

## **Exhibit A**

### **Platte County Zoning Order of 1990**

**Article III, Section 400.350, Subsection B. shall be amended and/or added as follows:**

4. All Site Development Plans shall be subject to the regulations outlined in the Platte County Subdivision Regulations of 1992, as amended, Article IV, Section 405.225.

### **Platte County Subdivision Regulations of 1992**

**Article IV, Section 405.225 Stream Preservation and Buffer Zone Requirements shall be amended and/or added as follows:**

#### *A. Title and Purpose*

1. *Title.* These regulations shall be known by short title as the “Platte County Stream Preservation and Buffer Zone Requirements”, may be cited as such and will be referred to herein as “this Section”.
2. *Purpose.* The purpose of this section is to establish minimal acceptable requirements to preserve and protect stream corridors in Platte County.

*B. Definitions.* For the purpose of this Section 405.225, certain terms, phrases, words and their derivatives shall be defined as specified in this Section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine. The following terms shall have the following meanings in this Section 405.225. In the event of a conflict between defined terms in Article I, Section 405.090 and the terms defined herein, the Section 405.225 shall control.

*BEST MANAGEMENT PRACTICES (BMPs):* The utilization of methods, techniques or products that have been demonstrated to be the most effective and reliable in minimizing adverse impacts on water bodies and their adjacent Stream Corridor.

*BUFFER ZONE:* An area consisting of the stream corridor that is formally designated on a final plat or site development plan in conformance with this Section. See illustration below.

*CONTRIBUTING DRAINAGE BASIN:* All land draining to the point of consideration, regardless of ownership.

**EDGE OF THE STREAM:** A line formed by the outer boundary of the stream as delineated by the bank-full flow caused by approximately the two-year rainfall event.

**NATIVE VEGETATION:** Vegetation comprised of plant species that are indigenous to the area in question.

**RECREATIONAL FIELD:** A facility such as picnic area, playground, soccer, baseball, softball and football fields, excluding parking lots and paved facilities such as tennis and basketball courts.

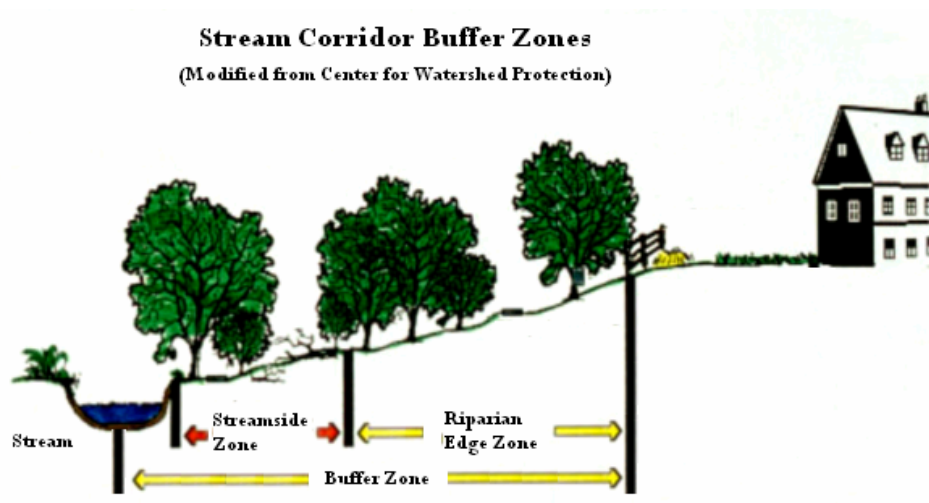
**RIPARIAN EDGE ZONE:** An area within the Stream Corridor that consists of the land from the edge of the Streamside Zone to the boundary of the Stream Corridor buffer. See illustration below.

**STORM SEWER SYSTEM:** Structures such as pipes, culverts, reinforced concrete boxes, open improved channels, and other man-made appurtenances which serve to convey storm water runoff.

**STREAM:** A body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river that flows at least part of the year. Streams are dynamic in nature and their structure is maintained through build up and loss of sediment.

**STREAM CORRIDOR:** A stream and the adjacent land that is set aside in conformance to this Section and which is substantially preserved in a natural state.

**STREAMSIDE ZONE:** An area within the Stream Corridor that consists of the stream and the land 25 feet from each edge of the stream. See illustration below.



C. *Applicability.* This Section shall apply to all new development and redevelopment within the unincorporated area of Platte County, Missouri. No new development or redevelopment shall occur except in accordance with this Section unless development occurs as part of a preliminary plat, site development plan, or special use permit that was approved prior to the effective date of this Section. This Section shall not apply to new development or redevelopment which is covered by an approved preliminary plat or site development plan, where such approval was given prior to the effective date of this Section.

D. *Designation of Stream Corridor.* Stream Corridor buffer zones shall be established around all streams. The limit of the buffer zones shall be shown on the preliminary plat and formally designated on the final plat or site development plan. Buffer widths as measured from the centerline of the stream outward in each direction shall be at a minimum the following:

<u>Contributing Drainage Basin Size (Acres)</u>	<u>Buffer Width, From Centerline Outwards, Measured Separately in Each Direction</u>
25 acres to 40 acres	50 feet
40 acres to 160 acres	75 feet
160 acres to 5,000 acres	125 feet
Greater than 5,000 acres	150 feet

1. Upon the recommendation of the Director of Planning and Zoning, the Planning and Zoning Commission may require wider buffers for less stable streams or special conditions to address water quality needs, ecological needs, or the recommendations of a watershed study. These widths provide only moderate allowance for widening or migration in local streams of average stability. Geotechnical studies may be required if there is a risk of slope failure due to underlying soil or rock materials, and the buffer width shall be expanded to contain the zone of failure.
2. Reduced buffer widths in isolated locations may be allowed where provision of the full width is shown to be impractical and bank stability concerns have been addressed. Evidence of the impracticality must be provided to the Director of Planning and Zoning and approved by the Planning and Zoning Commission.
3. For work on existing facilities already located closer to the stream than allowed above, the new construction shall not encroach closer to the stream. Bank stability concerns shall be addressed. Formal designation of a buffer zone is not required.
4. Exceptions
  - a. Streams of less than 300 feet in length measured along the centerline of the stream and which are between portions of an existing storm sewer system may be enclosed within a pipe or box structure.

- b. Streams adjoining an existing storm sewer system may be enclosed within a pipe or box structure, if the application of this Section would otherwise leave a stream remnant less than 300 feet in length measured along the centerline of the stream.
- c. Streams with contributing drainage basin areas less than 25 acres are not subject to stream corridor buffer zone requirements and may be constructed as a storm sewer system in accordance with the design and construction specifications of Platte County.
- d. Stream corridor buffer zones are not required for man made ditches within street right-of-way.

E. *Delineation of the Stream Corridor.* The Stream Corridor buffer zone shall be delineated on preliminary plats, final plats, site development plans, special use permits, and construction plans. Additionally, the final plat, site development plan, or special use permit shall contain the following language:

Stream Corridor Buffer Zone (B/Z): Stream Corridor Buffer Zones indicated on the plat as “B/Z” shall be subject to the regulations outlined in the Platte County Zoning Order, Article III, Section 400.350, Subsection B.4.

F. *Waiver.*

1. The use of rip-rap, retaining walls, gabions, revetments or other bank armoring techniques shall not be used to reduce the buffer widths. The Director of Planning and Zoning or his duly designated alternate may grant a waiver to allow such activities when it is determined to be necessary to protect structures, primarily when stream migration has exceeded the original estimate of natural channel migration. The Director may grant a waiver to allow bank stabilization measures that are designed to incorporate natural channel features and vegetation in situations where projects will enhance the value of the stream and minimize the likelihood of more extreme measures being needed at a later time.
2. The applicant seeking a waiver to reduce the buffer width may appeal a decision to deny or conditionally approve said waiver to the Board of Zoning Adjustment as outlined in the Platte County Zoning Order, Article VII, Section 480.730.

G. *Allowable Uses.*

1. *Streamside Zone.* The Streamside Zone allowable uses should utilize best management practices to minimize disturbances to and impacts on the stream corridor and include:
  - a. Conservation uses, wildlife sanctuaries, nature preserves, forest preserves, fishing areas, and passive areas of parklands.
  - b. Crossings for foot, bicycle, golf cart, and other similar uses.

- c. Unpaved recreational trails and greenways.
- d. Roadway crossings, limited to minimum required to provide access for orderly development.
- e. Sanitary sewer line crossings.
- f. Other utility crossings, as approved by the Director.
- g. Flood control structures and stormwater treatment facilities.
- h. Storm sewer pipe discharge.
- i. Activities associated with the restoration and enhancement of the Stream Corridor.
- j. Stream gauging and water quality monitoring.
- k. Pump stations and structures required to transport water from the stream.
- l. Agricultural uses.

Crossing the Streamside Zone shall be minimized, crossing at skewed angles shall be avoided, and the length and area disturbed shall be restricted to the maximum extent feasible. Only native vegetation shall be planted within the Streamside Zone. Non-native species of ground covers shall not be allowed.

2. *Riparian Edge Zone.* The Riparian Edge Zone allowable uses should utilize best management practices to minimize disturbances to and impacts on the stream corridor and include:
  - a. All activities allowed in the Streamside Zone.
  - b. Paved or unpaved recreational trails. Trails must be constructed near natural grade to minimize clearing, filling and grading.
  - c. Utility installations are allowed only when it is demonstrated installing the utility outside the Stream Corridor is not feasible.
  - d. Recreational fields, public parklands and golf course fairways may encroach into the stream corridor up to one-quarter of the overall buffer width.
  - e. Agricultural uses.
  - f. Other uses approved by the Director of Planning and Zoning that meet the intent of this Section. Allowable uses in the Stream Corridor are limited to low-impact passive uses that require little or no disturbance, grading, clearing, or filling of the existing native vegetation, and are related to recreation, public enjoyment, and protection of the Stream Corridor. These uses may include small non-habitable structures ancillary to the approved use. Examples of these structures include, but are not limited to, decks, gazebos, picnic tables, play equipment, and small concrete slabs built to accommodate such structures. Allowable uses do not include parking facilities.
  
3. Lakes, detention and retention ponds, and other impoundments for recreational, aesthetic, or irrigation purposes are allowed within the streamside zone and riparian edge zone. Where an existing or new private lake or pond is created, the stream corridor buffer zone shall terminate at the normal pool level where stormwater discharges into the body of water and resumes 10 feet below the toe of the dam embankment. Where private lakes

are removed or filled as part of a development, the stream shall be restored through that area and the stream corridor buffer zone shall be created through that the area.

H. *Maintenance.* Unless otherwise accepted by the County, any maintenance of the Stream Corridor shall be the responsibility of the property owner.

I. *Enforcement.* Failure to comply with the provisions of this Section shall be deemed a violation of this Zoning Order subject to the penalties and relief set forth in Article VIII, Section 400.790.