

CITY OF VAN BUREN, MISSOURI

BILL NO. _____

ORDINANCE NO. 419

**AN ORDINANCE REPEALING ORDINANCE NUMBER 301, PASSED JUNE 23, 1992,
PRESCRIBING REGULATIONS FOR THE HEALTH, SAFETY, CONVENIENCE,
COMFORT AND GENERAL WELFARE OF THE CITY OF VAN BUREN AND
ENACTING A NEW ORDINANCE PRESCRIBING
SUCH REGULATIONS IN ITS PLACE**

WHEREAS, the City Council of the City of Van Buren, Missouri has deemed it necessary to repeal Ordinance number 301 in its entirety; and

WHEREAS, the City Council of the City of Van Buren, Missouri has deemed it necessary to enact a Zoning Ordinance to provide for the health, safety, convenience, comfort and general welfare of the City of Van Buren, Missouri, and: to regulate the location and use of buildings, structures and land for trade, industry, residence or other purposes; to regulate and restrict the erection, construction, reconstruction or alteration of buildings; to regulate the height, and size of all buildings and structures and the size of yards and other open spaces surrounding buildings; to provide for parking and loading spaces; to regulate the density of use; to prescribe penalties for the violation of its provisions; to provide for its enforcement; to provide for a board of adjustment; and, to prescribe the powers and duties of the board of adjustment; and,

WHEREAS, the City Council of the City of Van Buren, Missouri have deemed it necessary to repeal all other ordinances or parts thereof in conflict with this new ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF VAN BUREN THAT ORDINANCE NUMBER 301, PASSED JUNE 23, 1992, IS HEREBY REPEALED, AS WELL AS ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith, AND THE FOLLOWING ORDINANCE IS HEREBY ENACTED:

ZONING ORDINANCE

SECTION 1
SHORT TITLE

This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of the City of Van Buren, Missouri.

SECTION 2
DEFINITIONS

For the purpose of this Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular, the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

1. **Accessory Buildings.** A subordinate building which is incidental to the principal building or use and which is located on the same lot with such principal building or use.
2. **Alley.** A public or private thoroughfare which affords only a secondary means of access to abutting property.
3. **Basement.** A Story having part but not more than one half of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than a janitor employed on the premises.
4. **Billboard.** A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same lot.
5. **Boarding House.** A house where meals, or meals and Lodging can be had regular for pay.
6. **Buildable Width.** The width of the lot left to be built upon after the side yards are provided.
7. **Building.** Any structure having a roof supported by columns or walls built or the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including any vehicle, trailer (with or without wheels) nor any movable device, such as furniture, machinery, or equipment. When any portion of a building is completely separated from any other portion thereof by a division wall without openings or by a fire wall, then each such portion shall be deemed to be a separate building.
8. **Building Height of.** The vertical distance from the grade to the highest point of the coping of a flat roof, or the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roof.
9. **Cellar.** A story having more than one-half of its height below grade.
10. **Dwelling.** Any building or portion thereof which is designed and used exclusively for residential purposes.
11. **Dwelling, Single-Family.** A building designed for or occupied exclusively by two families.
12. **Dwelling, Two-Family.** A building designed for or occupied exclusively by two families.
13. **Dwelling, Multiple.** A building designed for or occupied exclusively by more than two families.
14. **Dwelling Unit.** One or more rooms in a dwelling occupied or intended to be occupied as separate living quarter by single family as defined herein.
15. **Mobile Home.** A single-family dwelling unit that has the following characteristic.
 - a. Designed for long term occupancy, containing sleeping accommodations, flush toilet tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
 - b. Designed to be transported after fabrication on its own wheels, flat bed, other trailers or detachable wheels.
 - c. Arrives at site where it is to be occupied as a dwelling unit complete with major appliances, furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, located on foundation supports, connection to utilities, and the like.
16. **Family.** One or more persons related by blood, marriage or adoption, occupying a dwelling unit as in individual housekeeping organization. A family may include not more than two persons not related by blood, marriage or adoption.

17. **Farm.** An area which is used for the growing of the usual farm products, such as vegetables, fruit trees, and grain and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. The term "farming" includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of the normal farming activities, and provided, further, that farming does not include the feeding of collected garbage of offal to swine or other animals.
18. **Filling Station.** Any building or premises used for the sale or retail, of motor vehicle fuels, oils or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or placement of motors, bodies or fender of motor vehicles, or painting motor vehicles, and excluding public garages.
19. **Floor Area.** The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
20. **Frontage.** All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersection street and the dead end of the street, but not including property more than 400 feet distance on either side of a proposed building or structure.
21. **Garage, Commercial.** Any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling or storing motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
22. **Garage, Private.** A detached accessory building, or portion of the main building, housing the automobiles of the occupants of the premises.
23. **Grade.** The average level of the finished surface of the ground adjacent to the exterior wall of the building except when any wall approximately parallels and is not more than five feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.
24. **Home occupation.** Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is permissible for purely domestic household purposes.
25. **Institution.** A building occupied by a non-profit corporation of non-profit establishment for public use.
26. **Laundromat.** A business that provides home-type washing, drying, or ironing machines for hire to be used by customers on the premises.

27. **Lot.** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building together with its accessory buildings, open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street.
28. **Lot, Corner.** A lot abutting upon two or more streets at their intersection.
29. **Lot, Depth of.** The mean horizontal distance between the front and rear of lot lines.
30. **Lot, Double Frontage.** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
31. **Lot of Record.** A lot or parcel of land, the deed of which has been recorded in the office of the County Recorder of Carter County, Missouri, prior to the adoption of this Ordinance.
32. **Motel, Motor Court, Motor Lodge or Tourist Court.** Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.
33. **Nonconforming Use.** Any building or land lawfully occupied by a use at the time of passage of the Ordinance or amendment thereto which does not conform after the passage of this Ordinance or amendment thereto with the use regulation of the district in which it is situated.
34. **Nursing Home.** A home for the aged or infirm, in which three or more persons not of the immediate family are received, kept or provided with food and shelter or care, for compensation; but not including hospitals, clinics or similar institutions.
35. **Parking Space.** Off-Street. An area, enclosed or unenclosed sufficient in size to store one automobile, together with a driveway connecting the parking space with a street, road or alley and permitting ingress and egress of an automobile.
36. **Premises.** A lot, together with all buildings and structures thereon.
37. **Sign.** An identification, description, illustration or device which is affixed to or represented directly or in-directly upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business.
38. **Story.** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.
39. **Story, Half.** A space under a slopping roof which has the line of intersection of roof decking and walls face not more than three feet above the top floor level, and which space not more than 60 percent of the floor area is finish off for use. A half story may be used for occupancy only in conjunction with and by the occupancy of the floor immediately below.
40. **Street.** A public way which affords the principal means of access to abutting property.
41. **Structure.** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground and including, but not limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.
42. **Structural Alteration.** Any change except those required by law or Ordinance, that would prolong the life of the supporting members of a building or structure, such as bearing walls,

columns, beams or girders, not including openings in bearing walls as permitted by other Ordinances.

43. **Trailer or Mobile Home Park.** An area where two or more trailers can be or are intended to be parked, designed or intended to be used as living facilities for one or more families.
44. **Yard.** An open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance.
45. **Yard, Front.** A yard across the full width of lot extending from the front line of the main building to the front line of the lot.
46. **Yard, Rear.** A yard extending the full width of the lot between a main building and the rear lot line.
47. **Yard, Side.** A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
48. **Building Inspector/Code Enforcement Officer:** a person that has been appointed by the City Council of the City of Van Buren; such person shall have the proper training pertaining to building inspector and code enforcement; this person shall provide the City Clerk with a written report on all inspections and code violations on a weekly basis; at which time any code violation shall be forwarded on to the chief of police for review; then according to section 17 of this Ordinance penalty in violation the chief of police shall issue citations.

SECTION 3

DISTRICT BOUNDARIES AND GENERAL REGULATIONS

1. In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specific uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts and other open spaces surrounding such buildings; the City is hereby divided into districts of which there shall be four in number known as;
 - "R" Residential District
 - "C" Commercial District
 - "I" Industrial District
 - "G" Government District.
2. The boundaries of these districts are shown upon the "District Map" which accompanies and is made a part of this Ordinance. Said map and all the information shown thereon shall have the same force and effect as if all were fully set forth or described herein. The original of this is properly attested and is on file with the City Clerk.
3. All territory which may hereafter be annexed to the City of Van Buren shall be classified in the "R" Residential District until, within a reasonable time after annexation, the annexed territory shall be appropriately classified by Ordinance in accordance with Section 16 of this Ordinance.
4. Whenever any street or other public way is vacated by official action of the City of Van Buren, the zoning district adjoining each side of such street or public way shall be

- automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulation of the extended districts.
5. Where uncertainty exist with respect to the boundaries of the various districts as shown on the District Map, the following rules shall apply.
 - a. Where a boundary line is given a position within a street, alley or non-navigable stream, it shall be deemed be in the center of the street, alley or stream, and if the actual location of such street, alley or stream varies slightly from the location as shown on the District Map, the actual location shall control.
 - b. Where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
 - c. Where the district boundaries are not otherwise indicated and where the property has been or may here-after be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, and lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such map.
 - d. In un subdivided property unless other wise indicated, the district boundary line shall be determined by the use of the scale contained on such map.
 6. Except as hereinafter provided.
 - a. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered nor shall any building or land be used except for the purpose permitted in the district in which the building or land is located.
 - b. No building or structure shall be erected, converted, enlarged, reconstructed moved or structurally altered, except in conformity with height, yard, area per family parking and other regulations prescribed herein for the district in which the building is located.
 - c. The minimum yards and other open spaces, including lot areas per family required by this Ordinance, shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building or structure whether existing at the time of passage of this Ordinance or hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building or structure whether existing at the time of passage of this Ordinance or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.
 - d. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one Main building on one lot unless otherwise provided in this Ordinance.

SECTION 4

" R " RESIDENTIAL DISTRICT REGULATION

The regulations set forth in this section or set forth elsewhere in this Ordinance, when referred to in this section, are the regulations in the "R" residential district.

1. Use Regulations. A building or premise shall be used only for the following purposes:

- a. Single-family dwellings.
 - b. Two-family and multifamily dwellings.
 - c. Churches.
 - d. Home occupations.
 - e. Golf courses, except miniature courses or practice driving ranges operated for commercial purposes.
 - f. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or joining tract or subdivision in which shall be removed, upon completion or abandonment of such construction, or upon the expiration of the period of two years. From the time of erection of such temporary buildings, whichever is sooner, with water and sewer connections.
 - g. Temporary signs pertaining to the lease, higher or sale of the building or premise on which such sign is located.
 - h. Accessory buildings and uses including, but not limited to, accessory Pvt. Rogers, servants' quarters guesthouses, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding 30 ft.² in area for permitted public and semipublic uses, accessory storage, and accessory off-street parking and loading spaces.
2. Parking Regulations. Off street parking spaces shall be provided in accordance with the requirements for specific uses set forth in section 12.
3. Height Regulations. No building shall exceed 2 1/2 stories, nor shall it exceed 35 feet in height except as provided in section 11.
4. Area Regulations.
- a. Subject to the modifications set out in section 12, the yard regulations are as follows:
 1. The front yard. There shall be a front yard of not less than 30 feet.
 2. Side yard. There shall not be a side yard on each side of a lot of not less; than 8 feet.
 3. Rear yard. There shall be a rear yard of not less than 30 feet.
 - b. Minimum Lot Area:
 1. A lot occupied by a single-family dwelling shall contain not less than 7200 ft.² and shall be not less than 70-feet in width.
 2. A lot occupied by a two-family dwelling shall contain not less than 3600 ft.² per family and be not less than 70-feet in width.
 3. A lot occupied by a three-or-more-family unit shall contain not less than 1500 ft.² for each dwelling unit and be not less than 60-feet in width.
 4. A lot having an area or with less than. Required which has recorded under separate ownership from adjoining lots at the effective date of this Ordinance may be occupied by a single-family dwelling or by any other permitted nonresidential use.

SECTION 5
"C" COMMERCIAL DISTRICTS

The regulations set forth in this section or set forth elsewhere in this Ordinance, when referred to in this section, are the regulations in the C unquote commercial district.

1. Use Regulations. A building or premise shall be used only for the following purposes.
 - a. Any use permitted in the "R" Residential District.
 - b. Automobile parking lots.
 - c. Bowling alleys, dance halls, or skating rinks.
 - d. Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, and bakery with sale of bakery products on the premise and other uses of a similar character.
 - e. Farm implements, sale or repair.
 - f. Funeral homes or mortuaries.
 - g. Hotels, motels and boarding and lodging houses.
 - h. Offices and office buildings.
 - i. Commercial garages and automobile repair shops.
 - j. Outdoor advertising structure or non-flashing signs pertaining only to a use conducted within the building, any sign or display in excess of 30 ft.² in area shall be attached flat against the wall of the building and in no case shall any sign or displayed project above the roof line.
 - k. Personal service uses, including barbershops, beauty parlors, photographic or artist studios, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants and other personal service uses of a similar character.
 - l. Retail stores, including floor shops and greenhouses in connection with such shops; but there shall be no slaughtering of animals or poultry on the premise of any retail store.
 - m. Self-service laundries and dry-cleaning establishments.
 - n. Filling stations.
 - o. Theaters, drive-in theaters and assembly halls.
 - p. Accessory buildings and uses.
 - q. Private clubs and lodges.
 - r. Hospitals or clinics for small animals, dogs, cats, birds, and the like.
 - s. Laboratories, research, experimental or testing.
 - t. Wholesale merchandising or storage warehouses.
 - u. General service and repair establishments including dying or cleaning works or laundry, plumbing and heating, printing, painting, upholstery or tin smithing.
 - v. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.
2. Parking regulations. Off street parking spaces shall be provided in accordance with the requirements for specific uses set out in section 12.
3. Height regulations. No building shall exceed three stories, nor shall it exceed 45 feet in height except as provided in section 11.

4. Area regulations.

a. Yards.

1. No yards are required.

2. The side yard regulations for dwellings are the same as those in the R district, in which event a side yard of not less than 8 feet shall be provided.

b. Minimum lot area. The minimum lot area requirements are the same as those in the R residential districts.

SECTION 6

"I" INDUSTRIAL DISTRICT REGULATIONS

The regulations set forth in this section or set forth elsewhere in this Ordinance, when referred to in this section are the regulations in the I industrial district.

1. Use Regulations. A building or premise shall be used only for the following purposes:

a. Any nonresidential use permitted in the C commercial districts.

b. Wholesale merchandising or storage warehouses.

c. Automobile repair garages, but no auto junkyards.

d. Truck terminals.

e. Farm machinery and equipment sales and repair.

f. General service and repair establishments including dying in cleaning works or laundry, plumbing, and heating, printing, painting, upholstery, tin-smithing or appliance repair shop.

g. Compounding of cosmetics, toiletries, drugs and pharmaceutical products.

h. Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games and electrical or electronic apparatus.

i. Manufacture or assembly of boats, bolts, nuts, screws, and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products and the vitreous enameled metal products.

j. Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacturer, fruit and vegetable processing and canning, packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.

k. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, and printing and finishing of textiles and fibers into fabric goods.

l. Manufacture of boxes, crates, furniture, baskets, veneer, and other wood products of a similar nature.

m. Generally those light manufacturing uses similar to those listed in items A – I above which do not create any more danger to health and safety and surrounding areas in which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or clear than that which is generally associated with light industries of the type specifically permitted.

n. Accessory buildings and uses, including accessory signs and advertising structures related to the activity conducted on the premise but with total sign area not to exceed 100 ft.².

- o. Any other use not in conflict with the enactment laws of the state of Missouri with the City of Van Buren regulating nuisances provided that no use admitting or likely to the net that schedule amounts of dust, older, gas, smoke from the ways and none of the following specific uses shall be permitted unless approved by the board of aldermen after a review and report of the board of adjustment subject to such requirements as it may deem necessary to protect adjacent property and prevent objectionable or offensive conditions:

acid manufacturer.

Distillation of bones.

Explosives, manufacture or storage.

Fat rendering.

Fertilizer manufacture.

Garbage, offal or dead animal reduction or dumping.

Glue manufacture.

Stockyards or slaughter of animals.

Wholesale storage of gasoline.

Any similar use that would be hazardous to the public health, safety or welfare.

In authorizing any of the uses in this subsection, there may be imposed such reasonable requirements as to landscaping, screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable or hazardous conditions.

2. Parking Regulations. Off street parking spaces shall be provided in accordance with the requirements for specific uses set out in section 12.
3. Height Regulations. The height regulations are the same as those in the C commercial district.
4. Area Regulations. The area regulations are the same as those in the C commercial district.

SECTION 7

"G" GOVERNMENT LAND DISTRICT REGULATIONS

The regulations set forth in this section were set forth elsewhere in this Ordinance, when referred to in this section are the regulations in the G government land district.

1. Use Regulations. A building on premise shall be used only for the following purposes:
 - a. Public schools, government offices, warehouses, and maintenance buildings, government living quarters, parks and other public recreational areas, right of ways, cemeteries, and any other use deem necessary by the government unit if this use is planned and reviewed by the planning and zoning commission and approved by the board of aldermen.
2. Parking Regulations. Off street parking space shall be provided to accommodate the parking use that is generated by the specific government use.

SECTION 8
NONCONFORMING USES

1. The lawful use for building existing at the time of the adoption of this Ordinance may be continued even though such use does not conform with the provisions here of, except that industrial uses may be of large up to 50% of their building area existing on the effective date of this Ordinance. If no structural alterations are made, a nonconforming use of the building may be changed to another nonconforming use of the same or more restrictive classification. The foregoing provisions shall also apply to nonconforming uses and districts as may be hereafter change. Whenever a nonconforming use of the building has been changed to a more restricted use or two of conforming use, such use shall not thereafter be changed to a less restricted use.
2. No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than 65% of the assessed valuation, shall be restored except in conformity with the regulations of this Ordinance.
3. In the event that a nonconforming use of any building or premise is discontinued or its normal operation stopped for a period of three years, the use of the same shall thereafter conform to the regulations of the district in which it is located.
4. A nonconforming use occupy only a portion of the building may be extended throughout the building if the same has been lawfully acquired and actually devoted to such use, previous to the adoption of this Ordinance or to any affecting amendments there.

SECTION 9
BOUNDARY DESCRIPTIONS OF ZONING DISTRICTS

1. R residential district-this residential district is all the area within the Van Buren City limits that is not included in the commercial district, industrial district, and the government land district.
2. C commercial district-beginning at the southeast corner of the Van Buren City limits where the line intersects with the current River; thence North approximately 2240 feet to fourth Street;
 - thence West on fourth Street to Broadway Street;
 - thence W. On James St. to Sycamore Street;
 - thence running N. On Sycamore St. to College Avenue; thence W. On College Ave. and one block to the intersection of Highway 60;
 - thence northerly on Highway 60 approximately 72 feet to the Southwest corner of the US for service lands;

- thence westerly along the south property line of the US for service lands approximately 240 feet;
- thence south to the Ash Street and continuing south on Ash St. to the intersection of Ash Street and Walter Street;
- thence East on water Street to the intersection of water Street and Highway 60;
- thence South on Highway 60 Current River;
- thence southerly along current River to the point of beginning;
- thence starting at the intersection of the North line of the Carter County R-1 school property and Highway 60, which is the point of beginning.
- Running East on the school property line to Elm Street;
- thence N. On Elm St. to the intersection of Linwood Street;
- thence East on Linwood St. to the intersection with Broadway;
- thence south on Broadway approximately 40 feet to the intersection of Broadway and Willow Street;
- thence East on Willow St. to Sycamore Drive;
- thence northerly on Sycamore Drive to the intersection of Joyce Street and Sycamore Drive;
- thence North on Sycamore Dr. approximately 100 feet to the intersection of the South line of Lot 6 in blocks three of the Earl Stanley subdivision;
- thence East 100 feet along the South line of said Lot 6;
- thence North 50 feet to the Southwest corner of Lot 12, block three of the Earl Stanley subdivision;
- thence East 100 feet along the South line of Lot 12 of said subdivision to the intersection with Earl Street;
- thence North on Earl St. 20 feet;
- thence East 100 feet;
- thence North 130 feet;
- thence North easterly along the Creek approximate 380 feet to the most northerly corner of the City's land that contain the ballpark and the City maintenance facility;
- thence South 77° east along the City property line to hundred and 50 feet;
- thence North 44° East-approximately 170 feet to the southeast corner of Lot 4 of the Turley subdivision;
- thence North 31° East 302 feet to the southeast corner of said block five;
- thence North 44° West 280 feet;
- thence North 47° East 105 feet;
- thence North 44° West approximate 220 feet to the south row line of Highway 60;
- thence North easterly along the south row line of Highway 60 – 112 feet;
- thence South 44° East 320 feet;
- thence North 47° East 90 feet;
- thence South 44° West 50 feet;
- thence North 47° East 175 feet;
- thence South 44° E 60 feet;
- thence North 47° 50 feet;

- thence South 44° East 100 feet;
- thence North 25° East 550 feet to the intersection of the South section line of section 13, Township 27 N. Range 1 W.
- thence east along South section line of said section 13, 180 feet to the southeast corner of said section 13;
- thence North thence South 27° 45 feet West along the City airport line 3600 feet;
- thence South 57° West along the said City airport property 240 feet;
- thence South 80° West 180 feet;
- thence North 70 feet;
- thence West 700 feet to Broadway Street;
- thence South to the Creek run, which is Easton Street;
- thence W. On Easton St. to state highway D;
- thence following Highway D southerly to the junction of Highway 60;
- thence southwesterly along the set southerly row line of Highway 60 to the point of beginning.

3. I-INDUSTRIAL DISTRICT-

- beginning at 8.655 feet east of the quarter corner, in two sections 13 and 24, Township 27 N., Range one W.;
- thence South 299 feet;
- thence South 20° and 45 min. west 765 feet;
- thence South easterly along D. B. Newton property 347.5 feet;
- thence South 70 feet;
- thence North 80° East 180 feet;
- thence North 57° east 240 feet;
- thence North 27° and 45 min. east 2507.25 feet to the intersection of the East section of line of said section 13;
- thence North along the East section line of section 13 452.5 feet to the monument to the East quarter corner of section 13;
- thence continue north along the East section line of section 13 700 feet to an iron pin;
- thence South 27 and three-quarter degrees West 339 feet to an iron hand;
- thence West 1678 feet to the intersection of the N. And South Ctr. quarter line of section 13;
- thence South along the said centerline of section 13 a distance of 1320.67 feet to an iron pin;
- thence South 29 1/4° East 480 feet;
- thence South 27 and three-quarter degrees West 450 feet;
- thence South 62 1/4° East 660 feet to and iron pin;
- thence South 27 and three-quarter degrees West 860 feet;
- thence West approximately 140 feet to the point of beginning.
- Also beginning at the West quarter corner of section 18, Township 27 N., Range one E. and running North along the section line 353 feet to the south row line of Highway 60;
- thence North easterly along the south row line of Highway 60, 303 feet;

- thence South East $6\frac{1}{2}^{\circ}$ East 533 feet;
- thence South 14° West 356 feet to the East West centerline of section 18;
- thence West along the said centerline 660 feet to the point of beginning.

4. G. GOVERNMENTS LAND DISTRICT –

- a. City Park area in Pine Hills subdivision; beginning at the Southwest corner of Lot 77 of Pine Hills subdivision and running North along the West line of Lot 77, 138.8 feet; thence North easterly along the West line of lots 78 – 79 of said subdivision 170 feet; thence south westerly along the East line Of Peyton Pl., Drive, 145 feet; thence north westerly along the West line of lots one through 14 of Pine Hill second edition a distance of 1040 feet; thence southwesterly 33 feet to the north east corner of Lot 88; thence South East 100 feet to the southeast corner of Lot 88; thence South easterly along Winston Drive, 992 feet thence West 50 feet; thence South 14° East 250 feet; thence South $48\frac{1}{2}^{\circ}$ East 150 feet; thence North easterly on Needle Avenue 300 feet; thence North 7° West, 108.3 feet to the point of beginning. Containing 6 acres more or less.
- b. CITY LAGOON – beginning at the southeast corner of the Southwest quarter, Northeast quarter of section 24, Township 27 N., Range one W. running East 210 feet; thence North 360 feet; thence West 600 feet; thence South 360 feet; thence East 390 feet, to the point of beginning. Containing 4.96 acres more or less.
- c. CITY BALL PARK – starting at the North quarter corner of section 24, Township 27 N., Range one W. and going East 660 feet; thence South 140.6 feet; thence South 24° East 1282.7 feet to point of beginning; thence South 24° 475 feet; thence North $88\frac{1}{2}^{\circ}$ East 320 feet; thence South 83° East 321 feet; thence North 460 feet; thence North $76\frac{1}{2}^{\circ}$ West 652 feet; thence South 51° West 262 feet to point of beginning, containing an area of 9.2 acres more or less
- d. VAN BUREN CEMETERY – INCLUDING MASONIC CEMETERY. Beginning at the West quarter corner of section 18, Township 27 N., Range one and running East 660 feet; thence South 660 feet; thence West 840 feet; thence North 660 feet; thence East 180 feet to the point of beginning.
- e. R-1 SCHOOL GROUNDS – beginning at the intersection of College Avenue and Highway 60 and going E. On College Ave. to intersection of Broadway; thence north on Broadway approximately 340 feet; thence West approximately 600 feet to Highway 60; thence southwesterly along Highway 62 the intersection of College Avenue, which is the point of beginning, containing 5 acres more or less.
- f. U.S. GOVERNMENT OWNED LANDS – beginning at the intersection of Highway 60 and West streets; thence West approximately one block for service North and south property line; thence North 1° 19 inches, East 350.5; thence East 132 feet; thence North 785 feet; thence West 608 feet; thence North $14\frac{1}{2}^{\circ}$ West 335 feet; thence West 490 feet to the monument at corner on the banks of the current River; thence southerly along the east bank of current River to another monument corner No. AP7; thence South $89\frac{1}{2}^{\circ}$ East 437 feet to monument at corner No. AP6; thence North $33\frac{1}{2}^{\circ}$ West 356 feet corner No APS; thence North 30° East 264 feet to corner No AP4; thence East 132 feet; thence North $51\frac{1}{2}^{\circ}$ East 396 feet; thence North 20° East 511 feet to corner AP1; thence South $79\frac{1}{2}^{\circ}$

368.5; thence East to the intersection of Highway 60; thence north along Highway 62 the point of beginning.

SECTION 10 **HEIGHT AND AREA REQUIREMENTS**

DISTRICT	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	GOVERNMENT land
Ordinance section	4	5	6	7
Maximum height – feet	35	45	45	-
Maximum height -- stories	2 ½	3	3	-
Minimum yard requirements front	30	-	30	-
Minimum yard requirements side	8	-	8*	-
Minimum yard requirements rear	30	-	30	-
**Minimum residential lot area per family – single	7,200 #	7,200 #	-	-
Two – family	3,600 #	3,600 #	-	-
Multiple – family	1,500 #	1,500 #	-	-
**Minimum residential lot widths – single	70'	70'	-	-
Minimum residential lot with two family	70'	70'	-	-
Minimum residential lot with multiple family	60'	60'	-	-

*Applies only when the commercial or industrial districts abuts a residential district.

** Area requirements do not apply to commercial or industrial uses.

Area in square feet.

SECTION 11 **ADDITIONAL HEIGHT AND AREA REGULATIONS**

The district regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

1. Public, semi-public, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet if the building is set back from each

yard line at least 1 foot for each 2 feet of additional building height above the height limit otherwise provided in the district in which the building is located.

2. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, states towers, or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, are exempt from the height regulations as contained herein.
3. Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than 30 feet to any side or rear lot line, except that when a Corolla just entered from the alley, it shall not be located closer than 4 feet to the alley line. If the garage is located closer than 4 feet to the Main building, the crotch shall be regarded as part of the Main building for the purposes of determining side and rear yards.
4. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
5. Open lattice enclosed fire escapes, fireproof outside stairways, and balconies opening up on fire towers, and the ordinary projections of chimneys influence into the rear yard may be permitted for distance of not more than 3 1/2 feet and whether the same are so placed as not to obstruct light and ventilation.
6. An open an enclosed porch or paid terrorists may project into a front yard for distance not exceeding 10 feet. And it on enclosed festival containing not more than 40 ft.² may project into a front yard for distance not to exceed 4 feet.
7. The terraces, uncovered porches, platforms, and ornamental features which do not extend more than 3 feet above floor level of the ground story may project into a required yard, provided these projections be distant at least 2 feet on the adjacent side lot line.
8. For the purpose of the side yard regulations, a two-family dwelling, or in multiple polling, shall be considered as one building occupying one lot.
9. Where a lot more track is used for farming or for a commercial or industrial purpose, more than one Main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around a lot for the district in which the lot or tract is located.
10. In the event that lot is to be occupied by a group of two or more related buildings to be used for multiple dwelling, institutional, motel or hotel purposes, there may be more than one Main building on the lot; provided, however, that the open spaces between buildings that are parallel or within 45° of being parallel, so have a minimum dimension of 20 feet for one-story buildings, 30 feet the two-story buildings and 40 feet three or four story buildings.
11. Where an open space more than 50% surrounded by building, the minimum width of open space shall be at least 20 feet for one-story buildings, 30 feet of two-story buildings and 40 feet for three or four story buildings.
12. No side yards are required were dwelling units are erected above commercial and industrial structures.
13. Where lots have double frontage, the required front yard shall be provided on both streets.
14. The required side yard on the street side of a corner lot shall be the same as the required front yard on such streets, that except the building with shall not be reduced to less than 32 feet, and no accessory building shall project beyond required front yard on either street.

15. Whenever a lot at the effective date of this Ordinance has a width of less than 60 feet, the side yards may be reduced to a width of less than 10% of the width of the lot, but in no instance shall it be less than 5 feet.
16. The front yards heretofore established shall be adjusted to the following cases:
 - a. Where 40% or more of the frontage of the same side of the street between two intersecting streets is developed with two or more buildings that have (with a variation of 5 feet or less), a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest to the street line.
 - b. Where 40% or more of the frontage on one side of the street between two intersecting streets is developed with two or more buildings that have a front yard of less depth than herein required, then:
 1. where building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent building on each side, or
 2. where building is to be erected on a parcel of land is within 100 feet of an existing building on one side only, such buildings may be erected as close to the street as existed adjacent building.

SECTION 12

OFF-STREET PARKING REGULATIONS

No building shall be erected, and large to the extent of increasing the floor area by as much as 50%, or changed in the use unless there is provided on the lot, space for the parking of automobiles for trucks in accordance with the following minimum requirements:

1. Bowling alley: five parking spaces for each alley.
2. Business, professional or public office building, studio, bank, medical or dental clinic: three parking spaces plus one additional parking space for each 400 ft.² of floor area over 1000 ft.².
3. Church: one parking space for each eight seats in the main auditorium.
4. College or school: one parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.
5. Community center, library, museum or art gallery: 10 parking spaces plus one additional space for each 300 ft.² of floor area and access of 2000 ft.².
6. Dwellings: one parking space for each dwelling unit.
7. Hospital, sanitarium, home for the aged, or similar institution: one parking space for each four beds.
8. Motel: one parking space for each room or suite, plus one space for each 200 ft.² of commercial floor area contained there in.
9. Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment: one parking space for every two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection there with.
10. Mortuary or funeral home: one parking space for each 50 ft.² of floor space in slumber rooms, parlors and individual funeral service rooms.

11. Private club or lodge: one parking space for every five members.
12. Restaurant, nightclub, Café, or similar recreation or amusement establishment: one parking space for each 100 ft.² of floor space.
13. Retail store or personal service establishment: one parking space for each 200 ft.² of floor area.
14. Rooming or lodging house: one parking space for each two sleeping rooms, plus one visitor parking space for each residential unit.
15. Sports arena, stadium or gymnasium(except school): one parking space for each five seats or seating space.
16. Theater auditorium (except school): one parking space for each five seats or bench seating spaces.

SECTION 13 **SPECIAL USES**

The board of aldermen of the City of Van Buren made, by special permit, after public hearing before the board of aldermen, after study and report by the City planning commission and subject to such reasonable conditions and protective restrictions as are deemed necessary, authorize the following special uses in any district from which there otherwise prohibited:

1. Cemetery mausoleum on sites of not less than 20 acres.
2. Greenhouse or nursery.
3. Hospital, clinic or institution not primarily for the mentally ill or those with contagious diseases, provided that less than 40% of the total land area is occupied by buildings and that all the required yards are increased by 1 foot for each foot of building heights in excess of height limits specified in this Ordinance.
4. Landing field or strip for aircraft.
5. Nursery school.
6. Commercial radio tower or broadcasting station.
7. Removal of gravel, topsoil or similar natural material, with safeguards for the protection of adjoining property and the community as a whole.
8. Riding Stable.
9. Trailer or mobile home park.
10. Certain heavy industrial uses as required in section 6.

SECTION 14 **BOARD OF ADJUSTMENT**

The City Council of the City of Van Buren shall hereby be known as the board of adjustment.

1. Each session at which an appeal is to be heard, shall be a public meeting with public notice of said meeting and business to be carried or published in a newspaper of general circulation in the City, at least one time — seven days prior to the meeting.

2. An appeal may be taken to the City Council by any person, group or organization, public or private affected by a decision of the City Council. Such appeal shall be taken within such time as prescribed by the City general rule by filing with the City Clerk a notice of appeal specifying the grounds thereof.
3. A fee of \$10 shall accompany all notices of appeals.
4. The City Clerk shall forth with transmit to the City Council, all papers constituting the record upon which the action appealed from was taken.
5. City Council shall have the following powers:
 - a. to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the enforcement of this Ordinance, and may affirm or reverse, in whole or part, said decision of the enforcement officer.
 - b. To hear requests for variances from the literal provisions of the zoning Ordinance and instances where strict enforcement of the zoning Ordinance would cause the undue hardship due to circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated such action shall be in keeping with the spirit and intent of the provisions of the zoning Ordinance. The City Council shall not permit, as a variance, any use in the district that is not permitted under the Ordinance. The City Council may impose conditions in the granting of variance to ensure compliance and to protect adjacent property.
 - c. To hold public hearings on and decide the following exceptions to or for variations of this Ordinance.
 - 1) To permit the extension of the district for the boundary line thereof divides a lot held in a single ownership at the time of adoption of this Ordinance.
 - 2) Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the zoning district map where the street layout on the ground varies from the street layout as shown on the map.
 - 3) Permit reconstruction of a nonconforming building otherwise prohibited by section 9 where such action would not constitute continuation of the monopoly.
 - 4) Vary the yard regulations where there is an exceptional or unusual physical condition of a lot, not generally prevalent in the neighborhood, which condition when related to the yard regulations of this Ordinance would prevent a reasonable or sensible arrangement of buildings on the lot.
 - 5) Vary the parking regulations by not more than 50% where it is lucidly shown that the specific use of the building would make unnecessary the parking spaces otherwise required by this Ordinance, or worry it can be conclusively shown that adequate off-street parking to serve a particular use has been provided by or is controlled by the municipality.
6. Decision of the City Council in respect to the above shall be subject to appeal to the circuit court of Carter County within 30 days after the filing of the decision in the office of City Clerk.

SECTION 15
ENFORCEMENT, APPLICATIONS AND PERMITS

1. It shall be the duty of the person designated by the City Council to administer and enforce the regulations contained herein.
2. It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising or moving of any building or structure or of any portion thereof, without first having applied in writing to the City Clerk for a building permit to do so and a building permit has been granted therefore.
3. Every application for a building permit shall be in writing and delivered to the City Clerk and shall be accompanied by a detailed set of plans, in duplicate, showing the size of the proposed building or structure, its location on the lot, the basic materials of which it is to be constructed and the details and type of construction to be used. On the issuance of a permit, one set of said plans shall be retained by the City Clerk as a permanent record and one set shall be returned to the applicant.
4. Blank forms shall be provided by this City Clerk for the use of those applying for permits as provided for in this Ordinance. Any permits issued by the City Clerk shall be on standard forms for such purpose and furnished by the City.
5. A careful record of all such applications, plans, and permits shall be kept in the office of the City Clerk. The fees to be charged for building permits from and after the passage of this Ordinance shall be as follows:

Work costing \$1000 or less	No permit required
Work costing \$1,000 but not over \$10,000	\$50
Work costing 10,000 but not over 50,000	\$75
Work costing over \$50,000	\$125

6. Any building permit, under which no construction work has been commenced within six months after the date of issue of said permit or under which the proposed construction has not been completed within two years of the date of issue shall expire by limitation; and no operation shall take place under such permit after such expiration. Upon payment of \$.10 per month for each \$1000 of the construction cost on which the original permit was issued; but not less than one dollar per month in any case a building permit may be once extended for a period not exceeding six months by the City Council.
7. Subsequent to the effective date of this Ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the City Council. Every certificate of occupancy shall state that the new occupancy complies with all provisions of this Ordinance. No permit for excavation for or the erection or alteration of any building shall be issued before the application has been made and approved or certificate of occupancy and compliance, and no building or premise shall be occupied until such certificate and permit is issued. A record of all certificates of occupancy shall be kept on file in the Office of the City Clerk, and copy shall be furnished on

request to any person having a proprietary or tenancy interest in land or building affected by such certificate of occupancy.

8. The following regulations and restrictions concerning the location of buildings designed for specific uses and occupancies and the proposed construction of such structures as stated in the following categories must be submitted to the Van Buren City Council prior to the start of construction all proposed construction must be approved by two thirds majority vote of the City Council and must be inspected by the appointed building code inspector prior to the vote the building inspector will submit the inspection report before the City Council meeting and conduct and after inspection if the permit is approved.

- A. Manufactured Housing
- B. Two Family Residential
- C. Condominiums
- D. Multi-family residential
- E. Agricultural
- F. Offices
- G. Shopping districts
- H. Retail Stores
- I. Commercials and Commercial Districts
- J. Businesses and Business districts
- K. Industrial and Industrial Districts
- L. Storage Facilities
- M. Storage Buildings - Portable Buildings
- N. Sporting Venues
- O. Churches or Synagogues
- P. Medical Facilities
- Q. Schools and Learning Centers

SECTION 16 **AMENDMENTS**

In case of an adverse report or complaint to the City Council against such proposed amendment, supplement, change, modification or repeal shall be presented in writing to the City Clerk, duly signed and acknowledged by the owners of 10% or more, either of the area of land (sclerosis of streets, places, and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area, determined by line strong parallel to and 200 feet distance from the boundaries of the district proposed to be changed, such amendment, supplement, change, modification or repeal shall not become effective except by the favorable vote of three fourths of all the members of the City Council.

SECTION 17
VIOLATION AND PENALTY

The owner or agent of a building or premise in or upon which a violation of any provision of this Ordinance has been committed or shall exist; or the leaseholder or tenant of an entire building or entire premise and upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assesses any violation or who maintains any building or premise in or upon which such violations shall exist, shall be guilty of a misdemeanor punishable by fine of not less than \$10.00 and not more than \$100.00 for each and every day that such violation continues, but if the offense is willful, on conviction thereof, the punishment shall be a fine of not less than \$100.00 nor more than \$250.00 for each and every day that such violation shall continue or by imprisonment for 10 days for each and every day such violation shall continue or by both such fine and imprisonment, in the discretion of the court. Any such person, having been served with an order to remove any such violation, failing to comply with said order within 10 days after such notice or continuing to violate each provision of the regulations made under authority of this Ordinance in the respect named in such order, shall be subject to a civil penalty of \$250.00.

SECTION 18
VALIDITY

If any section, subsection, sentence, clause, phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 19
CONFLICTING ORDINANCES REPEALED

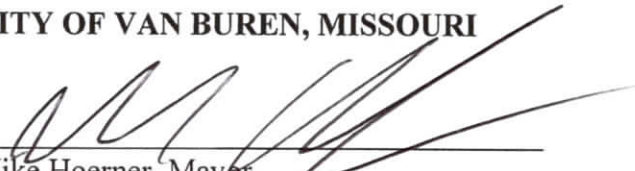
ANY ORDINANCE OR PARTS THEREOF OF ANY ORDINANCE IN CONFLICT HERewith ARE HEREBY REPEALED.

SECTION 20
EFFECTIVE DATE

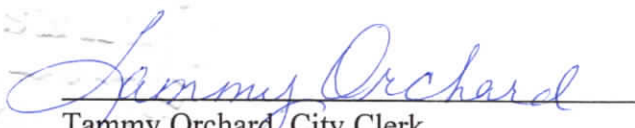
This Ordinance shall be in full force and effect from and after the date of its passage as provided by law.

PASSED AND APPROVED THIS 8TH DAY OF JUNE, 2020.

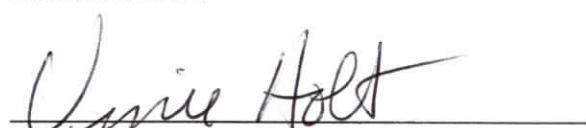
CITY OF VAN BUREN, MISSOURI

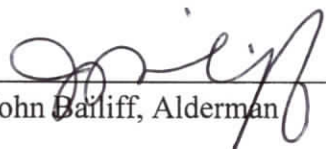

Mike Hoerner, Mayor

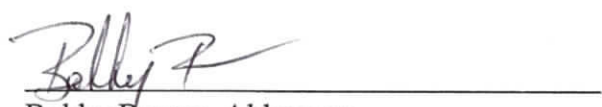
ATTEST:

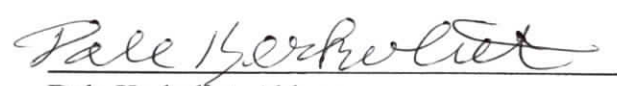

Tammy Orchard, City Clerk

ALDERMAN:

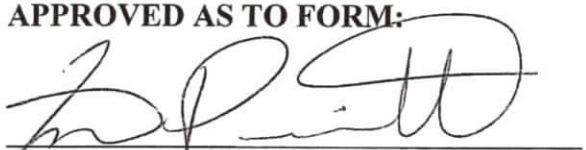

Vince Holt, Alderman


John Barliff, Alderman


Bobby Barnes, Alderman


Dale Kerkvliet, Alderman

APPROVED AS TO FORM:


Zane A. Privette, City Attorney