To Sell Any Land By Reference To, Exhibition Of, Or By The Use Of A Plan Or Plat Of A Subdivision For Private Development Before Such Plan Or Plat Has Been Approved And Recorded In The Manner Prescribed Therein

The Sub-Divider Shall Pay A Fee For Every Preliminary Plat Submitted To The Commission For Approval As Required In [Section 600 Fees](#).

SECTION 500.090: OVERVIEW OF SUBDIVISION DEVELOPMENT

1. **Planning Conference:** Developer Meets with the Zoning Officer before Development Begins to review and Identify Potential Problems.
2. **Preliminary Development Plan:** Developer Prepares Preliminary Plat And Preliminary Development Plans For Improvements Of The Subdivision In Sufficient Detail To Allow Approval By The Commission After Public Hearing.
3. **Check By Zoning Officer:**
4. **Zoning Commission Action:** Recommendation for Approval Or Disapproval By The Commission After Public Hearing.
5. **Polk Township Board:** Approval or disapproval of Township Board.

6. **Final Plat:** Developer Prepares Final Plat and Final Development Plans for Submission to the township board for approval, and install improvements or obtain bonding for required improvements.
7. **Final Plat Approval:** Township Board. If The Board Finds The Final, Plat Conforms To The Preliminary Plat And The Final Improvement Plans Are Installed Or Properly Bonded, It Shall Approve The Final Plat.
8. **Filing:** The Sub-Divider Shall File The Plat With The County Recorder Of Deeds After Which The Sub-Divider May Sell Lots And/Or Build.

[Top of the Document](#)

SECTION 500.100: PROCEDURE

1. **Planning Conference:** Any Owner, Developer Or Agent Wishing To Subdivide A Parcel Of Land Shall Contact The Zoning Officer And Arrange For A Planning Conference. This Conference Shall Be for Determining The General Requirements To Be Met In Developing The Subdivision. If The Subdivision Does Not Involve New Streets Or Utilities Or Other Improvements Required Of The Subdivision Ordinance The Planning Conference May Be Waived By The Zoning Officer
2. **Findings of the Planning Conference:** The proceedings of the planning conference shall be informal. It shall be the responsibility of the sub-divider to determine the areas of agreement among the conferees and the problems, which require further exploration. During the conference, it shall be the responsibility of the zoning officer to aid the sub-divider in determining the general features to be required in the subdivision. all agreements arrived at by the conferees shall be subject to ratification by the commission and the township board

SECTION 500.110: PRELIMINARY DEVELOPMENT PLAN

Plat. After The Sub-Divider Has Determined The General Features Desired In The Subdivision, He May Develop A Preliminary Plat And Preliminary Development Plan For Filing With The Zoning Officer For Review And Subsequent Submittal To The Commission For Review And Approval Or Disapproval.

1. **Filing:** Six (6) Weeks Prior To The Meeting At Which Consideration Is Desired, The Sub-Divider Must File An Application With The Zoning Officer Including Six (6) Copies Of The Preliminary Plat. The Preliminary Plat And Preliminary Development Plan Shall Be Considered Officially Filed After It Is Examined By The Zoning Officer And Found To Be In Full Compliance With The Requirements Of These Regulations.
2. **The Preliminary Plat:** shall be prepared and certified by a Missouri-registered land surveyor.
3. **Form Of The Preliminary Plat:** The preliminary plat shall be drawn in accordance with the Missouri department of natural resources division of geology and land survey standards of practice no. 1

4. Improvements plans: shall include a detail of the proposed streets and all other infrastructures must be shown in sufficient detail to clearly indicate the, location, of water, sewer, and materials planed.

SECTION 500.120: REVIEW AND APPROVAL OF PRELIMINARY PLAT

- 1. Upon Approval or Disapproval by the Commission,** The Preliminary Plat, The Preliminary Improvement Plan and the Commission's Recommendation shall be forwarded to the township board along with the zoning officer comments within thirty (30) calendar days.
- 2. The Township Board Shall Review** All Items And Approve, Approve With Modifications Or Disapprove The Preliminary Plat As Presented.

[Top of the Document](#)

SECTION 500.130: EFFECT OF DISAPPROVAL OF THE PRELIMINARY PLAT

The Sub-Divider May Make Modifications For Presentation To The Zoning Officer For Review And Recommendations For Further Commission/ Board Consideration If Deemed Appropriate.

SECTION 500.140: EFFECT OF APPROVAL OF PRELIMINARY PLAT

- 1. Approval Of The Preliminary Plat And Preliminary Improvement Plan, As Set Forth Herein,** Shall constitute authority To Proceed With Preparation Of The Final Plat And Final Improvement Plan.
- 2. The Final Plat:** Shall be prepared in conformity with the approved preliminary plat and preliminary improvement plan including all changes required by the township board.
- 3. Major Deviation:** From The Approved Preliminary Plan Shall Require Re-Submission For Approval To The Zoning Commission And The Township Board.
- 4. Approval Of A Preliminary Plan:** Shall not constitute authority to sell lots, record the plat, advertise the future or conditional sale of lots based on the preliminary plat or authority to construct permanent buildings in reliance upon the preliminary plat layout, nor shall it constitute final acceptance

SECTION 500.150: RIGHT OF SUB-DIVIDER AFTER APPROVAL

In the event there shall be any change in township ordinance or regulations, relevant to the preliminary plan, which was in existence at the time of the approval of the preliminary plan, said approval of the preliminary plan by the **Township Board shall remain effective** for a period of **two (2) years**, from the date of modification.

A. Improvement or Bond: The Township Board must be satisfied that all improvements required have been constructed or in lieu of the completion of the improvements, properly bonded [SECTION 100.020:](#)

[DEFINITIONS](#)

- 1. Upon Approval Of The Preliminary Plat And Preliminary Development Plan,** The Developer May Prepare A Final Plat And Final Development Plan For One (1) Or More Development Divisions, Provided The Order Of Development Allows For Logical Provision Of Streets And Utilities.
- 2. Each Development Division Shall Be Considered As A Separate and Individual Unit.** A Final Plat Shall Be Prepared And Approved For Each Division. The Provisions of These Regulations Shall Apply Individually To Each Development Division and Be Presented As A Separate Filing For Recording.

[Top of the Document](#)

SECTION 500.160: FEES SEE [CHAPTER 600](#)

SECTION 500.170: APPROVAL OF FINAL PLAT AND DEVELOPMENT PLAN

Filing: Within two (2) years of approval by the Township Board of the Preliminary Plat and Preliminary Development Plan, the sub-divider shall file a final plat and development plan for the entire subdivision or for a development division (stage) sufficient copies, not to exceed nine (9), shall be submitted to facilitate review and approval. If a final plat and development plan is not filed within two (2) years of approval of the Preliminary Plat, the plat may be subject to review, revision or cancellation of approval by the Township Board. The final plat and development plan shall have incorporated all changes or modifications required by the commission and township board. It may constitute only that portion of the approved preliminary plat that the sub-divider proposes to record and develop at the time, if such portion conforms to all the requirements of this chapter.

Form Of Final Plat: The final plat shall be drawn in accordance with the Missouri Department of Natural Resources division of geology and land survey standards of practice no. 1.

SECTION 500.180: SUBDIVISION DESIGN STANDARDS

The Proposed Subdivision Shall Conform To The Master Plan And Official Map.

- 3. Streets.** The Arrangement, Character, Extent, Width, Grade And Location Of All Streets Shall Conform To The Standards As Set Forth In Appendix A To This Ordinance. The Preliminary And Final Subdivision Plats Shall Specify At A Minimum A “TYPE A, Street .If The Proposed Streets Are To Be Type B Or C Streets As Described In Said Standards, The Developer Shall Set Forth Specifically Any Proposed Deviations From Said Standards For Approval.
- 4. Relation to adjoining street system:** The Arrangement Of Streets In New Subdivisions Shall Make Provision For The Continuation Of Existing Streets In Adjoining Areas Within Grade Limits.

5. **Projection of Streets:** Where Adjoining Areas Are Not Subdivided, The Arrangement Of Streets In New Subdivisions Shall Make Provision For The Proper Projection Of Streets..
6. **Street Jogs:** Street Jogs, With Centerline Offsets Of Less Than One Hundred Twenty-Five (125) Feet Are Prohibited.
7. **Dead-End Or Cull-De-Sac:** Permanent Dead-End Streets Or Cull-De-Sacs, Shall Be No Longer Than Five Hundred (500) Feet And Shall Be Provided At The Closed End With A Turn-Around Having An Outside Roadway Diameter Of At Least Seventy Four (74) Feet And A Street Property Line Diameter Of At Least One Hundred Fifteen (115) Feet. If A Dead-End Street Is Temporary, The Commission May require A Similar Turn-Around. All Mail Boxes Must Be Located In A Cluster At The Entry To The Cull-De-Sac Per Township Board Approval.
8. **Minor Streets:** Minor Streets Shall Be Laid Out So Their Use By Through Traffic Will Be Discouraged.
9. **Street Widths:** Street Right-Of-Way Widths Shall Be Set To Township Standards. [SEE APPENDIX :A](#)
10. **Intersections:** The Intersection Of More Than Two (2) Streets At One Point Shall Be Avoided Except Where It Is Otherwise Impracticable To Secure A Proper Street System. Streets Shall Intersect One Another At An Angle, As Near To A Right Angle As Possible And No Intersections Of Streets At Angles Less Than Sixty (60) Degrees Shall Be Approved.
11. **Curved Streets:** Curved Streets Are Encouraged And Shall Relate To Natural Terrain So That Minimum Grading Is Necessary. No Horizontal Curve In A Public Street Shall Have A Centerline Radius Of Less Than Seventy-Five (75) Feet.
12. **Reverse Curve:** Reverse Curves (S-Curves) Shall Have A Tangent Introduced Between The Curves Of Adequate Length To Allow Smooth Transition.
13. **Reserved:**
14. **Street Grades:** As Set by The County Standards.
15. **Street Addresses:** Shall Be Assigned By The County Assessor Office
16. **Access to Streets across Ditches:** The Sub-Divider Shall Provide Access To All Proposed Streets Across All Ditches In A Standard Method Approved By The Township Board.
17. **Private Streets:** Private Streets May Be Approved. Public Improvements And Maintenance Will Not Be Provided For Any Private Street. An affidavit from the developer shall be recorded and a copy placed in the subdivision file before approval.
18. **Utility Easements:** Easements of Ten (10) Feet on All Rear Lot Lines and Along Certain Side Lot Lines Where Necessary for Utilities Shall Be Provided.
19. **Provisions for Drainage:** All Developments Shall Be Constructed per State and federal Requirements for Drainage.

20. **Lots:** Lot Dimensions And Area Shall Not Be Less Than The Requirements Of The Zoning Code.
21. **Location:** All Lots Shall Abut By Their Full Frontage On A Publicly Dedicated Street Or A Private Street That Has Received The Legal Status As Such
22. **Lines:** Side Lot Lines Shall Be Substantially At Right Angles To Straight Street Lines Or Radial To Curved Street Lines.
23. **Uninhabitable Lots:** Shall Not Be Platted
24. **Lot Remnants:** All Remnants Of Lots Below Minimum Size Left Over After Subdividing Of A Larger Tract Must Be Added To Adjacent Lots Rather Than Allowed To Remain As Unusable Parcels.

[Top of the Document](#)

SECTION 500.190: IMPROVEMENT PLAN

The following improvements shall be in place or properly bonded before the subdivision or the board accepts section of the subdivision. Acceptance of improvements shall be a written request of the sub-divider.

1. **Monuments:** Monuments Shall Be Placed At All Block Corners, Angle Points, And Points Of Curves In Streets And At Intermediate Points.
2. **Streets And Grading:** All Streets Shall Be Constructed To Township And County Specifications Such Construction Shall Be Subject To The Inspection And Approval Of The Township Road Foreman, County Road Foreman and the County Commission.
3. **Utility Systems:** The Sub-Divider Shall Comply With All County, Township, State And Federal Guidelines For Type And Installation Of Utilities. All Under Ground Utilities Including But Not Limited To Water, Sewer, Phone, Electric Or Cable Located In A Public Right Of Way Shall Be At A Minimum Of 36" Deep.
4. **Street Signs:** The Sub-Divider At All Street Intersections Shall install street Signs Constructed to County Standards.
5. **Landscape Development:** All Unpaved Or Otherwise Unimproved Areas Within The Public Right-Of-Way Or Public Use Areas Shall Be Prepared And Maintained With Proper Erosion Control.
6. **As Built Plans:** Upon Completion Of Construction Of Improvements, One (1) Set Of Record Drawings, Dated, Signed And Certified By The Engineer Shall Be Filed With The Zoning Officer Showing Installed Improvements Including Materials, Size, Location, Depth Or Elevation, Numbers, Ends Of Lines, Connection Ways, Valves, Storm Sewer Drains, Inlets And All Other Pertinent Information.

SECTION 500.200: VIOLATIONS

The Violation Of Any Of The Provisions Of The Chapter Or Any Section Thereof Is Declared A Misdemeanor per RSMO.

SECTION 500.210: VARIANCES

Generally: The Commission may recommend to the Township Board a variance from these regulations when, in its opinion, [Undue Hardship](#) may result from strict compliance. Upon recommending any variance, the commission shall prescribe only conditions that it deems necessary to or desirable for the Public Interest. In making its findings, as required herein below, the Commission shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. no variance shall be recommended unless the Commission finds:

1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land.
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
3. The recommending of the variance will not be detrimental to the public welfare or injurious to other property in Polk Township.

Application Required.

Application for any variance shall be submitted in writing by the sub-divider at the time when the Preliminary Plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

SECTION 500.220: GENERAL PROVISIONS

Severability: The provisions of these regulations are severable and if any provision, sentence, clause, section or part thereof shall be held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of these regulations or their application to other persons and circumstances. It is hereby declared the legislative intent, that these regulations would have been adopted if such illegal, invalid or unconstitutional provisions, sentence, clause, section or part had not been included therein and if the person or circumstances to which these regulations or any part thereof is inapplicable had been specifically exempted there from.

SECTION 500.230: MANUFACTURED HOME

Manufactured homes must meet the following requirements and be installed at the building sit according to state federal and Manufactures guidelines and codes .

If they are located in, approved trailer home parks they must be anchored according to manufactured specifications and set on appropriate concrete slab made to the size of the manufactured home. The unit shall be

skirted Within Thirty (30) Days of Setup.

Utilities And Services Must Be Installed Underground.

If they are located outside of a designated park, the following will also apply: wheels and axles must be removed and a supporting foundation installed and the structure securely anchored.

Other Situations And Conditions Must Be Presented To The Polk Township board for review and approval.

[Top of the Document](#)

TITLE VI

CHAPTER 600

PERMIT FEE SCHEDULE

600.010: RESIDENTIAL DWELLING

1. **Residential Dwellings** \$0.10 Per. Square Foot Including Attached .Garages
2. **Minimum Charge** \$25.00
3. **Maximum Charge** \$200.00
4. **Commercial And Industrial Building**.....\$0.05 Per Sq. Ft.

600.020: ACCESSORY STRUCTURES

1. **Accessory Buildings** \$0.05 Per Square Foot
2. **Minimum Charge** \$25.00

600.030: ADDITIONS AND ALTERATIONS TO STRUCTURES

1. **All Structures**.....\$0.05 Per Square Foot
2. **Minimum Charge** \$25.00
3. **Maximum Charge** \$200.00

600.030: AGRICULTURAL STRUCTURES

Application Required: The provisions of sections 65.650 to 65.700 shall not be exercised so as to impose regulations or to require permits with respect to land, used or to be used for the raising of crops, orchards or forestry or with respect to the erection, maintenance, repair alteration or extension of farm buildings or farm structures.

1. **Processing Fee: for verifying county road setbacks**..... \$10.00

600.040: PROCESSING FEES

- c. Preliminary Plat Processing Fee:** The first three (3) lots are one hundred dollars (\$100.00) plus twenty dollars (\$20.00) for each additional lot plus the cost of the certified mailings and the cost of publication in a local newspaper is required. The processing fee and the engineering check fee shall not be refundable. the zoning officer shall receipt stamp proof of the payment of fees upon the face of each copy of the preliminary
2. Plat Plan review fee :one hundred fifty dollars (\$150.00)
3. **Re-Zoning:** The application shall be accompanied by a filing fee of three hundred (\$300.00) Plus the cost of the certified mailings and the cost of publication in a local newspaper is required..
4. **Amendments to ordinance:** A filing fee of two hundred dollars (\$200.00) plus the cost of the certified mailings and the cost of publication in a local newspaper is required..
5. **Special Use, Conditional Use Permits or Applications for Appeal:** Must be submitted to the zoning commission for review, a fee of two hundred (\$200.00) dollars plus the cost of the certified mailings and the cost of publication in a local newspaper is required..

600.040: VIOLATION AND PENALTY

1. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of Title VI Chapter 600 Permit Fee: shall be required to pay a double fee and may be issued a citation for non-compliance that is punishable as provided by Missouri Law, Section 65.697, Rsmo.
2. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of The Polk Township Zoning Ordinance Titles I thru VI ,As Adopted by The Pope Township Board, is punishable as provided by Missouri Law under, Section 65.697, Rsmo.

[.Top of the Document](#)

APPENDIX A

[Top of the Document](#)

Polk Township
Zoning Permit Application

Date of Application: _____

Property Owner: Name _____

911 Building Site Address: _____

Legal Description:

Current Zoning: (check one) A-1___ R-1___ R-2___ C-1___ C-2___ M-1___ M-2___

Type of Construction: (check one) New___ Addition___ Other___

Proposed use of Structure (check one) Home___ Garage___ Barn___ Storage___

Size of structure: _____sq. ft. Number of units: _____

Estimated cost of project:\$ _____

Person Responsible for construction: (check one)

Owner___ Contractor___ Architect___ Engineer___ Other___

Name: _____ Address: _____ Phone: _____

Permit applied for by: Owner___ Contractor___

Applicant Signature: _____ Date: _____

Above signature states that you have read, and understand Polk Township Zoning ordinances and will follow all rules and setbacks located within these ordinances.

Attached Other Documents: Plot Plan ___ Special Use Permit Application ___ Rezoning Application ___
Application for Subdivision ___ Other ___

Total fee presented at time of application= sq ft. _____ X _____ (rate)= \$ _____

Minimum Fee \$ _____ (may apply)

Payment by method: Check___ Money Order___

Receipt Number _____

Accepted___ Denied___

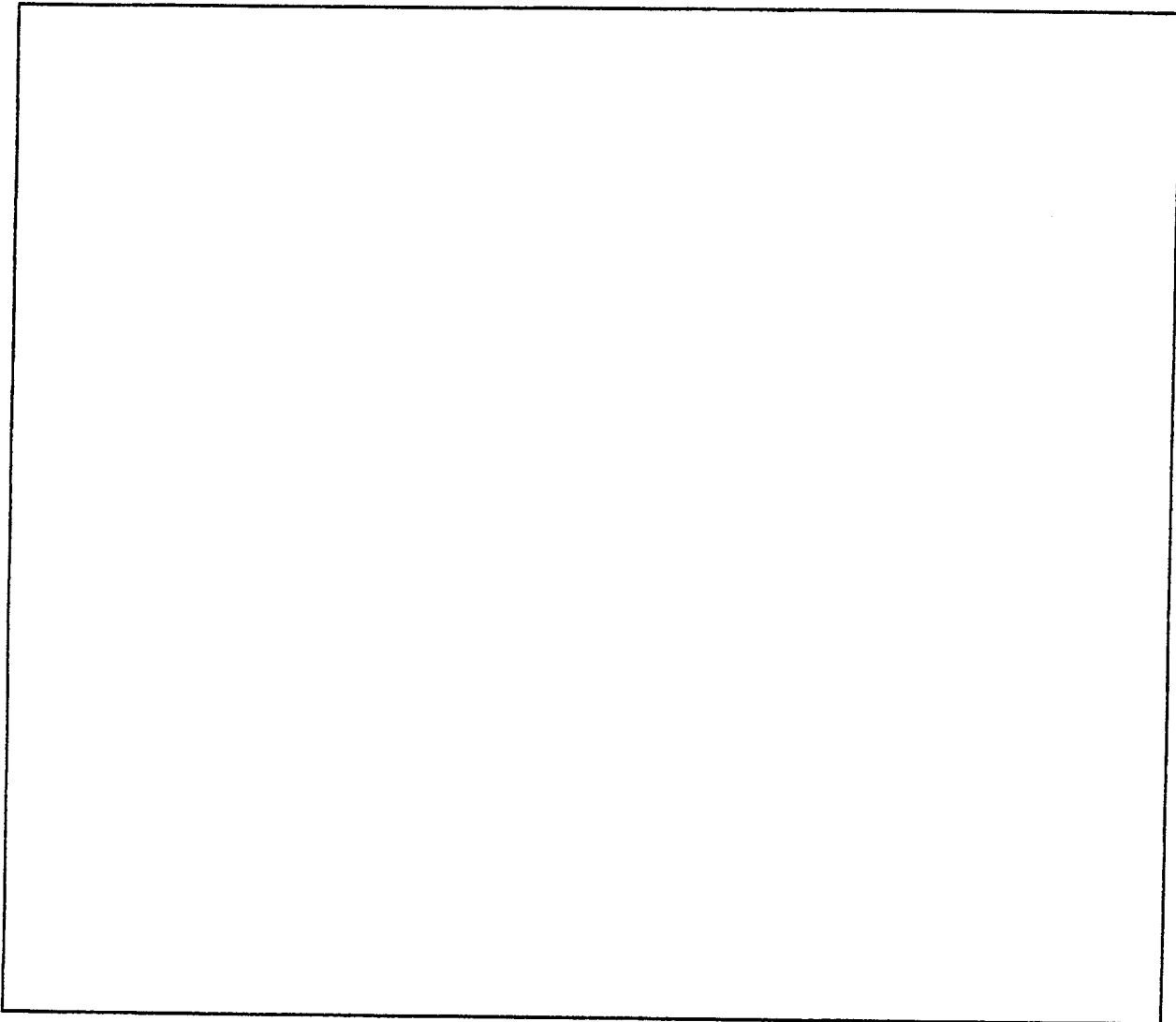
Zoning Officer _____ Date: _____

PLOT PLAN

SITE AREA _____ Sq. Ft. or Acres

INSTRUCTION

This form need not be used if application is filed with a plat drawing to scale with each structure shown with set back measurements. Please us the box below to indicate the placement of all structures and set back measurements from property lines.



North Arrow _____ .

I/We certify that the construction will conform to the dimensions and uses shown and that no changes will be made without obtaining approval.

**POLK TOWNSHIP NODAWAY COUNTY, MISSOURI
ZONING COMMISSION**

APPLICATION FOR REZONING

APPLICANT: _____

APPLICANT'S ADDRESS: _____

TELEPHONE NO.: _____ **(HOME)** _____ **(WORK)**

INSTRUCTIONS: All information required must be furnished before this application can be accepted.

Attach a plot plan drawn to scale showing dimension of property, dimensions and locations of buildings and structures, street and driveway access, drives and off-street parking, public right-of-way and easements.

Attach a list (certified by a qualified abstractor) of names, legal description and mailing address of **OWNERS** of **ALL** property within 1000 feet of the exterior limits of the property, exclusive of public right-of-ways.

LOCATION OF PROPERTY: _____

LEGAL DESCRIPTION: _____

(Attach additional sheet, if necessary)

PRESENT OWNER: _____

PRESENT ZONING: _____

REQUESTED ZONING: _____

PRESENT USE: _____

PROPOSED USE: _____

JUSTIFICATION FOR PROPOSAL: _____

SIGNATURE OF APPLICANT

DATE

**POLK TOWNSHIP
NODWAY COUNTY MISSOURI**

**P. O. Box 82
Maryville Mo. 64468**

APPLICATION FOR A SPECIAL USE PERMIT

APPLICANT: _____

APPLICANT'S ADDRESS: _____

TELEPHONE NO.: _____ (HOME) _____ (WORK)

INSTRUCTIONS: Attach a list of the names and mailings addresses of all property owners within 1000 feet of the boundary of the property. This list may be provided by the County Assessor or qualified abstractor. The fee is **\$200.00** plus the cost of certified mailings to all property owners and cost of publication in a local paper. The fee will be calculated and assessed after the applicant provides the above information. If a sign is needed, provide a drawing showing the size and location.

LOCATION OF PROPERTY: _____

LEGAL DESCRIPTION: _____

(Attach additional sheet, if necessary)

SPECIAL USE REQUESTED: _____

SIGNATURE OF APPLICANT

**POLK TOWNSHIP, NODAWAY COUNTY MISSOURI
BOARD OF ZONING ADJUSTMENT**

APPLICATION FOR VARIANCE

APPLICANT: _____

APPLICANT'S ADDRESS: _____

TELEPHONE NO.: _____ (HOME) _____ (WORK)

INSTRUCTIONS: Attach a plot plan showing dimensions of the property; dimensions of the proposed construction; and the distances from the nearest projection of the proposed construction to the property lines at the front, rear, and both sides of the property. (Plan must be drawn to scale).

LOCATION OF PROPERTY: _____

LEGAL DESCRIPTION: _____

(Attach additional sheet, if necessary)

VARIANCE REQUESTED: _____

JUSTIFICATION FOR VARIANCE: _____

SIGNATURE OF APPLICANT

DATE

**POLK TOWNSHIP, NODAWAY COUNTY MISSOURI
BOARD OF ZONING ADJUSTMENT**

APPLICATION FOR APPEAL

APPLICANT: _____

APPLICANT'S ADDRESS: _____

TELEPHONE NO.: _____ **(HOME)** _____ **(WORK)**

INSTRUCTIONS: Write a short narrative explaining the appeal requested and the justification for the appeal.

LOCATION OF PROPERTY: _____

LEGAL

DESCRIPTION: _____

(Attach additional sheet, if necessary)

APPEAL REQUESTED: _____

JUSTIFICATION FOR APPEAL: _____

SIGNATURE OF APPLICANT

DATE

FOR OFFICE USE ONLY:

Date Submitted: _____

Plot Plan Included: ___ yes ___ no

Filing Fee: \$200.00

Date Paid: _____

Date of Legal Publication: _____

ACTION:

Board of Zoning Adjustment: _____

Signature of Chairman

Date

POLK TOWNSHIP NODAWAY COUNTY, MISSOURI
PLANNING AND ZONING COMMISSION

APPLICATION FOR
SUBDIVISION DEVELOPMENT

APPLICANT: _____

APPLICANT'S ADDRESS: _____

TELEPHONE NO.: _____ (HOME) _____ (WORK)

**LOCATION OF PROPOSED
SUBDIVISION** _____

LEGAL DESCRIPTION: _____

(Attach additional sheet, if necessary)

SIGNATURE OF APPLICANT

DATE

FOR OFFICE USE ONLY:

Date Submitted: _____ Plot Plan Included: ___ yes ___ no

Filing Fee: Amount _____ Date Paid: _____

Date Notice to Property Owners Mailed: _____

Date Local News Media Notified: _____

ACTION:

Zoning Commission: _____

Signature of Chairman

Date

Date of Legal Publication: _____

ACTION:

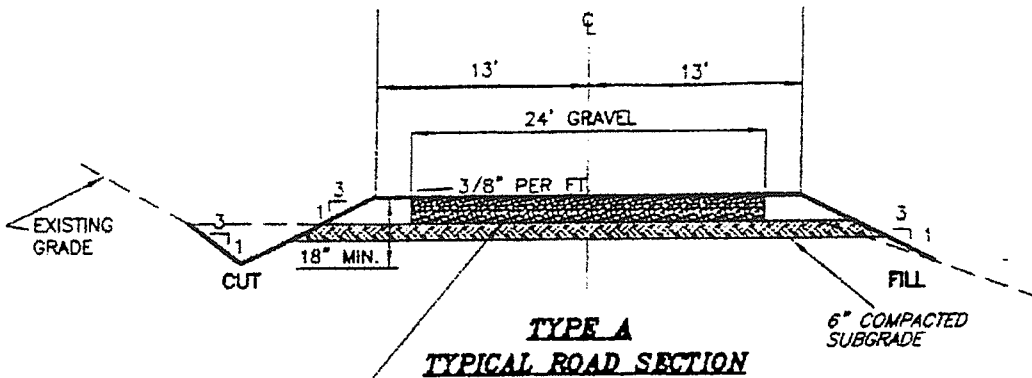
TOWNSHIP

BOARD: _____

Signature of Board Chairman

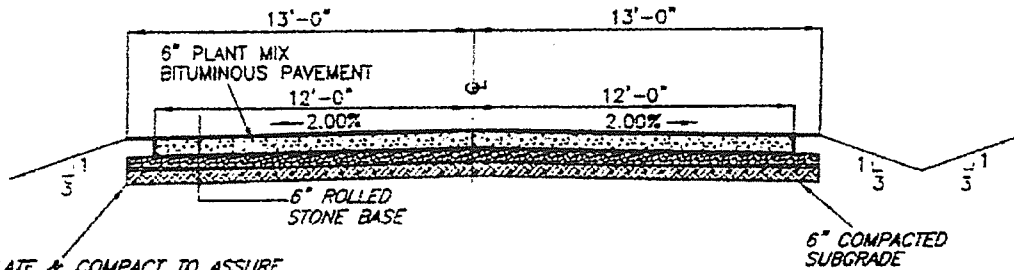
Date

APPENDIX " A "



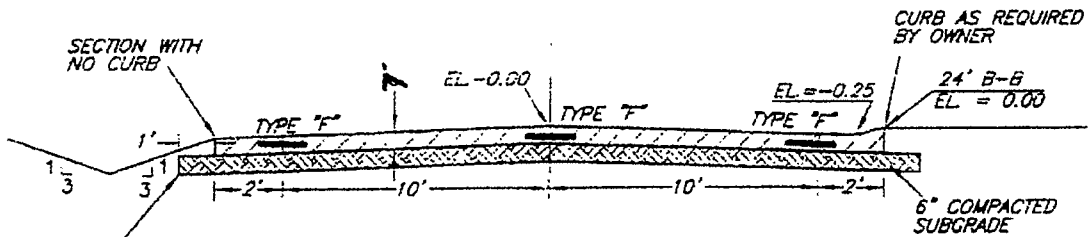
MANIPULATE & COMPACT TO ASSURE UNIFORM DENSITY. IF SUITABLE MATERIAL DOES NOT EXIST, CORE OUT & BRING IN MORE SATISFACTORY SOIL FROM ELSEWHERE ON SITE & RECOMPACT.

**Gravel Road Design for NEW Construction
Shall require 800 TONS per Mile**



MANIPULATE & COMPACT TO ASSURE UNIFORM DENSITY. IF SUITABLE MATERIAL DOES NOT EXIST, CORE OUT & BRING IN MORE SATISFACTORY SOIL FROM ELSEWHERE ON SITE & RECOMPACT.

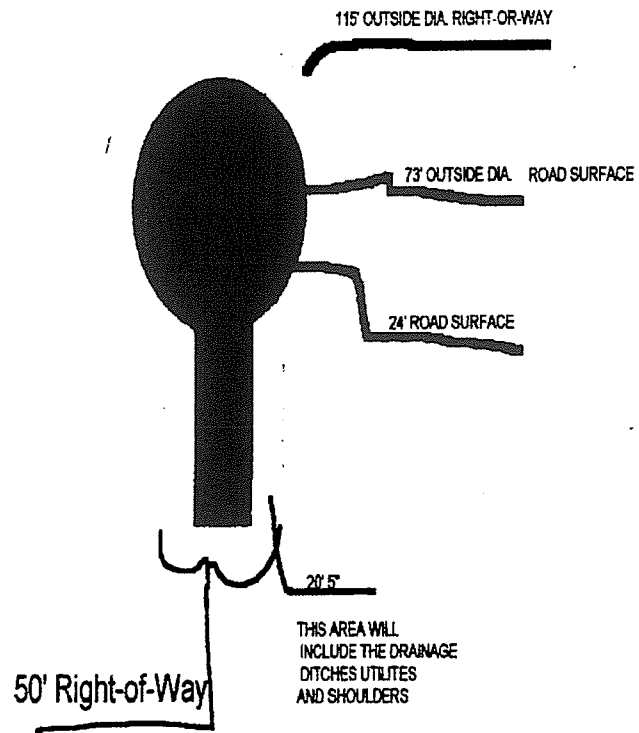
SEED, MULCH & FERTILIZE ALL AREAS DISTURBED BY CONSTRUCTION



MANIPULATE & COMPACT TO ASSURE UNIFORM DENSITY. IF SUITABLE MATERIAL DOES NOT EXIST, CORE OUT & BRING IN MORE SATISFACTORY SOIL FROM ELSEWHERE ON SITE & RECOMPACT.


SEED, MULCH & FERTILIZE ALL AREAS DISTURBED BY CONSTRUCTION

APPENDIX "A"



**Nodaway County
Missouri**

Application for Road Dedication

Name, Length & Legal Description of Road to be Dedicated: Attachments : 

Signature of Applicant

DATE

COMMENTS:

Road Specification Shall Meet or Exceed Those listed in Appendix " A "of the Polk Township Zoning/Subdivision Regulation for the type of road that is constructed Check One: Concrete: Asphalt: Gravel:

Date Inspected: _____

TOWNSHIP - Inspector

Date Inspected: _____

COUNTY - Inspector

County Commission Accepted

Date: _____
Signature Nodaway County Commissioner