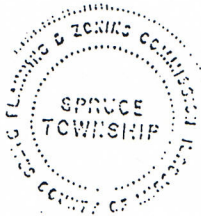


SPRUCE TOWNSHIP

BATES COUNTY, MISSOURI

MASTER PLAN AND ZONING ORDER

Adopted MARCH 12, 1996 by the Spruce Township Planning and Zoning Commission.
Vote 4 for and 0 against.



[Signature]
Northern Commissioner of Bates County

[Signature]
Spruce Township Trustee

[Signature]
Spruce Township Board Member

[Signature]
Spruce Township Board Member

Attested March 12, 1996 by [Signature], Spruce Township
Clerk.

SPRUCE TOWNSHIP MASTER PLAN AND ZONING ORDER

SECTION 1: TITLE & GOALS

This Township Board Order shall be known as the Spruce Township Master Plan and Zoning Order.

The Goals for Spruce Township Zoning shall be to ensure a high quality of life in Spruce Township. They are:

1. To improve, preserve and wisely use the natural resources of Spruce Township.
2. To conserve and protect property and property values.
3. To insure efficient expenditures of public funds.
4. To promote the health, safety, prosperity, and general welfare of the residents and landowners of Spruce Township.
5. To preserve and promote agriculture as a way of life and livelihood.

SECTION 2: AUTHORITY

The Master Plan and Zoning Order of Spruce Township, Bates County, Missouri is authorized and pursuant to Sections 65.650-65.700, Revised Statutes of Missouri, 1994.

No person shall use land except as permitted by these regulations.

SECTION 3: DISTRICTS

Spruce Township is divided into Agricultural (A-1), Residential (R-1), and Other (O-1) districts. Additional districts may be added upon the recommendation of the Township Planning and Zoning Commission or interested party by the Township Board following adoption by the Commission and approval of the Board, as provided by law.

The land use districts shall be designated on the Official Zoning Map of Spruce Township and located in the Office of the Township Clerk.

SECTION 4: RESIDENTIAL DISTRICTS

Residential Districts are defined as the area and dwelling that the county assessor appraises as residential property. Single or multiple-family dwellings and buildings associated with such residence are permitted in any of the districts within the Township. The Township Clerk shall be notified and a permit will be issued, but no fee required when any new construction or reconstruction (\$3500 or more in value) is initiated, in order to keep the Official Zoning Map current.

All residential developments including mobile home parks must submit proposed plans and obtain a building permit. Each site must have an adequate sewage disposal system to meet county requirements of Bates County Resolution adopted 10-17-95, and must be at least 40 feet apart.

Any person may maintain an office or may operate a home occupation in a residential district.

SECTION 5: AGRICULTURAL (A-1 AND A-2)

A-1: AGRICULTURAL

All unincorporated area within the Township not within Districts noted R-1 or O-1 on the Official Zoning Map are Agricultural (A-1), unless concentrated as defined in (A-2). Agricultural (A-1) structures are exempt from fees and permits, but notification is requested to the Code Enforcement Officer.

A-2: COMMERCIAL AGRICULTURAL

All concentrated animal feeding operations that contain more than 4000 head of poultry, 250 head of cattle or sheep, or 1100 head of hogs of all ages and weights, held in confinement over 45 days in any twelve (12) month period, and must not be located closer than 4,000 feet from a residential district and outside a 1,000 foot radius from other landowners.

A maximum concentration allowed by this regulation of:

- 500 confined cattle or sheep of all ages and weights per 160 acres and/or 2,000 per section (640 acres)
- 1,500 confined hogs of all ages and weights per 160 acres and/or 6,000 per section (640 acres)
- 20,000 confined poultry of all ages and weights per 160 acres and/or 80,000 per section

is permitted in Spruce Township in Districts A-2.

An animal waste water lagoon will be required for 250 head of cattle or sheep, or 1100 head of hogs of all ages and weights if animals are held in confinement over 45 days in a twelve (12) month period, and must not be located closer than 4,000 feet from a residential district and will be outside a 1,000 foot radius from other landowners.

All animal waste water lagoons will be constructed to the Missouri Department of Natural Resources construction specifications for Class 1A lagoons regardless of the number of animals served.

A cash or surety bond to guarantee proper closure and post closure of animal waste water lagoons is required for 10 acre feet lagoons and above. Bond amount is \$25,000 for a 10 acre/foot lagoon. Each additional acre/foot increases the bond requirement \$25,000. Procedures for administering the guarantee will be negotiated between the Township Board and individuals required to post bond to construct the lagoon.

SECTION 6: OTHER DISTRICTS (O-1)

All other interested parties shall follow the following procedures to obtain a building permit for construction within Spruce Township.

1. Personally contact the Township Code Enforcement Office.
2. Provide a legal description of the property in question.
3. Describe proposed use in writing.
4. Provide a list of all owners, with current address of affected property.
5. Provide name and current address of developer if other than owner(s).
6. Pay to Township Code Enforcement Officer upon approval a permit fee of \$1.00 per thousand of proposed construction cost.

The following uses shall be permitted within Spruce Township only upon issuance of a Special Use Permit by the Code Enforcement Officer:

1. Waste incinerator
2. Commercial landfills
3. Hazardous waste storage sites
4. Distilling of bones, fat or glue, glue or gelatin manufacturing
5. Dumping, storing, buying, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish offal or dead animals
6. Slaughter houses
7. Commercial junkyard, automobile graveyards, mobile home graveyards
8. Adult entertainment businesses featuring nudity or material possibly pornographic
9. Waste Transfer Stations
10. Commercial sale of alcoholic beverages
11. Such other as may be designated by Zoning Board

Each Special Use Permit request must be accompanied by all requirements for all other building permits. In addition a site plan, and evidence that the roads will not be overburdened, that property values will not be decreased and that the health or quality of life of the residents within Spruce Township will not be diminished.

When a Special Use Permit is granted a required set back of 4000 feet from the nearest residential district shall be required.

Upon refusal of permit, applicant may appeal to the Board of Adjustment alleging error, requesting variance, requesting exception, apply to the Township Planning and Zoning Commission, or petition the Circuit Court of the county in which the property is located.

SECTION 7: TOWNSHIP ROAD RIGHT-OF-WAYS

Owners of any inanimate object that would hinder mowing of roadsides or ditch maintenance including the back slope of the side ditch, shall be notified by certified mail, return receipt requested, to remove such object. Such owner shall be allowed thirty days from acknowledgment date of return receipt for the accomplishment of such removal. Township Enforcement Officer, upon failure to remove, shall arrange for removal and bill such costs as may be incurred to said owner.

SECTION 8: DUTIES OF CODE ENFORCEMENT OFFICER

The code enforcement officer shall be appointed by the Spruce Township Board, and shall Maintain the Official Township Zoning Map and:

1. Determine if the use proposed by applicant for a permit is permitted in the District in which it is proposed;
2. Issue permit if application is in agreement with this regulation;
3. Refer applicants to proper individuals for proposal not authorized;
4. Maintain all records that apply to Spruce Township Planning and Zoning securely.

SECTION 9: VIOLATIONS, EXCEPTIONS AND PENALTIES

It shall be a violation to use or to permit the use of any land in a manner not permitted by this Order.
It shall be a violation to fail to obtain a permit prior to commencing any structures, other than Agricultural

(A-1)

It shall be a violation to fail to comply with or promptly appeal (within 10 days) any order of the Zoning Enforcement Officer.

Any person, firm, or organization violating the building and/or land use provisions of this Order will be notified by the Code Enforcement Officer in writing and given ten (10) days to conform and comply.

Upon failure to comply with the provision of this Order or respond to the notice from the Code Enforcement Officer, the matter will be turned over to the County Prosecuting Attorney or Township Attorney.

Violations are subject to fines in accordance with the Revised Statutes of Missouri.

SECTION 10: SEVERABILITY

In the event that any section or provision of these regulations shall be declared unconstitutional or otherwise invalid by any Court of competent jurisdiction, the section or provision declared invalid shall be deemed to be severed from all other provisions hereof and the surviving provisions shall remain in full force and effect.

SECTION 11: POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The Board of Adjustment shall:

Hear and decide appeals where it is alleged that there is an error to any order, requirement, decision or determination of the Code Enforcement Officer in the enforcement of this Order.

Authorize, on appeal, in specific cases, such variance from the terms of this zoning resolution as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the resolution or any amendments thereto will result in unnecessary hardship, and so that the spirit of the Order shall be observed and substantial justice done.

SECTION 12: POWERS AND DUTIES OF THE TOWNSHIP PLANNING AND ZONING COMMISSION

The Township Planning and Zoning Commission shall:

Make recommendations to the Township Board concerning proposing changes in the Official Zoning Map. When the Township Board receives request for a Land use District change, the Planning and Zoning Commission will have sixty (60) days to make such recommendation upon the Comprehensive Plan of Spruce Township.

Make recommendations to the Township Board concerning proposed changes in the Spruce Zoning Order. When the Township Board receives a request for an amendment or change in any part of the Zoning Regulation, the Planning and Zoning Commission will have sixty (60) days to make such recommendation upon the effects such a change would have upon the comprehensive plan upon which such Zoning Order is based.

Call and conduct public hearing regarding changes or amendments of the Plan or Zoning Order.

STATE OF MISSOURI, } ss IN THE RECORDERS OFFICE
County of Bates. }
Lucille Munday, Recorder of said county, does hereby certify that the within instrument of writing was on the 13th day of March A.D. 19 96 duly filed for record in this office at 3 o'clock 00 minutes P M and is recorded in the records of this office in Book 676 at page 242

In Witness Whereof, I have hereunto set my hand and affixed my official seal at office in Dallas, Missouri this 13th day of March A.D. 19 96
Lucille Munday Recorder

By _____ Deputy.