

ZONING ORDINANCE

NUMBER #301
VAN BUREN, MISSOURI

AN ORDINANCE TO PROVIDE FOR THE HEALTH, SAFETY, CONVINCE, COMFORT, AND THE 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 CHANGES AND AMENDMENTS; TO PROVIDE FOR ITS ENFORCEMENT; TO PROVIDE FOR A BOARD OF ADJUSTMENT, AND TO PRESCRIBE THEIR POWERS AND DUTIES, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF VAN BUREN, MISSOURI, AS FOLLOWS:

SECTION I 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 II 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.

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7. Building. Any structure having a roof supported by columns or walls built for 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 one family.

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 or offal to swine or other animals.

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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 and 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 or 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 sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 60 percent of the floor area is finished 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.

SECTION III
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 Land 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 XVI 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 exists 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 hereafter 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, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- d. In un subdivided property, unless otherwise 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 the 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 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 IV "R" RESIDENTIAL 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 "R" Residential District.

1. Use Regulations. A building or premises 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 adjoining tract or subdivision and which shall be removed, upon completion or abandonment of such construction, or upon the expiration of a 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, hire or sale of a building or premises on which such sign is located.
- h. Accessory buildings and uses including, but not limited to, accessory private garages, servants' quarters, guest houses, swimming pools, home barbecue grills, customary church bulletin boards or identification signs not exceeding 30 square feet in area for permitted public and semi-public 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 XII.

3. Height Regulations. No building shall exceed two and one-half stories, nor shall it exceed 35 feet in height except as provided in Section XI.

4. Area Regulations.

a. Subject to the modifications set out in Section XII, the yard regulations are as follows:

- (1) 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 eight 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 7,200 square feet and shall be not less than 70 feet in width.

(2) A lot occupied by a two-family dwelling shall contain not less than 3,600 square feet 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 1,500 square feet for each dwelling unit and be not less than 60 feet in width.

(4) A lot having an area or width less than herein required and which was 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 non-residential use.

SECTION V
"C" COMMERCIAL DISTRICTS

The regulations set forth in this sections or set forth elsewhere in this Ordinance, when referred to in this section, are the regulations in the "C" Commercial District.

1. Use Regulations. A building or premises 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 premises and other uses of a similar character.
- e. Farm implements, sale or repair.
- f. Funeral homes or mortuaries.
- g. Hotels, motels and Boarding & Lodging houses.
- h. Offices and office buildings.
- i. Commercial garages and automobile repair shops.

j. Outdoor advertising structure or non-flashing sign pertaining only to a use conducted within the building, and any sign or display in excess of thirty (30) square feet in area shall be attached flat against a wall of the building and in no case shall any sign or display project above the roof line.

k. Personal service uses, including barber shops, beauty parlors, photographic or artists' 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 florist shops and greenhouses in connection with such shops,, but there shall be no slaughtering of animals or poultry on the premises 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 dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering 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 XII.

3. Height Regulations. No building shall exceed three stories, nor shall it exceed 45 feet in height except as provided in Section XI.

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" Residential Districts. No side yards for commercial buildings are required except on the side of a lot abutting an "R" District, in which event a side yard of not less than eight feet shall be provided.

b. Minimum Lot Area. The minimum lot area requirements are the same as those in the "R" Residential Districts.

SECTION VI
"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 premises shall be used only for the following purposes:

- a. Any non-residential use permitted in the "C" Commercial Districts.
- b. Wholesale merchandising or storage warehouses.
- c. Automobile repair garages, but no auto junk yards.
- d. Truck terminals.
- e. Farm machinery and equipment sales and repair.
- f. General service and repair establishments including dyeing and cleaning works or laundry, plumbing, and heating, printing, painting, upholstering, tinsmithing 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, dyes, machinery and hardware products, sheetmetal products and vitreous enameled metal products.
- j. Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, 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) to (l) above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare 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 premises but with total sign area not to exceed 100 squares feet.

o. Any other use not in conflict with the enactment laws of the State of Missouri or the City of Van Buren regulating nuisances provided that no use emitting or likely to emit substantial amounts of dust, odor, gas, smoke or noise 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 manufacture.
- 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 XII.

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 VII "G" GOVERNMENT LAND 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 "G" Government Land District.

1. Use Regulations. A building on premises 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 deemed 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 VIII
NONCONFORMING USES

1. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued even though such use does not conform with the provisions hereof, except that industrial uses may be enlarged up to 50 percent of their building area existing on the effective date of this Ordinance. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classifications. The foregoing provisions shall also apply to nonconforming uses in districts as may be hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a 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 percent of its assessed value, shall be restored except in conformity with the regulations of this Ordinance.

3. In the event that a nonconforming use of any building or premises 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 occupying only a portion of a 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 thereof.

SECTION X
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, the Industrial District, and the Government Land District.

2. "C" COMMERCIAL DISTRICT - Beginning at the South East corner of the Van Buren City Limits where the line intersects with the Current River; Thence North approximately 2,240 Feet to Fourth Street; Thence West on Fourth Street to Broadway Street; Thence West on James Street to Sycamore Street; Thence running north on Sycamore Street to College Avenue; thence West on College Avenue one (1) block to the intersection of Highway 60; thence northly on Highway 60 approximately 72 feet to the Southwest corner of the U.S. Forest Service Land; thence westerly along the South property line of the U.S Forest Service Land approximately 240 feet; thence south to Ash Street and continuing south on Ash Street to the intersection of Ash Street and Water Street; thence East on Water Street to the intersection of Water Street and Highway 60; thence South on Highway 60 to Current River; thence Southerly along Current River to 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 north on Elm Street to the intersection of Linwood Street; thence east on Linwood Street to the intersection with Broadway; thence south on Broadway approximately 40 feet to the intersection of Broadway and Willow Street; thence east on Willow Street to Sycamore Drive; thence northly on Sycamore Drive to the intersection of Joyce Street and Sycamore Drive; thence north on Sycamore Drive approximately 100 feet to the intersection of the South line of Lot Six (6) in Block three (3) of the Earl Stanley Subdivision; thence East 100 feet along the South line of said Lot Six (6); thence North 50 feet to the Southwest corner of Lot twelve (12), Block three (3) of the Earl Stanley Sub-division; thence east 100 feet along the south line of Lot twelve (12) of said Sub-division to the intersection with Earl Street; thence north on Earl Street 20 feet; thence east 100 feet; thence north 130 feet; thence northeasterly along the Creek approximately 380 feet to the most northly corner of the City's land that contain the Ball Park and City Maintenance Facility; thence south 77 degrees east along the City Property line 150 feet;

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thence north 44 degrees east - approximately 170 feet to the southeast corner of Lot four (4) of the Turley Sub-division; thence North 31 degrees east 302 feet to the southeast corner of said Block 5;
thence north 44 degrees west 280 feet; thence north 47 degrees east 105 feet; thence north 44 degrees west approximately 220 feet to the South row line of Highway 60; thence northeasterly along the South row line of Highway 60 112 feet; thence south 44 degrees east 320 feet; thence north 47 degrees east 90 feet; thence south 44 degrees west 50 feet;
thence north 47 degrees east 175 feet; thence south 44 degrees east 60 feet; thence north 47 degrees 50 feet; thence south 44 degrees east 100 feet; thence north 25 degrees east 550 feet to the intersection of the south section line of Section 13, T 27 N R 1 W, thence east along south section line of said Section 13, 180 feet to the southeast corner of said Section 13; thence north along the east section line of said section approximately 2,280 feet to the intersection of the Van Buren City Airport property; thence south 27 degrees 45 feet west along the City Airport line 3,600 feet; thence south 57 degrees west along the said City Airport property 240 feet; thence south 80 degrees 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 west on Easton Street to State Highway D; thence following Highway D southerly to the Junction of Highway 60; thence southwesterly along the southerly row line of Highway 60 to the point of beginning.

3. "I" - INDUSTRIAL DISTRICT - Beginning at a point 655 feet east of the Quarter Corner common to Sections 13 and 24, Township 27 North, Range 1 West; thence south 299 feet; thence south 20 degrees and 45 minutes west 765 feet; thence southeasterly along D.B. Newton property 347.5 feet; thence south 70 feet; thence north 80 degrees east 180 feet; thence north 57 degrees east 240 feet; thence north 27 degrees and 45 minutes east 2,507.25 feet to the intersection of the east section line of said section 13; thence north along the east section line of section 13 452.5 feet to the monumented 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 3/4 degrees west 339 feet to an iron pin; thence west 1,678 feet to the intersection of the North and South Center quarter line of Section 13; thence south along the said center line of section 13 a distance of 1,320.67 feet to an Iron pin; thence south 29 1/4 degrees east 480 feet; thence south 27 3/4 degrees west 450 feet; thence south 62 1/4 degrees east 660 feet to and Iron pin;
thence south 27 3/4 degrees west 868 feet; thence west approximately 140 feet to the point of beginning.
Also beginning at the west Quarter corner of Section 18, Township 27 north, Range 1 East and running north along the section line 353 feet to the south row line of Highway 60; thence northeasterly along the South row line of Highway 60, 303 feet; thence south 66 1/2 degrees east 533 feet; thence south 14 degrees west 356 feet to the east-west center line of section 18; thence west along the said center line 660 feet to the point of beginning.

4. "G" GOVERNMENT LAND DISTRICT -

a. City Park Area in Pine Hill Subdivision; Beginning at the Southwest Corner of Lot 77 of Pine Hill subdivision and running north along the west line of Lot 77, 138.8 feet; thence northeasterly along the West line of lots 78 - 79 of said subdivision 170 feet; thence southwesterly along the east line of Peyton Place Drive, 145 feet; thence northwesterly along the west line of Lots 1 thru 14 of Pine Hill Second addition a distance of 1,040 feet; thence southwesterly 33 feet to the northeast corner of Lot 88; thence southeast 100 feet to the southeast corner of lot 88; thence southeasterly along Winston Drive, 992 feet; thence west 50 feet; thence south 14 degrees east 250 feet; thence south 48 1/2 degrees east 150 feet; thence northeasterly on Needle Avenue 300 feet; thence north 7 degrees 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 North, Range 1 West 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 North, Range 1 West and going east 660 feet; thence south 140.6 feet; thence south 24 degrees east 1,282.7 feet to point of beginning; thence south 24 degrees 475 feet; thence north 88 1/2 degrees east 320 feet; thence south 83 degrees east 321 feet; thence north 460 feet; thence north 76 1/2 degrees west 652 feet; thence south 51 degrees 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 north, Range 1 East 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.

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e. R-1 SCHOOL GROUNDS - Beginning at the intersection of College Avenue and Highway 60 and going East on College Avenue to Intersection of Broadway; thence north on Broadway approximately 340 feet; thence west approximately 600 feet to Highway 60; thence southwesterly along Highway 60 to 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 Street; thence west approximately 1 Block to the Forest Service North and South property line; thence north, 1 degree 19 inches, east 350.5 feet; thence east 132 feet; thence north 785 feet; thence west 608 feet; thence north 14 1/2 degrees west 335 feet; thence west 490 feet to a monumented corner on the banks of the Current River; thence southerly along the east bank of Current River to another monument corner No. A P 7; thence south 89 1/2 degrees east 437 feet to monumented corner No A P 6; thence north 33 1/2 degrees west 356 feet to corner no A P S; thence north 30 degrees east 264 feet to corner No. A P 4; thence east 132 feet; thence north 51 1/2 degrees east 396 feet; thence north 20 degrees east 511 feet to corner A P 1; thence south 79 1/2 degrees east 368.5 feet; thence east to the intersection of Highway 60; thence north along Highway 60 to the point of Beginning.

SECTION XI
HEIGHT AND AREA REQUIREMENTS

District	Residential	Commerical	Industrial	Gov't Land
Ordinance Section	IV	V	VI	VII
Maximum Height				
Feet	35	45	45	-
Stories	2 1/2	3	3	-
Minimum Yard Requirement				
Front	30	-	30	-
Side	8	-	8*	-
Rear	30	-	30	-
Minimum Residential** Lot Area Per Family				
Single	7,200#	7,200#	-	-
Two	3,600#	3,600#	-	-
Multiple	1,500#	1,500#	-	-
Minimum Residential** Lot Widths				
Single	70'	70'	-	-
Two	70'	70'	-	-
Multiple	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 XII
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 one foot for each two 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, stage 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 be occupy more than 30 feet to any side or rear lot line, except that when a garage is entered from the alley, it shall not be located closer than 4 feet to the alley line. If a garage is located closer than 4 feet to the main building, the garage 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 upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation.

6. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding 10 feet. An unenclosed vestibule containing not more than 40 square feet may project into a front yard for a distance not to exceed four feet.

7. Terraces, uncovered porches, platforms, and ornamental features which do not extend more than three feet above the floor level of the ground story may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.

8. For the purpose of the side yard regulations, a two-family dwelling, or a multiple dwelling, shall be considered as one building occupying one lot.

9. Where a lot or tract 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 the lot for the district in which the lot or tract is located.

10. In the event that a 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 degrees of being parallel, shall have a minimum dimension of 20 feet for one-story buildings, 30 feet for two-story buildings and 40 feet for three or four-story buildings.

11. Where an open space is more than 50 percent surrounded by a building, the minimum width of the open space shall be at least 20 feet for one-story buildings, 30 feet for two-story buildings and 40 feet for three or four-story buildings.

12. No side yards are required where 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 street, except that the building width shall not be reduced to less than 32 feet, and no accessory building shall project beyond the 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 percent of the width of the lot, but in no instance shall it be less than five feet.

16. The front yards heretofore established shall be adjusted in the following cases:

a. Where 40 percent or more of the frontage on the same side of a street between two intersecting streets is developed with two or more buildings that have (with a variation of five 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 percent or more of the frontage on one side of a 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 a 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 a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

SECTION XIII
OFF-STREET PARKING REGULATIONS

No building shall be erected, enlarged to the extent of increasing the floor area by as much as 50 percent, or changed in use unless there is provided on the lot, space for the parking of automobiles or 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 square feet of floor area over 1,000 square feet.
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: ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet.
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 suit, plus one space for each 200 square feet of commercial floor area contained therein.
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 therewith.
10. Mortuary or funeral home: one parking space for each 50 square feet of floor space in slumber rooms, parlors and individual funeral service rooms.
11. Private club or lodge: one parking space for every 5 members.
12. Restaurant, night club, cafe, or similar recreation or amusement establishment: one parking space for each 100 square feet of floor space.
13. Retail store or personal service establishment: one parking space for each 200 square feet 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 spaces.
16. Theater or auditorium (except school): one parking space for each five seats or bench seating spaces.

SECTION XIV
SPECIAL USES

The Board of Aldermen of Van Buren may, 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 they are otherwise prohibited:

1. Cemetery or 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 percent of the total land area is occupied by buildings and that all the required yards are increased by one foot for each foot of building height 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 VIII.

SECTION XV
BOARD OF ADJUSTMENT

1. A Board of Adjustment is hereby created. The Board shall consist of five members, appointed by the Mayor and approved by the Board of Aldermen, each to be appointed for a term of five years, excepting that when the Board shall first be created, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by Mayor and Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

2. The Board of Adjustment shall adopt rules for the conduct of its business, establish a quorum and procedure, keep a public record of all findings and decisions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Each session of the Board of Adjustment, 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.

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3. An appeal may be taken to the Board of Adjustment by any person, group or organization, public or private, affected by a decision of the City Supervisor. Such appeal shall be taken within such time as prescribed by the Board by general rule, by filing with the City Supervisor a notice of appeal specifying the grounds thereof. A fee of \$10.00 shall accompany all notices of appeals. The City Supervisor shall forthwith transmit to the Board, all papers constituting the record upon which the action appealed from was taken.

4. The Board of Adjustment 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 City Supervisor in 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 in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance. The Board of Adjustment shall not permit, as a variance, any use in a district that is not permitted under the ordinance. The Board of Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

c. To hold public hearings on and decide the following exceptions to or variations of this Ordinance.

(1) To permit the extension of a district where 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 this map.

(3) Permit reconstruction of a nonconforming building otherwise prohibited by Section X where such action would not constitute continuation of a 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 percent where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this Ordinance, or where 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.

5. Decision of the Board 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 the Board.

SECTION XVI
ENFORCEMENT, APPLICATIONS AND PERMITS

1. It shall be the duty of the person designated by the Mayor as City Supervisor 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 Supervisor for a building permit to do so and a building permit has been granted therefor.

3. Every application for a building permit shall be in writing and delivered to the City Supervisor 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 Supervisor as a permanent record and one set shall be returned to the applicant. In cases of any building or structure to be located outside the fire districts, the City Supervisor may, at his own discretion, permit the substitution of a written statement covering the essential information required in place of said plans.

4. Blank forms shall be provided by the City Supervisor for the use of those applying for permits as provided for in this Ordinance. Any permits issued by the City Supervisor 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 Supervisor.

The fees to be charged for building permits from and after the passage of this Ordinance shall be as follows:

For work costing \$1,000 or less	No Permit
For work costing \$1,000 but not over \$10,000	\$25.00
For work costing \$10,000 but not over \$50,000	\$50.00
For work costing over \$50,000.....	\$100.00

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 ten cents per month for each one thousand dollars 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 Supervisor.

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 Supervisor. 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 for a certificate of occupancy and compliance, and no building or premises 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 Supervisor, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

SECTION XVII
AMENDMENTS

The Board of Aldermen may, from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries of districts or regulations or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the City Planning Commission for its recommendations and report. If the City Planning Commission makes no report within thirty days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Upon the filing of the recommendations and report by the City Planning Commission with respect to any proposed amendment, supplement, change, modification, or repeal, the Board of Aldermen shall proceed to hold a public hearing in relation thereto, giving at least fifteen days' notice of the time and place of such hearing, which notice shall first be published in a newspaper having a general circulation in the City of Van Buren, Missouri.

In case of an adverse report by the City Planning Commission or if a protest 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 ten percent or more, either of the area of the land (exclusive of streets, places, and alleys) included within such proposed amendment, supplement, change, modification or repeal, or within an area, determined by lines drawn parallel to and two hundred 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 Board of Aldermen.

SECTION XVIII
VIOLATION AND PENALTY

The owner or agent of a building or premises in or upon which a violation of any provision of this Ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful, on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten 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 ten days after such notice or continuing to violate any 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 two hundred fifty dollars (\$250.00).

SECTION XIX
VALIDITY

If any section, subsection, sentence, clause, or 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 XX

Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

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SECTION XXI
WHEN EFFECTIVE

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

PASSED AND APPROVED THIS 23RD DAY OF JUNE 1992.

DENNIS MCSPADDEN
MAYOR, CITY OF VAN
BUREN, MISSOURI

ATTEST:

ERMA WELLS
CITY CLERK

JERRY KLADIVA
Jerry Kladiva, Ward I

JIM COOPER
Jim Cooper, Ward I

BILL LITTLE
Bill Little, Ward II

DAVID NICHOLSON
David Nicholson, Ward II