

City of Lamar, Missouri

Procedures Manual

April 20, 1998

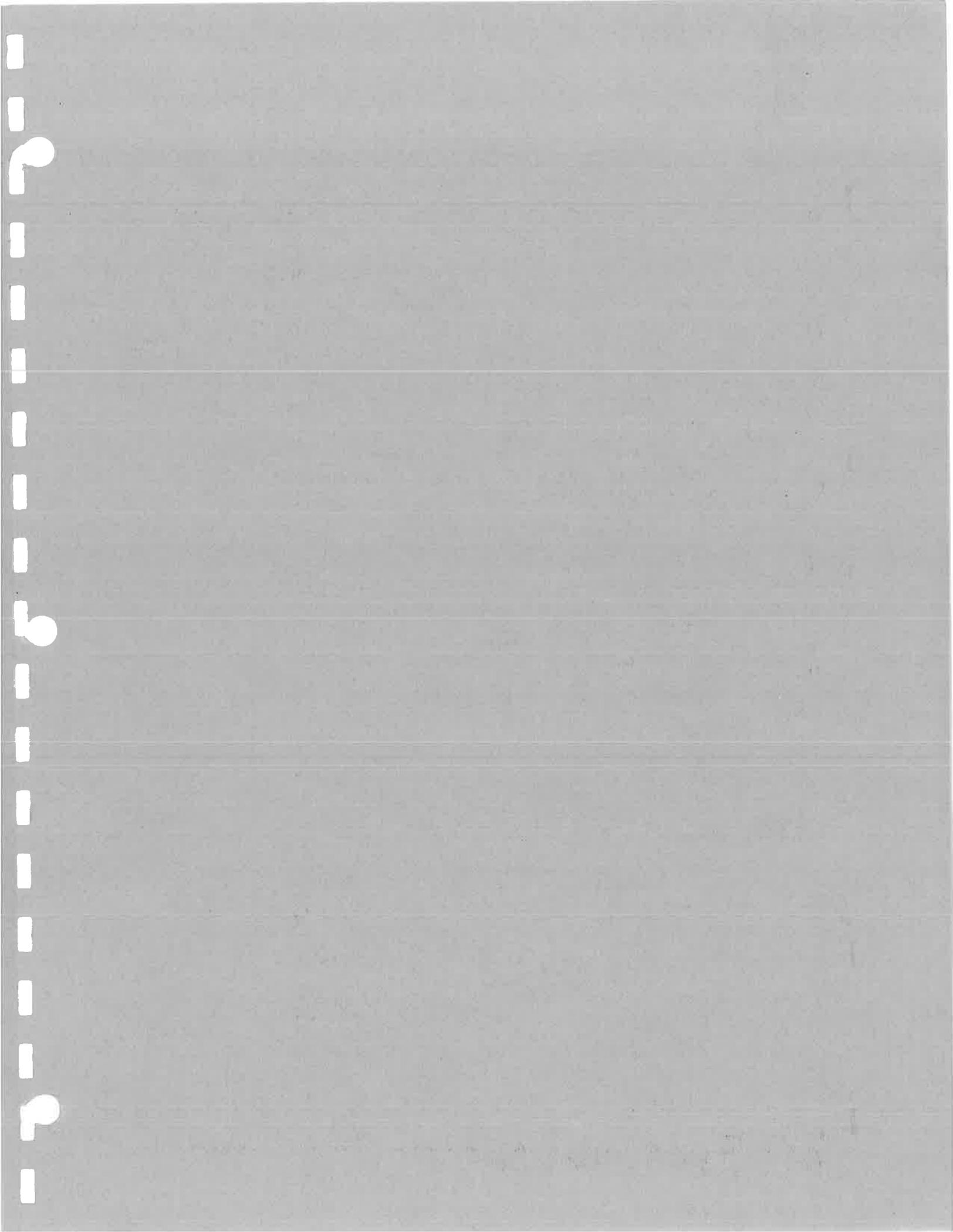


TABLE OF CONTENTS

ARTICLE 1	THE ROLE OF EACH PARTICIPANT	1
1	Lamar Planning and Zoning Commission	1
1	Board of Zoning Adjustment	1
2	The Board of Aldermen	2
ARTICLE 2	THE BASIS OF DECISION-MAKING	3
3	Zoning Issues	3
3	Appeals and Variances	4
4	Subdivision Plats	5
5	Development Approval in Lamar	5
ARTICLE 3	PLANNING AND ZONING COMMISSION BY-LAWS	7
7	Areas of Responsibility	7
7	Composition	7
8	Duties of Officers	8
8	Meetings	8
9	Agenda Subjects	9
10	Hearings	10
11	Recommendations	11
11	Committees	11
11	Expenses	11
11	Records and Reports	11
12	Amendments	12
12	Ethical Principles	12
ARTICLE 4	BOARD OF ZONING ADJUSTMENT BY-LAWS	13
13	Areas of Responsibility	13
13	Composition	13
13	Duties of Officers	13
14	Meetings	14
14	Agenda Subjects	14
15	Ethical Principles	15
ARTICLE 5	CODE OF CONDUCT	17
17	Conflicts of Interest	17
18	Acknowledgment of Outside Information	18
18	Informed Participation	18
ARTICLE 6	ETHICAL PRINCIPLES	21

ARTICLE 7 PROCEDURAL SUMMARY 25

ARTICLE 8 ZONING TEXT AMENDMENT PROCEDURE 27
Zoning Text Amendment Application 29

ARTICLE 9 ZONING DISTRICT AMENDMENT PROCEDURE 31
Rezoning Application 33

ARTICLE 10 CONDITIONAL USES 37
Conditional Use Permit Application 39
Conditional Use Permit Reasons for Determination 41

ARTICLE 11 VARIANCE PROCEDURE 43
Variance Application 45
Variance Application Determination of the Board of Zoning Adjustment 57

ARTICLE 12 LOT SPLIT 49
Lot Split Application 53
Lot Split Checklist 55
Lot Split Approval Certificate 57

ARTICLE 13 APPEAL OF ADMINISTRATIVE DECISION 59
Zoning Appeal of Administrative Decision 61
Appeal of Administrative Decision Reasons for Determination 63

ARTICLE 14 SITE PLAN REVIEW 65
Site Plan Application 71
Site Plan Checklist 73

ARTICLE 15 FENCES 77
Fence Permit Application 79

ARTICLE 1

THE ROLE OF EACH PARTICIPANT

INTRODUCTION

The purpose of the Zoning Ordinance is to promote orderly growth and redevelopment in the City of Lamar. The degree to which these regulations are effective is largely dependent upon the caliber of implementation. The best regulations are ineffective by themselves and perform their functions only through proper administration on a day-to-day basis.

The purpose of this Procedures Manual is to set forth guidelines for the proper administration of the Zoning Ordinance. Included are descriptions of the general role of each participant, a discussion of the decision-making process, a recommended code of conduct, and a step-by-step outline of the most common development requests. Through the use of the Procedures Manual, the Zoning Ordinance can be applied more equitably and consistently.

The power to enact zoning regulations has been granted to cities and counties by the state enabling legislation. These statutes require the participation of three separate bodies in the process of administering the regulations: The Planning and Zoning Commission, the Board of Zoning Adjustment, and the Governing Body (the Board of Aldermen).

~~Lamar Planning and Zoning Commission.~~ By Missouri statutes, in order to implement land use regulations, the Planning and Zoning Commission must adopt a city plan for the physical development of the municipality. Before adopting or amending the plan, the Planning and Zoning Commission must hold a public hearing. After adoption of the plan, a copy should be recorded in the office of the County Recorder of Deeds.

The Planning and Zoning Commission is primarily an advisory body. Under the zoning regulations, a primary duty of the Lamar Planning and Zoning Commission is to hold a public hearing where public opinion can be expressed regarding the proposed zoning request. In this sense, the Planning and Zoning Commission is a sounding board for community attitudes toward development. It is important for the Planning and Zoning Commission to establish the facts surrounding each development issue as clearly as possible so that decisions are not based on misinformation or conjecture. The Commission is required to adopt a recommendation to the Governing Body regarding rezoning of land (map amendment), conditional use permits, and changes to the zoning regulations (text amendment).

~~Board of Zoning Adjustment.~~ The Board of Zoning Adjustment is primarily a quasi-judicial body rather than an advisory or legislative one. Its role in zoning administration is specifically limited to two types of tasks:

1. The appeal of an administrative decision or interpretation; and
2. The granting of variances for cases of hardship.

In the first task, the responsibility of the Board of Zoning Adjustment is to rule on the interpretation of the zoning regulations whenever there is an ambiguous provision or an alleged error. In the second task, variances are granted for unusual physical constraints, and the role of the Board of Zoning Adjustment is to determine if a variance should be granted in a manner which is consistent with the intent of the zoning regulation and is fair to the applicant.

The Board of Aldermen. The Board of Aldermen is the Governing Body that is responsible for enacting and amending the zoning regulations after considering the recommendations of the Planning and Zoning Commission. This responsibility includes amending the zoning regulations or the zoning district map.

ARTICLE 2

THE BASIS OF DECISION-MAKING

As with other "police powers," the exercise of zoning regulations is subject to certain legal limitations. One of the most important of these limitations requires that zoning regulations cannot be applied in an "arbitrary or capricious" manner. Decisions regarding zoning issues cannot be arrived at through an exercise of will or by caprice and without consideration or adjustment with reference to principles, circumstances, or significance.

Zoning Issues. Before making any recommendation or decision on a zoning request, the Planning and Zoning Commission must first hold a public hearing. The purpose of the hearing is to allow all sides to express their views on the issue and to discuss all relevant factors. Although the hearing is a valuable mechanism for gauging the community's attitudes toward development and for establishing the facts of each case, it is important that decisions not be based solely on the opinions of the largest or most vocal group of participants.

Instead, zoning decisions must be based on the best interests of the entire community and not just the interests of a particular property owner or neighboring property owners. The Planning and Zoning Commission should try to distinguish between facts and opinions at a public hearing. Unsubstantiated assertions ("This project would reduce the value of my property by 75 percent.") or generalizations ("People who live in apartments always drive fast cars and race up and down the streets.") should be analyzed for their validity. Even "expert witnesses" should be pressed to give as factual a basis as possible for their judgments.

Second, zoning decisions should include consideration of long-range community goals as well as short-range needs. The recommendations of the Comprehensive Plan should be the primary source for this information.¹ Because of its importance in the zoning process, the Comprehensive Plan should be reviewed by the Lamar Planning and Zoning Commission on a regular basis and amended as necessary to ensure that it remains current.

Third, it is important to zone based on land use issues, not the personal issues affecting the individual applicant. An error frequently made is approval of a rezoning to accommodate an applicant's personal circumstances without consideration of land use conditions and characteristics. Such rezonings are rarely in the public interest and, if challenged, can be held to be invalid. Instead, decisions should be based on whether the land is appropriate for the proposed zoning district. Appropriate factors for consideration of a rezoning application include:

¹ The adopted Comprehensive Plan provides community-wide perspective and understanding of zoning issues.

1. The character of the neighborhood;
2. The zoning and uses of properties nearby;
3. The suitability of the subject property for the uses to which it has been restricted;
4. The extent to which removal of the restrictions (or change of zone) will detrimentally affect nearby property;
5. The relative gain to the public health, safety and welfare by not rezoning the property as compared to the hardship imposed on the property owner;
6. The staff findings concerning the extent to which the rezoning request meets the intent of the regulations; and
7. Compliance with the Comprehensive Plan.

It should also be pointed out that the entire class of uses which the zoning district permits should be considered rather than just the use the applicant proposes, since a change in ownership or in market conditions could easily result in a change of the proposed use.

The granting of a conditional use permit requires a case-by-case approach. The zoning regulation sets forth conditions which must be met before a conditional use may be granted. The district regulations also may establish additional conditions. The recommendation to grant a conditional use permit should be made to the Board of Aldermen only after the Planning and Zoning Commission has found all the standards as set forth in the zoning regulations have been met.

Appeals and Variances: The Board of Zoning Adjustment has the important task of interpreting the Zoning Ordinance in situations where the language of the ordinance is alleged to be ambiguous, the specifics of the case are unusual enough to warrant special consideration, or an appeal is made. Thus, the decisions made by the Board of Zoning Adjustment must be carefully thought out and clearly stated in order to safeguard the integrity and purpose of the Zoning Ordinance.

In deciding an appeal, the Board of Zoning Adjustment must interpret sections of the Zoning Ordinance, as well as preserve the intent and consistency of the regulations. The specifics of the applicant's situation are largely irrelevant, since the ruling of the Board of Zoning Adjustment will affect not only the case at hand, but will also set precedent, and so will affect each subsequent use of that section of the Zoning Ordinance.

The granting of a variance requires a very careful examination of the applicant's situation. Although the Board of Zoning Adjustment should be careful to avoid setting any unintentional precedents, the

variance process requires a case-by-case approach. Before a variance can be granted, facts must be presented supporting the standards set forth in the Lamar Zoning Ordinance. These conditions require the existence of practical difficulties or unnecessary hardship and that any variance granted be consistent with the intent of the regulations, the general welfare of the community, and the rights of adjacent property owners.

In each of the duties described above, it is important to point out that it is not the role of the Board of Zoning Adjustment or Planning and Zoning Commission to change or weaken the intent of the Zoning Ordinance. If the ordinance needs changing, an amendment should be passed by the Governing Body after the Planning and Zoning Commission's review and recommendation.

Subdivision Plats. The decision to approve or disapprove a preliminary or final plat should be based on technical standards that can be set out in written form. Standards for subdivision design are included in the subdivision regulations. Standards for engineering design and construction should be available from the Zoning Administrator. There are other elements of "good subdivision design," however, that are not easily quantified or expressed in writing. These include aesthetics, compatibility with adjoining subdivisions, relationship to topographic conditions, efficiency of the utility layout, and general suitability of the lot and block design to the intended use of the land. These issues will have to be resolved in the best judgment of the Planning and Zoning Commission after consideration of the plans for the subdivision.

In reviewing a subdivision plat, there are two distinct sets of interests to be considered: the interests of the property owner or owners and the City-at-large. Initially the subdivision is the property owner, but eventually lots in the subdivision are likely to be sold to a variety of people. The property owner(s) needs a subdivision design that can be developed easily and economically. This means an efficient street and utility layout and lots which have the appropriate size, shape and topography to develop and maintain for their intended use. The broader community needs a subdivision design that blends well with the development pattern of the City and that will not be a financial drain on local government. This means that the subdivision must adhere to appropriate standards for design and construction and give adequate financial guarantees to ensure that all public improvements are installed.

Development Approval in Lamar. Zoning regulations in the City of Lamar require that plans for developments, other than single-family and two-family dwellings, be reviewed by the Planning and Zoning Commission before building permits can be issued. Two stages of review are normally involved, preliminary and final. The preliminary plan is a detailed depiction of the entire project and its relationship to adjoining property. Elements that must be included are detailed in the zoning regulations.

Upon approval of the preliminary plans, the final plans may be prepared and submitted to the Planning and Zoning Commission and the Board of Aldermen for approval. Simultaneous submittal

of preliminary and final plans is allowed at the discretion of the City. It is the intent of the zoning process that final plans be essentially the working or contract drawings that will be used by the contractor in building the project.

ARTICLE 3

PLANNING AND ZONING COMMISSION BY-LAWS

1. Areas of Responsibility: It shall be the responsibility of the Planning and Zoning Commission to:
 - (A) cause the preparation, development and adoption of a comprehensive plan;
 - (B) formulate subdivision regulations;
 - (C) formulate zoning regulations;
 - (D) hold public hearings for proposed zoning changes and make a recommendation to the Board of Aldermen;
 - (E) consider flood plain development controls;
 - (F) perform an annual review of the Comprehensive Plan; and
 - (G) adopt bylaws.
2. Composition:
 - A. The Planning and Zoning Commission shall be composed of seven (7) voting members as follows:
 - (1) The Mayor;
 - (2) A member of the Board of Aldermen selected by the Board of Aldermen;
 - (3) Four citizens appointed by the Mayor and approved by the Board of Aldermen; and
 - (3) The city engineer or similar city official.
 - B. The Chairman and Secretary shall be elected by Commission members from among the citizen members, and shall hold office for one year and be eligible for reelection.
 - C. A Secretary Pro Tem, elected by the Commission members, shall chair the meeting in the absence of the elected officers.

3. Duties of Officers:

A. Chairman: The Chairman shall preside at all meetings and public hearings of the Planning and Zoning Commission and shall:

- (1) decide all points of order and procedure;
- (2) certify plats;
- (3) transmit reports and recommendations of the Planning and Zoning Commission to the Board of Aldermen; and
- (4) inform petitioners of decisions.

B. Secretary: The Secretary shall be responsible for:

- (1) keeping the minutes of the Planning and Zoning Commission meetings;
- (2) sending agendas to members of the Planning and Zoning Commission;
- (3) carrying out written correspondence;
- (4) maintaining the records of the Planning and Zoning Commission;
- (5) certifying, along with the Chairman, all plats; and
- (6) performing other duties as the Planning and Zoning Commission may require.

4. Meetings:

A. "Roberts Rules of Order" shall govern the conduct of meetings and the Chair shall appoint a parliamentarian.

B. There must be 4 of the 7 voting members present before a vote can be taken, unless the allotted time will have expired prior the next meeting or unless the petitioner requests a vote be taken.

C. The Planning and Zoning Commission shall hold meetings as necessary at a time and place to be designated by the Commission.

D. The motion shall be restated by the Chairman before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

E. An affirmative vote of a majority of a quorum is required to take action on a motion; except that an affirmative vote of a majority of the full Planning and Zoning Commission is required for approving subdivision plats, recommending adoption or amendment of the Comprehensive Plan and for recommending adoption of new zoning regulations.

F. Where such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the Governing Body with an explanation of the failure to establish an official vote on the subject in question. All members including the Chairman shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which there might be a conflict of interest and should state the nature of that conflict for the minutes.

G. When procedural and parliamentary rules adopted by the Planning and Zoning Commission conflict, parliamentary procedure shall be according to the "Roberts Rules of Order."

5. ~~Agenda Subjects:~~

A. Any interested party may request a place upon the agenda of a Planning and Zoning Commission meeting.

B. A copy of the agenda shall ordinarily be mailed to the members of the Planning and Zoning Commission so that they may review them at least three days prior to the meeting.

C. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chairman may allow consideration of non-agenda items.

D. Agenda for Regular Meeting:

(1) Meeting opened by Chairman

(a) Meeting called to order by Chairman;

(b) Roll call by name; and

(c) Motion to adopt minutes of previous meeting.

- (2) Public Hearings
- (3) Discussion Items
- (4) Old Business
- (5) New Business
- (6) Adjournment

E. Attendance at Meetings: In the event any member of the Commission shall fail to attend at least sixty-six percent of the meetings of the Commission over any nine-month period, such absence shall be the grounds for forfeiture of his office. If a member of the Commission is absent beyond the number of meetings allowable it will be up to the Chairman of the Commission to recommend dismissal to the Mayor.

6. Hearings:

A. The following procedure for conducting public hearings shall be observed:

- (1) staff presents the agenda item;
- (2) the Planning and Zoning Commission may ask questions regarding the staff presentation and report;
- (3) proponents of the agenda item make presentation;
- (4) opponents of the agenda item make presentations;
- (5) applicant makes rebuttal;
- (6) staff presents staff findings; and
- (7) Planning and Zoning Commission asks any questions it may have of the proponents, opponents or staff and then acts upon a motion.

B. The Zoning Administrator shall cause a notice of such public hearings to be published once in the official City newspaper and at least fifteen (15) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such a hearing and shall describe such proposal in general terms.

C. Action by the Planning and Zoning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

7. Recommendations: The Planning and Zoning Commission shall authorize a member of the Planning and Zoning Commission or staff to appear before the Board of Aldermen for the purpose of reporting recommendations of the Planning and Zoning Commission.

8. Committees:

A. The Planning and Zoning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.

B. The Chairman shall designate the members of each committee and shall name the Chairman of each committee. The Planning and Zoning Commission shall fill vacancies on committees as they are created.

9. Expenses:

A. The Planning and Zoning Commission may accept funds and services budgeted by the governing body.

B. The designated fiscal agent of the Planning and Zoning Commission shall be the Zoning Administrator of the City of Lamar.

10. Records and Reports:

A. The Planning and Zoning Commission shall keep a record of all proceedings, resolutions, transactions, findings and determinations.

B. All records of the Planning and Zoning Commission shall be available for public review.

C. The Planning and Zoning Commission shall annually review the Comprehensive Plan to determine if any portion has become obsolete and shall make a report to the Governing Body regarding same.

11. Amendments:

A. These rules of procedure may be amended by an affirmative vote of a majority of a quorum of the Commission, provided such amendment has been submitted in

writing to each member of the Commission at least three days prior to the meeting at which action is to be taken.

12. **Ethical Principles:** Members of the Planning and Zoning Commission who shall legally have a conflict of interest or believe that they may have a substantial interest as defined in State Statute, in any matter that is on the Commission's agenda, shall voluntarily excuse themselves, vacate their seat and refrain from discussion and voting on said item as a Commission member. Conflict of interest includes ownership of property or business in which the Commission is considering action, receipt of fees, salaries or gratuity from such business or businesses or a family relationship to an applicant seeking Commission action.

Approved this _____ day of _____, 199_

Planning and Zoning Commission of Lamar, Missouri

By

Attest

Chairman

Secretary

ARTICLE 4

BOARD OF ZONING ADJUSTMENT BY-LAWS

1. Areas of Responsibility: It shall be the responsibility of the Board of Zoning Adjustment to:
- A. conduct review of zoning procedure as established in the Zoning Ordinances; and
 - B. adopt bylaws.
2. Composition:
- A. The Board of Zoning Adjustment shall consist of five (5) members who are residents of the City.
 - B. The Chairman and Vice-Chairman shall be elected by Board members. The City shall appoint a recording secretary to the Board.
3. Duties of Officers:
- A. Chairman: The Chairman shall preside at all meetings and public hearings of the Board of Zoning Adjustment and shall:
 - (1) decide all points of order and procedure;
 - (2) inform petitioners of decisions.
 - B. Vice-Chairman: The Vice-Chairman shall assume the duties of the Chairman in his absence.
 - C. Recording Secretary: The Recording Secretary shall be responsible for:
 - (1) keeping the minutes of the Board of Zoning Adjustment meetings;
 - (2) sending agendas to members of the Board of Zoning Adjustment;
 - (3) carrying out written correspondence;
 - (4) maintaining the records of the Board of Zoning Adjustment;
 - (5) performing other duties as the Board of Zoning Adjustment may require.

4. Meetings:

A. "Roberts Rules of Order" shall govern the conduct of meetings and the Chair shall appoint a parliamentarian.

B. There must be 3 of the 5 members present before a vote can be taken.

C. The Board of Adjustment shall hold meetings at a time and place to be designated by the Board; except that the Chairman may cancel a regular meeting with at least three (3) days prior notice if it is determined that a quorum will not be present.

D. The motion shall be restated by the Chairman before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

E. An affirmative vote of four of the Board of Adjustment is required for certain actions, as required by statute.

F. When procedural and parliamentary rules adopted by the Board of Adjustment conflict, parliamentary procedure shall be according to the "Roberts Rules of Order."

5. Agenda Subjects:

A. Any interested party may request a place upon the agenda of a Board of Adjustment meeting.

B. A copy of the agenda shall ordinarily be mailed to the members of the Board of Adjustment so that they may review them at least three days prior to the meeting.

C. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chairman may allow consideration of non-agenda items.

D. Agenda for Regular Meeting:

(1) Meeting opened by Chairman

(a) Meeting called to order by Chairman;

(b) Roll call by name; and

(c) Motion to adopt minutes of previous meeting.

- (2) Public Hearings
- (3) Discussion Items
- (4) Old Business
- (5) New Business
- (6) Adjournment

E. Attendance at Meetings: In the event any member of the Board shall fail to attend at least sixty-six percent of the meetings of the Board over any nine-month period, such absence shall be the grounds for forfeiture of his office. If a member of the Board is absent beyond the number of meetings allowable it will be up to the Chairman of the Board to recommend dismissal to the Mayor.

6. Ethical Principles: Members of the Board of Adjustment who shall legally have a conflict of interest or believe that they may have a substantial interest as defined in State Statute, in any matter that is on the Board's agenda, shall voluntarily excuse themselves, vacate their seat and refrain from discussion and voting on said item as a Board member. Conflict of interest includes ownership of property or business in which the Board is considering action, receipt of fees, salaries or gratuity from such business or businesses or a family relationship to an applicant seeking Board action.

Approved this _____ day of _____, 199____

Board of Adjustment of Lamar, Missouri

By _____

Attest _____

Chairman

Secretary

ARTICLE 5

CODE OF CONDUCT

In administering the zoning regulations, it is crucial that the decisions be made fairly and that they have the appearance of fairness. The credibility of the Planning and Zoning Commission, the Board of Zoning Adjustment, the Governing Body, and public support for zoning regulations in general will erode quickly if there is an appearance of unfairness or impropriety in members of these public bodies. For this reason, it is important that a code of conduct be established and followed as closely as possible.

Conflicts of Interest. In making zoning decisions, members of the Planning and Zoning Commission, Board of Zoning Adjustment, and the Governing Body should be acting in the best interest of the entire community. Whenever a member of any of these bodies is acting on an issue in which he or she also has a personal interest, an important element of fairness is lost. In general, a conflict of interest is any situation in which a member is in a position to act upon or influence a development request which includes the potential for direct or indirect gain, financial or otherwise. In order to clarify this general rule, the following guidelines are recommended.

No member shall act on or influence any development request when:

1. The member has a potential for direct or indirect profit or financial gain from the development;
2. The member owns or is employed by any company which is an applicant, subdivision, developer or option holder;
3. The applicant, subdivision, developer or option holder is an established and regular client of the member or the member's place of employment;
4. One or more of a member's immediate family (parent, sibling, spouse or child) has a direct financial interest in the development or is an owner or officer of any company which is an applicant, subdivision, developer or option holder; or
5. The member has a potential for indirect financial gain or loss because of related property or business holdings.

Other situations not covered by these guidelines should be left to the judgment of the member involved. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality.

Ideally, citizens appointed to the Planning and Zoning Commission and Board of Zoning Adjustment should not include those who are likely to have repeated conflicts of interests. When a conflict of interest does occur, however, the following steps should be taken:

1. The member should declare and the record should show that a conflict of interest exists with respect to a particular issue and that the member will not participate in any discussion or action;

2. The member should step down from his or her regular seat and should not speak with any other members during the discussion of the issue at hand; and

3. The member should not represent or speak on behalf of the applicant, but may speak on his or her own behalf as a private citizen during the hearing.

Acknowledgment of Outside Information. During any public hearing, it is presumed that all sides will have the opportunity to hear the opposing side's information and arguments and to offer rebuttal. This right is lost when discussions are held or information is provided outside the public hearing. The possibility exists that a decision could be based on information that was never discussed publicly. To avoid this situation, Planning and Zoning Commission and Board of Zoning Adjustment members should not receive any information relating to a case or discuss a case with anyone who has an interest in the outcome. Where such a discussion or information is unavoidable, the member should declare during the hearing, and the record should show, the general nature and content of the discussion or information and the participants in the discussion or the source of the information.

These guidelines also apply to any personal knowledge which is relevant to the issue. If a member has any personal knowledge which will affect his or her decision, such information should be made public during the hearing and should be subject to rebuttal.

Informed Participation. All parties with an interest in a particular development issue have a right to a decision based on all of the available information. Any member who is not informed or aware of the available information should abstain from voting on that issue. This includes the following situations:

1. When a member has not reviewed the application or the information submitted with the application;
2. When a member has missed all or part of a public hearing and has not been able to review a transcript of the hearing; or

3. When a member has missed all or part of the discussion between members prior to the vote.

As a corollary to this policy, it is the duty of each member to attend normally scheduled meetings as regularly as possible. Without regular attendance, informed decision-making and full participation in the regulatory process is unlikely. The By-Laws of the Planning and Zoning Commission establish requirements and rules for attendance.

ARTICLE 6

ETHICAL PRINCIPLES

PLANNING AND ZONING COMMISSION AND STAFF

The Lamar Planning and Zoning Commission has officially adopted the following principles to govern the conduct of its business. These principles should be considered as advisory rather than mandatory. Should any questions arise about the interpretation and application of any of these principles, the City Attorney should be consulted.

1. Serve the Public Interest. The primary obligation of Planning and Zoning Commission members and planning staff is to serve the public interest.

2. Support Citizen Participation in Planning. Because the definition of the public interest is modified continuously, Planning and Zoning Commission members and planning staff must recognize the right of citizens to seek to influence planning decisions that affect their well-being. Members should encourage a forum for meaningful citizen participation and expression in the planning process and assist in clarifying community goals, objectives, and policies.

3. Recognize the Comprehensive and Long-Range Nature of Planning Decisions. Planning and Zoning Commission members and planning staff should recognize and give special consideration to the comprehensive and long-range nature of planning decisions. Planning and Zoning Commission members and planning staff must seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. Planning and Zoning Commission members and the planning staff must gather all relevant facts, consider responsible alternative approaches, and evaluate the means of accomplishing them. Planning and Zoning Commission members and planning staff should expressly evaluate foreseeable consequences before making a recommendation or decision.

4. Expand Choice and Opportunity for All Persons. Planning and Zoning Commission members and planning staff should strive to make decisions which increase choice and opportunity for all persons; recognize a special responsibility to plan for the needs of disadvantaged people; and urge that policies, institutions, and decisions which restrict choices and opportunities be changed.

5. Facilitate Coordination through the Planning Process. Planning and Zoning Commission members and planning staff must encourage coordination of the planning process. The planning process should enable those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and

accommodation of interests. Planning and Zoning Commission members and planning staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective planning decision receive adequate information far enough in advance of the decision to allow their meaningful participation.

6. Avoid Conflict of Interest. To avoid conflict of interest and even the appearance of impropriety, Planning and Zoning Commission members who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain, or provide an advantage to an immediate relation.

7. Render Thorough and Diligent Planning Service. Planning and Zoning Commission members and planning staff must render thorough and diligent planning service. Should a Planning and Zoning Commission member or members of staff believe s/he can no longer render such service in a thorough and diligent manner, s/he should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the member must not participate in that decision.

8. Not Seek or Offer Favors. Planning and Zoning Commission members and members of staff must seek no favor. Planning and Zoning Commission members and planning staff must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises, or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part. Individuals must not offer any gifts or favors intended to influence the recommendation or decision of Planning and Zoning Commission members or planning staff.

9. Not Disclose or Improperly Use Confidential Information for Financial Gain. Planning and Zoning Commission members and planning staff must not disclose or use confidential information obtained in the course of their planning duties for financial or other gain. A Planning and Zoning Commission member or staff must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the Planning and Zoning Commission member or member of staff has made reasonable efforts to verify the facts and issues involved, obtain reconsideration of the matter, and obtain separate opinions on the issue from other planners or officials.

10. Ensure Access to Public Planning Reports and Studies on an Equal Basis. Planning and Zoning Commission members and planning staff must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to a member or planning staff must be made available in the same form to the public in a timely manner at reasonable or no cost.

11. Ensure Full Disclosure at Public Hearings. Planning and Zoning Commission members and staff members must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question (received in the mail, by telephone, or other communication) part of the public record.

12. Maintain Public Confidence. A Planning and Zoning Commission member or member of staff must conduct himself/herself publicly so as to maintain public confidence in the public planning body, the City of Lamar and the official's performance of the public trust.

ARTICLE 7

PROCEDURAL SUMMARY

The final section of this manual is a step-by-step explanation of each type of zoning request. Also included are checklists to assist in the review of each request.

It is important to note that the official procedural requirements are contained in the zoning regulations themselves. This manual is a summary document intended to present the zoning process in an easily understood format.

ARTICLE 8

ZONING TEXT AMENDMENT PROCEDURE

A proposal for an amendment of the text of the Zoning Ordinance is initiated by either the Planning and Zoning Commission or the Board of Aldermen of the City of Lamar. A citizen may also begin the amendment process by submitting the proposed change to the Zoning Administrator, with a request for consideration by either the Planning and Zoning Commission or Board of Aldermen on the next regular meeting agenda.

1. If the text amendment is initiated by either the Planning and Zoning Commission or the Governing Body:

- A. A public hearing may be scheduled immediately.
- B. The Office of the Zoning Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 15 days prior to the hearing, and for following the administrative procedures for a text amendment as prescribed in Article 15 of the adopted zoning regulations.

C. The notice shall fix the time and place of the hearing and describe in general terms the proposed change.

D. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.

2. If the change is initiated by a private citizen and taken before the Planning and Zoning Commission:

A. The applicant shall first obtain a Zoning Text Amendment Application form from the Office of the Zoning Administrator.

B. The rezoning application form shall be completely filled out and returned to the Office of the Zoning Administrator with the appropriate filing fee and required information. An application shall not be scheduled for public hearing until the application form has been fully completed, the fee paid, and all required information submitted.

- C. The individual shall be allowed to present the proposed amendment at a regular meeting.
 - D. The Planning and Zoning Commission, based on the information presented, shall determine whether the proposal should be considered as an amendment.
 - E. If it is determined that the proposal has merit, the Planning and Zoning Commission may set a date for the public hearing and authorize the publication of the necessary public notice.
3. The public hearing may be adjourned from time to time and upon its conclusion the Planning and Zoning Commission shall prepare and adopt its recommendation to the Governing Body. The recommendation shall be submitted along with an accurate record of the public hearing.

CITY OF LAMAR, MISSOURI

ZONING TEXT AMENDMENT APPLICATION

Return Form to:
Zoning Administrator
City Hall
1104 Broadway
Lamar, Missouri 64485
417-682-5554
471-682-3288 (fax)

For Office Use Only:
Case No.: _____
Filing Fee: _____
Deposit: _____
Date Adversed: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: _____
Address: _____
Phone: _____
Zip: _____
Owner: _____
Address: _____
Phone: _____
Zip: _____

TEXT AMENDMENT PROPOSED:

Section to Be Amended: Article _____
Section _____
Present Text: _____
Proposed Text: _____

Reason for Amendment: _____

IMPACT OF AMENDMENT:

Does the amendment add language to the Zoning Ordinance? Yes _____ No _____
Does the amendment supplement an existing section? Yes _____ No _____
Does the amendment modify an existing section? Yes _____ No _____
Does the amendment repeal a section? Yes _____ No _____

Applicant's Signature _____
Date _____

Staff Signature _____

Title _____

ARTICLE 9

ZONING DISTRICT AMENDMENT PROCEDURE

A proposal for a change in district classification (rezoning) may be initiated by either the Board of Aldermen, the Planning and Zoning Commission, or by application of the owner of property affected.

1. The applicant shall first obtain the Rezoning Application form from the Office of the Zoning Administrator.

2. The Rezoning Application form shall be completely filled out and returned to the Office of the Zoning Administrator with the appropriate filing fee and required information. An application shall not be scheduled for public hearing until the application form has been fully completed, the fee paid, and all required information submitted.

3. The Office of the Zoning Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 15 days prior to the hearing. The Office of the Zoning Administrator shall be responsible for following the administrative procedures for a zoning district amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the change requested. A written notice shall also be mailed to notify surrounding property owners of the public hearing and of their right to file protest petitions and shall explain the protest procedure.

4. The Planning and Zoning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard.

5. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning and Zoning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing.

CITY OF LAMAR, MISSOURI
REZONING APPLICATION

Return Form to:
Planning and Zoning Commission
City Hall
1104 Broadway
Lamar, MO 64759
417-682-5554
417-682-3288 (fax)

For Office Use Only
Case No.: _____
Filing Fee: _____
Deposit: _____
Date Advertisd: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

PROPERTY INFORMATION:

Location of Property: _____
Legal Description: _____
Present Zoning _____
Requested Zoning: _____
Present Use of Property: _____
Acreage: _____

SURROUNDING LAND USE AND ZONING:

North	South	East	West
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Land Use

Zoning

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would the proposed change create a small, isolated district unrelated to surrounding districts? Yes _____ No _____
If yes, explain: _____
2. Are there substantial reasons why the property cannot be used in accord with existing zoning? Yes _____ No _____
If yes, explain: _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENTS:

5.	Additional Comments:	<hr/>			
1.	Appropriately Sized Lots?	Yes	_____	No	_____
2.	Properly Sized Street Right-of-Way?	Yes	_____	No	_____
3.	Drainage Easements?	Yes	_____	No	_____
4.	Utility Easements:	<hr/>			
	Electricity?	Yes	_____	No	_____
	Gas?	Yes	_____	No	_____
	Sewers?	Yes	_____	No	_____
	Water?	Yes	_____	No	_____

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

3.	Will turning movements caused by the proposed use create an undue traffic hazard?	Yes	_____	No	_____
	Street Name	<hr/>			
	Classification	<hr/>			
	Right-of-Way Width	<hr/>			

2.	Identify the classification of those street(s) as Arterial, Collector or Local and each Right-of-Way width:	<hr/>			
1.	Identify the street(s) with access to the property:	<hr/>			

TRAFFIC CONDITIONS:

2.	Is the proposed change consistent with the Future Land Use Map?	Yes	_____	No	_____
1.	Is the proposed change consistent with development policies?	Yes	_____	No	_____

CONFORMANCE WITH COMPREHENSIVE PLAN:

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may effect the character of the surrounding properties; and how the proposed change will benefit the City of Lamar.
3. Certified list of property owners within 185 feet

Applicant's Signature

Staff Signature

Title

Date

ARTICLE 10

CONDITIONAL USES

Certain uses or exceptions are permitted in some zoning districts only when a conditional use permit has been obtained from the Board of Aldermen. Such uses require special study with respect to specific location and design considerations to assure that they will have minimal negative impact on surrounding properties.

1. The applicant shall first meet with the Zoning Administrator to receive a full explanation of the zoning and conditional use requirements and obtain the Conditional Use Permit Application form.

2. The applicant shall submit a completed application form to the Office of the Zoning Administrator and pay the appropriate fee. The application shall include a plan showing existing and proposed structures on the property in question, adjacent property, parking spaces, driveways, and other information as required by the adopted zoning regulations. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.

3. The Zoning Administrator shall then schedule consideration of the application at the next regular meeting of the Planning and Zoning Commission. The Office of the Zoning Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 15 days prior to the hearing, and follow the adopted procedures for considering a conditional use permit as prescribed in the zoning regulations.

4. The Planning and Zoning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning and Zoning Commission shall prepare and adopt its recommendation to the Governing Body, using the Conditional Use Permit - Reasons For Determination form. This recommendation shall be submitted along with an accurate record of the public hearing.

CITY OF LAMAR

CONDITIONAL USE PERMIT APPLICATION

For Office Use Only

Case No.: _____
Filing Fee: _____
Deposit: _____
Date Adversised: _____
Date Notices Sent: _____
Public Hearing Date: _____

Return Form To:
Zoning Administrator
City Hall
1104 Broadway
Lamar, MO 64759
417-682-5554
417-682-3288 (fax)

APPLICANT INFORMATION:

Applicant: _____
Address: _____
Zip: _____
Phone: _____
Owner: _____
Address: _____
Zip: _____
Phone: _____

PROPERTY INFORMATION:

Location of Property: _____
Legal Description: _____
Present Zoning Classification: _____
Acreage: _____
Present Use of Property: _____
Proposed Land Use Activity: _____

ADJACENT ZONING AND LAND USE:

	North	_____	_____
	South	_____	_____
	East	_____	_____
	West	_____	_____

Land Use Zoning

Should this conditional use be valid only for a specific time period? Yes _____ No _____

If Yes, what length of time? _____

HAVE ADEQUATE PROVISIONS BEEN MADE FOR THE FOLLOWING? IF NO, ATTACH A SEPARATE SHEET EXPLAINING WHY.

	Yes	No
A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.		
B. Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.		
C. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.		
D. The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.		
E. The adequacy of required yard and open space requirements and sign provisions.		
F. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.		

ATTACHMENTS REQUIRED:

1. One copy of a legal description of the property on which the use is to be located.
2. One copy of the necessary descriptive material related to the intensity and extent of the proposed use, including any traffic conditions that may result; any danger from fire hazards; how the proposed use may effect the character of the surrounding properties; and how the proposed use will benefit the City of Lamar.
3. Ten copies of a site plan (drawn to a scale of 100 feet or less; the inch) that meets all ordinance requirements for the property on which the use is to be located, showing:

- (a) Approximate size and locations of all structures.
- (b) Access from streets.
- (c) Parking arrangements and numbers of spaces.
- (d) Interior drives and service areas.
- (e) Landscaped areas.
- (f) All proposed signs.

<p>Applicant's Signature _____</p> <p>Date _____</p>	<p>Staff Signature _____</p> <p>Title _____</p>
--	---

ZONING ADMINISTRATOR

CONDITIONS (IF ANY):

IN RECOMMENDING _____ (ACTION) OF THIS CONDITIONAL USE PERMIT, THE PLANNING AND ZONING COMMISSION CONSIDERED ALL STANDARDS LISTED IN THE Zoning Ordinance, AND ALL OTHER CONDITIONS LISTED FOR THAT USE IN OTHER SECTIONS OF THESE REGULATIONS. IN ADDITION, THE PLANNING AND ZONING COMMISSION FOUND THAT THE PROPOSED USE (DID/DID NOT) PROVIDE SAFEGUARDS TO ASSURE ITS COMPATIBILITY WITH THE SURROUNDING AREA.

_____ 19____ MEETING OF THE BOARD OF ALDERMEN.

THE GOVERNING BODY WILL CONSIDER THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION AT THE _____

_____ (ADDRESS OR LOCATION).

_____ (USE) TO BE LOCATED AT _____

DENIAL) OF A CONDITIONAL USE PERMIT FOR A _____ (ACTION: APPROVAL, CONDITIONAL APPROVAL, ZONING COMMISSION AT ITS REGULAR MEETING, RECOMMENDED

ON _____, 199____, THE CITY OF LAMAR PLANNING AND

Submit Questions To:
Zoning Administrator
City Hall
1104 Broadway
Lamar, MO 64759
417-682-5554

For Office Use Only:
Conditional Use Case No.: _____
Date of Action: _____
Action: _____
Expiration Date: _____

CONDITIONAL USE PERMIT
REASONS FOR DETERMINATION

ARTICLE 11

VARIANCE PROCEDURE

When an applicant feels that the strict application of the requirements of the zoning regulations would create an undue hardship, he or she may request a variance from the Board of Zoning Adjustment. The Board of Zoning Adjustment must base its decision, to as great a degree as possible, on factual evidence and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Ordinance and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

1. The applicant shall first meet with the Zoning Administrator and receive a complete explanation of the zoning requirement in question, the variance procedure, and an application form.

2. The applicant shall submit a completed application form and pay the appropriate fee. As a part of the application, a sketch map shall be submitted showing proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.

3. The Zoning Administrator shall schedule a regular meeting of the Board of Zoning Adjustment and send copies of the application to Board of Zoning Adjustment members upon receipt of a fully completed application. Fifteen days prior to the Board of Zoning Adjustment meeting, an official notice to the public shall be published in a newspaper of general circulation in the City explaining the variance request and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party of interest and to the Planning and Zoning Commission.

4. At the scheduled meeting, the Board of Zoning Adjustment shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Adjustment shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support all of the following findings:

a. *UNIQUENESS*

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical

surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

b. *ADJACENT PROPERTY*

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

c. *HARDSHIP*

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

d. *PUBLIC INTEREST*

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

e. *SPIRIT AND INTENT*

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

f. *MINIMUM VARIANCE*

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

5.

Minutes of the public meeting, including evidence presented during the proceedings and the findings of the Board of Zoning Adjustment, shall be kept. The Board of Zoning Adjustment may either grant, grant conditionally, or deny the application for a variance. The Board of Zoning Adjustment's written determination, using the Variance Application-Reasons For Determination, shall be sent to all affected parties, including the Planning and Zoning Commission.

CITY OF LAMAR, MISSOURI
VARIANCE APPLICATION

Return Form To:
Zoning Administrator
City Hall
1104 Broadway
Lamar, Missouri 64759
417-682-5554
417-682-3288 (fax)

For Office Use Only
Case No.: _____
Filing Fee: _____
Deposit: _____
Date Advertised: _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: _____
Address: _____
Phone: _____
Zip: _____
Owner: _____
Address: _____
Phone: _____
Zip: _____

PROPERTY INFORMATION:

Location of Property: _____
Legal Description: _____

ADJACENT ZONING AND LAND USE:

	North	South	East	West
Land Use	_____	_____	_____	_____
Zoning	_____	_____	_____	_____

Proposed Use of Property: _____

Present Use of Property: _____

Utility Lines or Easements That Would Restrict Proposed Development:

PLEASE INDICATE BELOW THE EXTENT TO WHICH THE FOLLOWING STANDARDS ARE MET, IN THE

APPLICANT'S OPINION. PROVIDE AN EXPLANATION ON A SEPARATE SHEET FOR EACH STANDARD WHICH IS FOUND TO BE MET.

1. **UNIQUENESS** _____ Yes _____ No

The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.

2. **ADJACENT PROPERTY** _____ Yes _____ No

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. **HARDSHIP** _____ Yes _____ No

The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.

4. **PUBLIC INTEREST** _____ Yes _____ No

The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

5. **SPIRIT AND INTENT** _____ Yes _____ No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. **MINIMUM VARIANCE** _____ Yes _____ No

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

Applicant's Signature _____

Date _____

Staff Signature _____

Title _____

CITY OF LAMAR, MISSOURI

VARIANCE APPLICATION
REASONS FOR DETERMINATION

Variance Case: _____

Date of Action: _____

ON _____, 19____, THE CITY OF LAMAR BOARD OF ZONING ADJUSTMENT,
AT ITS REGULAR MEETING,

(ACTION: APPROVED, CONDITIONALLY APPROVED, DENIED) THE

VARIANCE REQUESTED FROM SECTION _____ OF THE ZONING ORDINANCE FOR THE

PROPERTY AT _____ (ADDRESS OR

LOCATION) AS REQUESTED BY _____

(APPLICANT).

IN _____ (ACTION) THIS REQUEST, THE BOARD OF ZONING

ADJUSTMENT FOUND THAT THE VARIANCE (DID/DID NOT) FULFILL THE NECESSARY FIVE

CONDITIONS FOR VARIANCE APPROVAL. SPECIFICALLY, THE BOARD OF ZONING ADJUSTMENT

FOUND:

FINDINGS OF BOARD OF ZONING ADJUSTMENT ON EACH OF THE FOLLOWING CONDITIONS:

a.	Uniqueness	_____	_____
b.	Adjacent Property	_____	_____
c.	Hardship	_____	_____
d.	Public Interest	_____	_____
e.	Spirit and Intent	_____	_____
f.	Minimum Variance	_____	_____

Conditions (if any):

PLEASE CALL THE ZONING ADMINISTRATOR'S OFFICE AT 417-682-5554 WITH ANY QUESTIONS.

ZONING ADMINISTRATOR

ARTICLE 12

LOT SPLIT PROCEDURE

The intent of this section is to provide for the issuance of building permits on lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Governing Body, upon recommendation from the Planning Commission, may approve or disapprove lot splits in accordance with the lot split regulations set forth in the Subdivision Regulations.

1. The applicant shall first meet with the Zoning Administrator to receive an explanation of the lot split procedure, including its requirements and limitations, Lot Split Application, and a Lot Split Checklist.

2. The lot split application shall be completely filled out and returned to the Office of the Zoning Administrator with the appropriate fee. As a part of the application, four (4) copies of a scale drawing shall be submitted meeting the requirements indicated on the Site Plan Checklist.

3. The Planning Commission may make such recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of rights-of-way and easements, access control, and submission of covenants for the protection of other landowners in the original subdivision.

4. The Planning Commission shall, in writing to the Governing Body, either recommend approval, with or without conditions, or disapproval, of the lot split within thirty (30) working days of application. If approved by the Governing Body and after all conditions have been met, the Governing Body shall sign and furnish a certificate of approval to be affixed to the lot split survey and a certified copy thereof shall be filed with the Register of Deeds. Copies of the approved lot split shall also be provided to the Zoning Administrator and the applicant.

5. No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been ratified in the manner provided in the subdivision regulations.

CITY OF LAMAR, MISSOURI

APPLICATION FOR LOT SPLIT APPROVAL

1. The attached application form must be completely filled in before it can be filed. Portions of the form that are not applicable shall be marked N/A. All applications must be signed by the owner or his duly authorized agent.
2. The applicant should review the lot split provisions of the Subdivision Rules and Regulations to assure a complete understanding of the requirements.
3. The application shall be accompanied by four (4) copies of a scale drawing of the lots involved if there are no structures on the property. If structures are located on any part of the lot being split, four (4) copies of a survey of the lot showing the location of the structures thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application.
4. The application shall be accompanied by a copy of the Lot Split Checklist with the required items completed.
5. The filing fee for lot split approval is \$ _____.
6. The application, required drawings or survey, a copy of the checklist, and filing fee shall be filed with the Zoning Administrator at least fifteen (15) days prior to a regular Planning and Zoning Commission meeting at which the lot split is to be considered.

CITY OF LAMAR, MISSOURI

LOT SPLIT APPLICATION

For Office Use Only

Case No.: _____
Filing Fee: _____
Deposit: _____
Date Filed: _____

Return Form To:
Zoning Administrator
City Hall
1104 Broadway
Lamar, Missouri 64759
417-682-5554
417-682-3288 (fax)

APPLICANT INFORMATION

Name of Property Owner _____ Phone _____
Address _____
Name of Agent _____ Phone _____
Address _____
Name or Surveyor or Engineer _____ Phone _____
Address _____

LOT SPLIT INFORMATION:

1. General Location _____
2. Legal Description _____

3. Gross Acreage _____
4. Minimum Lot Frontage _____
5. Minimum Lot Area _____
6. Existing Zoning _____
7. Public Water Supply _____ Yes _____ No _____
8. Public Sanitary Sewer _____ Yes _____ No _____
9. Sidewalks: _____ Yes _____ No _____
10. Street Right-of-Way Width _____ Yes _____ No _____

The owner herein agrees to comply with the Subdivision Regulations for Lamar, Missouri, as amended, and all other pertinent ordinances or resolutions of the City, and States of the State of Missouri. It is agreed that all costs of recording the lot split and supplemental documents thereto with the Register of Deeds shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for the lot split.

Owner's Signature _____
Agent (if any) _____

OFFICE USE ONLY:

Received in the office of the Building Inspector on _____, 19____, together with the appropriate fee of \$_____.

Zoning Administrator _____

CITY OF LAMAR, MISSOURI

LOT SPLIT CHECKLIST

Lot Split Case No. LS - _____

Date Filed _____

INSTRUCTIONS:

Items A through D of the following checklist are to be completed by the Applicant or his engineer and shall accompany the lot-split when it is submitted to the Zoning Administrator.

	Yes	No
A. Have the four (4) required copies of the survey or drawing been submitted?	_____	_____
B. A lot split shall not be approved if the answer is yes to any of the following questions:		
1. Is a new street or alley required or proposed?	_____	_____
2. Is a vacation of streets, alleys, setback lines, access control or easements required or proposed?	_____	_____
3. Will the lot split result in significant increases in service requirements or interfere with maintaining existing service levels?	_____	_____
4. Is there less street right-of-way than required by these regulations or the Comprehensive Plan and such dedication cannot be made by separate instrument?	_____	_____
5. Are easement requirements unsatisfied?	_____	_____
6. Will such subdivision result in a tract without direct access to a street?	_____	_____
7. Will a standard-sized lot or parcel be created either in accordance with: lot area requirements of the Zoning Regulations?	_____	_____
8. Has the lot been previously subdivided under these lot split regulations?	_____	_____

C. Are any additional requirements necessary: Yes No

1. Installation of water lines?

2. Installation of sanitary sewer?

3. Installation of storm sewer?

4. Installation of sidewalks?

5. Street pavement?

6. Dedication of street right-of-way?

7. Dedication of easements?

8. Submission of deed restrictions?

D. How has installation been guaranteed?

1. Actual construction

2. Bond

3. Other surety

E. Has the filing fee of \$_____ been submitted?

F. Planning and Zoning Commission Action: _____ (Approval, Denial)

Date of Action: _____

G. Date filed with Register of Deeds: _____

City of Lamar, Missouri

Lot Split Approval Certificate

Know all men by these presents, that we, the undersigned owners of the property legally described herein have caused this Lot Split to be prepared and hereby certify that no other Lot Split has been previously filed on said property.

Owner's Signature

Owner's Signature

State of)
)

Be it remembered that on this _____ day of _____, 20____, before me, a notary public in and for said County and State, came _____
To me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same to be his/her / their voluntary act and deed.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public
(SEAL)

My commission expires: _____

Legal Description: (see attached document, Lot Split)

This Lot Split approved by the Lamar, Missouri Planning and Zoning Administrator this _____ day of _____, 20____.

Administrator

CITY OF LAMAR, MISSOURI

LOT SPLIT APPROVAL CERTIFICATE

LOT SPLIT NO. LS - _____

Know all men by these presents, that we, the undersigned owners of the property legally described herein have caused this Lot Split to be prepared and hereby certify that no other Lot Split has been previously filed on said property.

Owner's Signature

Owner's Signature

State of _____
)
County of _____

Be it remembered that on this _____ day of _____, 19____, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same to be his/her/their voluntary act and deed.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL)

Notary Public

My commission expires: _____

Legal Description:

(Insert legal description of each lot and the drawing showing the split)

This Lot Split approved by the Lamar, Missouri Planning and Zoning Commission this _____ day of _____, 19____.

Chairman

Secretary

This instrument was filed for record in the office of the Recorder of Deeds on the _____ day of _____, 19____, in Book _____, Page _____.

Recorder of Deeds

ARTICLE 13

APPEAL OF ADMINISTRATIVE DECISION

APPEAL PROCEDURE

Where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance, or of any ordinance adopted pursuant thereto, that interpretation may be appealed to the Board of Zoning Adjustment. In its deliberations, the Board of Zoning Adjustment must only consider whether or not the interpretation in question conformed to what was actually written in the regulations. The Board of Zoning Adjustment may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The Board of Zoning Adjustment can clarify ambiguities or resolve conflict between opposing sections. Since the Board of Zoning Adjustment's decisions will affect future applications of the regulation in question, the specific hardships of the applicant should not be considered when reaching a determination.

1. The applicant shall first meet with the Office of the Zoning Administrator to receive a full explanation of the zoning requirement in question as currently interpreted. If an appeal is to be made, a Zoning Appeal of Administration Application form shall be obtained.

2. The applicant shall file a completed application with the Office of the Zoning Administrator and pay the appropriate fee. The application shall include an explanation of the decision being appealed and a statement of the reasons for the appeal. Drawings of the property in question and a list of all surrounding property owners may be required. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.

3. When an application has been fully completed, the fee paid and all required information submitted, the Zoning Administrator shall then schedule a regular meeting of the Board of Zoning Adjustment and send copies of the application to members of the Board of Zoning Adjustment. Fifteen days prior to the Board of Zoning Adjustment meeting, an official notice to the public shall be published in a newspaper of general circulation in the City explaining the appeal and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party of interest and to the Planning and Zoning Commission.

4. At its scheduled meeting, the Board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The appeal must be heard by the Board within a reasonable period of time from the completed application and fee submittal and a written decision must be rendered without unreasonable delay.

5. The Board of Zoning Adjustment may either affirm, reverse or modify the order, requirement or interpretation at issue. The determination, in written form using the Zoning Appeal of Administrative Decision - Reasons for Determination, shall be sent to all affected parties including the Planning and Zoning Commission. A recorder shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.

ZONING APPEAL OF ADMINISTRATIVE DECISION APPLICATION

Submit Questions to:
Zoning Administrator
City Hall
1104 Broadway
Lamar, Missouri 64759
417-682-5554
417-682-3288 (fax)

For Office Use Only

Case No.: _____
Filing Fee: _____
Deposit: _____
Date Advised: _____

APPLICANT INFORMATION:

Applicant: _____
Phone: _____
Address: _____
Zip: _____
Owner: _____
Phone: _____
Address: _____
Zip: _____

PROPERTY INFORMATION:

Location of Property: _____
Legal Description: _____
Section of Zoning Ordinance Being Appealed: _____
Explanation of Decision Being Appealed: _____

Present Use of Property: _____
Proposed Use of Property: _____

Applicant's Signature _____

Date _____

Staff Signature _____

Title _____

ARTICLE 14

SITE PLAN REVIEW

Site Plan Review is required for all developments in the "R-2", "R-3", "R-4", "C-1", "C-2", "M-1", and "M-2" District.

1. The developer shall first meet with the Zoning Administrator to discuss the proposed site plan, and receive a Site Plan Review Application and Site Plan Review checklist.
2. The developer shall submit a site plan that shall contain all information required as indicated by the Site Plan Review Checklist. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

3. The developer shall submit a site plan at a scale of 1 inch equals 20 feet, on standard 24" x 36" sheets.

4. The Zoning Administrator shall review the Site Plan and prepare recommendations for the Planning Commission. The Planning Commission shall either approve, approve with conditions, or deny the site plan.

5. The decisions of the Planning Commission shall be based on the standards set forth in Section 5 of Article 12 of the Zoning Ordinance.

CITY OF LAMAR, MISSOURI

SITE PLAN APPLICATION

For Office Use Only

Case No.: _____

Filing Fee: _____

Deposit: _____

Return Form To:

Zoning Administrator

City Hall

1104 Broadway

Lamar, MO 64759

417-682-5554

417-682-3288 (fax)

APPLICANT INFORMATION:

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

PROPERTY INFORMATION:

Address of Property: _____

Legal Description: _____

Present Zoning Classification: _____ Acreage: _____

Present Use of Property: _____

Proposed Use of Property: _____

ADJACENT ZONING AND LAND USE:

Land Use

Zoning

North
South
East
West

Title _____

Staff Signature _____

Date _____

Applicant's Signature _____

Owner's Signature _____

Date _____

- Site Plan Review Checklist
- 14 copies of site plan

ATTACHMENTS REQUIRED:

		Does the proposed site plan meet the following criteria? If yes, attach a separate sheet explaining why.
No	Yes	
1.		Does the proposal conform with the provisions of the City's Zoning Ordinance?
2.		Will the development be compatible with the surrounding area?
3.		Does the proposal conform with the provisions of the City's Subdivision Regulations?
4.		Does the proposal conform with the customary engineering standards used in the City?
5.		Are the streets, paths, walkways, and driveways located such that they enhance safety and minimize any adverse traffic impact on the surrounding area?

CITY OF LAMAR, MISSOURI

SITE PLAN CHECKLIST

Return Form To:
Zoning Administrator
City Hall
1104 Broadway
Lamar, MO 64759
417-682-5554

For Office Use Only:

Subdivision No.: _____
Date Filled: _____
Date of Meeting: _____
Filing Fee: _____
Deposit: _____

1. Name of Project: _____
2. Location of Project: _____
3. Name of Owner: _____
4. Name of Person who prepared the Site Plan: _____

5. Instructions:

The following checklist is to be completed by the Zoning Administrator and shall accompany the Site Plan when it is submitted to the Planning and Zoning Commission. The Site Plan shall include the following data, details and supporting information which are found to be relevant to the proposal. All site plans shall be prepared by an architect or landscape architect registered in the State of Missouri, or by a professional engineer licensed in the State of Missouri. The number of pages submitted will depend on the proposal's size and complexity.

Does the Site Plan comply with or show the following? Yes No

A. Name of the project, address, boundaries, date, north arrow and scale of the plan. _____

B. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect. _____

C. Name and address of all owners of record of abutting parcels. _____

D. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures. _____

No									
Yes									
	The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations. For developments in the "C-2" Central Commercial District, indicate design details to make new construction compatible with existing structures.								
	E. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown.								
	G. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties.								
	H. The location, height, size, materials, and design of all proposed signage.								
	I. A landscape plan showing all existing open space, trees forest cover and water sources, and all proposed changes to these features including the size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.								
	J. The location of all existing and proposed utility systems including:								
	1. sewer lines and manholes;								
	2. water lines and fire hydrants;								
	3. telephone, cable and electrical systems; and								
	4. storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales.								
	K. Plans to prevent the pollution of surface or groundwater, the erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.								

L. Existing and proposed topography shown at not more than two-foot contour intervals. All elevation shall refer to United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements	_____	_____
M. Existing and proposed zoning district boundaries adjacent to the sites perimeter shall be drawn and identified on the plan.	_____	_____
N. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.	_____	_____
O. The Zoning Administrator may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:	_____	_____
1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.	_____	_____
2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and	_____	_____
3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.	_____	_____

Yes _____
No _____

ARTICLE 15

SIGN PERMIT PROCEDURE

No sign except temporary signs as defined in Article 9 - Sign Regulations of the Zoning Ordinance, may be erected or altered until a sign permit has been issued by the Zoning Administrator. The application requirements for a sign permit are regulated by Article 9 - Sign Regulations of the Zoning Ordinance.

1. The applicant shall first meet with the Building Inspector and receive a complete explanation of the sign regulations in questions, the sign permit procedure, and a Sign Permit Application.
2. The applicant shall submit a completed original application, any required attachments, and pay the appropriate fee to the Building Inspector.
3. The Building Inspector shall review the sign permit application to determine whether the proposed sign complies with all the applicable sign regulations. Within 15 days of the submission of a complete application for a sign permit, the Building Inspector shall either issue the sign permit or deny the sign permit, indicating the reasons for the denial.

Lamar, Missouri
SIGN PERMIT APPLICATION

For Office Use Only:

Case No.: _____

Date Filled: _____

Filing Fee: _____

Deposit: _____

Return Form To:

Zoning Administrator

City Hall

1104 Broadway

Lamar, MO 64759

417-682-5554

APPLICANT INFORMATION:

Applicant: _____

Address: _____

Owner: _____

Address: _____

PROPERTY INFORMATION:

Address of Property: _____

Present Zoning Classification: _____

SIGN INFORMATION:

Functional Type of Sign Proposed:

Advertising Sign/Billboard

Bulletin Board Sign

Business Sign

Identification Sign

Memorial Sign

Name Plate Sign

Structural Type of Sign Proposed:

Awning, Canopy or Marquee Sign

Elevated Sign

Ground Sign

Monument Sign

Projecting Sign

Roof Sign

Wall Sign

Window Sign

Sign Height: _____

Gross Area of Sign: _____

Construction materials: _____

Is the sign illuminated? Yes No

Is the sign flashing or moving? Yes No

REQUIRED ATTACHMENTS:

1. Plans and specifications of the proposed sign.

2. An engineer's certificate certifying the proposed sign and its construction to be of safe design.

Applicant Signature _____

Date _____

Staff Signature _____

Title _____

Lamar, Missouri
SIGN PERMIT

For Office Use Only:

Case No.: _____

Date Filed: _____

Filing Fee: _____

Deposit: _____

Submit Questions To:

Zoning Administrator

City Hall

1104 Broadway

Lamar, MO 64759

417-682-5554

APPLICANT INFORMATION:

Applicant: _____

Address: _____

Owner: _____

Address: _____

Zip: _____

PROPERTY INFORMATION:

Address of Property: _____

Present Zoning Classification: _____

CERTIFICATION IS HEREBY MADE THAT:

The proposed _____
(Functional and Structural Sign Type)

sign located at _____
(Property Address) is in conformity

with the sign regulations set forth in Article 9 of the Zoning Ordinance for the _____
(Zoning District)

zoning district. Therefore, this sign permit for a _____
(Sign Type) sign at

_____ day of _____
(Property Address) is hereby issued this _____

Building Inspector
Lamar, Missouri

ARTICLE 17

ZONING VIOLATION PROCEDURE

The owner or agent of a building or premises in or upon which a violation of any provision of the Zoning 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 violation has been committed or shall exist, shall be punished by a fine not to exceed five hundred (\$500.00) dollars for each offense. Each and every day that such violation continues shall constitute a separate offense.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of the Zoning Ordinance, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

An initial notification letter is to be sent upon initial discovery of the violation. If the action which is to be taken to resolve the violation is not completed within thirty (30) days of the date of the initial notification letter, then a stop order shall be served. Further action shall be taken as described in the Zoning Ordinance if the action which is to be taken to resolve the violation is still unresolved within ten (10) days of the service of the stop order. Following are samples of the Initial Notification of Violation and the Zoning Violation Stop Order letters.

SAMPLE LETTER OF INITIAL NOTIFICATION OF VIOLATION*

(Current Date) December 25, 1997

(Name of Person in Violation) J. Y. Dog

(Address) 1313 Violator's Lane

(City, State Zip) Lamar, MO 64759

(Salutation and Name) Dear Mr. Dog:

It has recently come to the attention of the City of Lamar that you have (insert general description of violation) accumulated a large amount of junk vehicles and debris on property you own located at 1313 Violator's Lane, Lamar, Missouri.

The Lamar Zoning Ordinance prohibits (insert general description of violation) the accumulation or storage of debris and junk on property that is not designated as a junk yard. (List the Article, Section and Subsection violated and its requirements) Article 6, Section 609, Open Storage requires that "the storage of salvage or scrap materials, inoperable motor vehicles, household goods or furniture, or business equipment or materials for more than forty-eight (48) consecutive hours shall not be allowed in any residential district unless such items are stored in a completely enclosed building and are clearly secondary to the primary use of the property."

(List any additional violations or supporting references) The Zoning Ordinance also addresses the parking of vehicles on informal, unpaved surfaces, on a regular or semi-regular basis. Article 7, Section 703, Subsection C states "Off street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as contained in the Off-street Parking Standards of this Article." Further, Article 7, Section 703, Subsection E states "All off-street parking and loading areas, including driveways and aisles, shall be graded and paved with asphalt, concrete or asphaltic concrete."

Due to these violations, it is requested that (list action to be taken) the vehicles and debris be removed properly from the property within thirty days of the date of this letter, or the city will be forced to send a Zoning Violation Stop Notice. In addition, please contact this office upon completion of this action. Should you have any questions regarding this matter, please feel free to contact this office at (417) 682-5554 between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday, unless otherwise posted.

Sincerely,

Zoning Administrator
Lamar, Missouri

* Text shown in italics to be replaced as indicated by bold text located in parentheses.

(SAMPLE LETTER OF ZONING VIOLATION STOP ORDER*)

Lamar, Missouri
Zoning Violation Stop Order

DATE: (Current Date)

TO: (Name of Person in Violation)

(Title, if any)

(Address)

(City, State Zip)

1. Pursuant to power and authority vested by the provisions of RSMo 89.020 et. seq. as amended and Article 14 of the Zoning Ordinance of Lamar, Missouri, you are hereby notified that you are in violation of the Zoning Ordinance of Lamar, Missouri.

2. Description of Violation:

You are in violation of Article _____, Section _____, Subsection _____, "*insert quotation of section or subsection being violated.*"

3. You are hereby ordered to correct or remove the aforementioned violation. Unless such action is taken within ten (10) days of the service of this stop order upon you, such violation shall constitute a misdemeanor as provided in R.S.Mo. 89.020 et. seq. of the Revised Statutes of Missouri, and Article 14 of the Zoning Ordinance of Lamar, Missouri and appropriate legal proceedings shall be instituted in the Circuit Court of Lamar, Missouri to abate or correct such violation as provided in Article 14 of the Zoning Ordinance of Missouri.

4. You are further advised that a misdemeanor is punishable by a fine of from one dollar to five hundred dollars, by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

(Signature)

Zoning Administrator
Lamar, Missouri

* Text shown in italics within the parentheses indicates sections to be added.

ARTICLE 17
PUBLIC HEARING NOTICES

The City of Lamar and/or the Applicant is required to notify the general public and/or specific property owners of public hearings to be held prior to acting on the following applications:

- Zoning and Subdivision Text Amendments;
- Zoning District Amendments;
- Conditional Use Permits;
- Variances; and
- Appeals of Administrative Decisions.

1. The Zoning Administrator shall be responsible for publishing notice of a public hearing to be in a newspaper of general circulation in Lamar at least fifteen (15) days prior to such hearing. The Notice of Public Hearing shall contain the following:

- (1) the particular location of the real estate for which the variance is requested by legal description and street address, and if not street address then by locating such real estate with reference to any well-known landmark, highway, road, thoroughfare or intersection;
- (2) whether or not the petitioner or applicant is acting for himself or in the capacity of agent, alter ego, or representative of a principal, and stating the name and address of the actual and true principal;
- (3) whether petitioner or applicant is a corporation, and if a corporation, the correct names and addresses of all officers and directors, and of all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation;
- (4) whether the petitioner or applicant, or his principal if other than applicant, is a business or entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity;
- (5) whether the petitioner for application is a partnership, joint venture, syndicate or an unincorporated voluntary association, and if so, the names and addresses of all partners, joint venturers, syndicate members or members of the unincorporated voluntary association; and
- (6) a brief statement of what the proposed variance consists.

2. In addition to the published notice for Rezoning, Special Use Permit, Conditional Use Permit and/or Appeals of Administrative Decision, a written notice of the public hearing shall be mailed by the applicant to notify surrounding property owners within 185 feet of the front property line. For Appeals of Administrative Decision, the written notice shall include a statement of their right to file protest petitions and an explanation of the protest procedure. This notice shall be mailed, return receipt requested, to all owners of record of lands that abut or are opposite the property to which the specific application applies. Said notice shall be sent at least fifteen (15) days before the hearing at which said application is scheduled to be considered. The notice shall fix the time and place for such hearing as determined by the Zoning Administrator and shall contain the following:

- A statement regarding the proposed application;
- A legal description or general description that is sufficient to identify the property under consideration; and
- A statement that a complete legal description is available for public inspection and shall indicate where such information is available.

3. The applicant shall furnish all return receipts to the Office of the Zoning Administrator. Such notice is sufficient to permit the appropriate bodies to take action on a proposed application as described in the published notice.

OFFICIAL NOTICE (Sample)

Public Hearing for Zoning Text Amendment

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at _____ p.m. on _____, 199____ the Lamar Planning Commission, at City Hall, 1104 Broadway, Lamar, Missouri will consider the following amendment to the Zoning Ordinance:

Section to Be Amended: Article _____ Section _____

Present Text: _____

Proposed Text: _____

Reason for Amendment: _____

As provided in the Zoning Ordinance of Lamar, Missouri, the above amendment will be discussed and considered by the Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes.

CERTIFIED, this _____ day of _____, 199____

Zoning Administrator

OFFICIAL NOTICE (Sample)

Public Hearing for Zoning District Change

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 199____ the Planning Commission, at City Hall, 1104 Broadway, Lamar, Missouri, will consider the following application:

Case No. _____

Zone change from the _____ district to the _____ district for property legally described and

generally located as follows: (include a legal description and general location including address if any, i.e. 201 S. Main -- approximately 1/4 mile south of Grand Avenue on the southeast corner of the intersection of Main and 2nd Street)

General Description: _____

Legal Description: _____

As provided in the Zoning Ordinance of Lamar, Missouri, the above amendment will be discussed and considered by the Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Commission. Property owners within 185 feet of the property wanting to protest the proposed change and will have fourteen days after the Planning Commission makes its recommendation regarding the requested rezoning to submit protest petitions. If the landowners of the proposed change file valid protest petitions prior to the deadline, the change can be approved only by at least a 3/4 majority vote of the Board of Aldermen. Protest petitions area available in the office of the Zoning Administrator.

Certified, this _____ day of _____, 199____.

Zoning Administrator

OFFICIAL NOTICE (Sample)

Public Hearing for Conditional Use Permit

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 199____ the Lamar Planning Commission, at City Hall, 1104 Broadway, Lamar, Missouri, will consider the following Conditional Use Permit application:

Case No. _____

Location of Property: _____
Legal Description: _____

Present Zoning Classification: _____
Acreage: _____

Present Use of Property: _____

Proposed Land Use Activity: _____

Period of Time Land Use is Proposed For: _____

As provided in the Zoning Ordinance of Lamar, Missouri, the above Conditional Use Permit application will be discussed and considered by the Planning Commission and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest against any of the provisions of the proposed changes to the Zoning Ordinance will be considered by the Planning Commission. Property owners within 185 feet of the front property line of such property described above, wanting to protest the proposed change and will have fourteen days after the Planning Commission makes its recommendation regarding the requested rezoning to submit protest petitions. If the landowners of the proposed change file valid protest petitions prior to the deadline, the change can be approved only by at least a 3/4 majority vote of the Board of Aldermen. Protest petitions are available in the office of the Zoning Administrator.

Certified, this _____ day of _____, 199____.

Zoning Administrator

OFFICIAL NOTICE (Sample)

Zoning Administrator

CERTIFIED, this _____ day of _____, 199_____.

As provided in the Zoning Ordinance of Lamar, Missouri, the above amendment will be discussed and considered by the Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes.

Reason for Variance Request:

Text:

Variance Requested To: Article _____, Section _____

Proposed Use of Property: _____

Present Use of Property: _____

Legal Description: _____

Location of Property: _____

Case No. _____

Notice is hereby given that at _____ p.m. on _____, _____, Lamar, Missouri, will consider the following Variance: _____

To whom it may concern and to all persons interested:

Public Hearing for Variance Request

OFFICIAL NOTICE (Sample)

City Attorney

(Apply Seal)

APPROVED AS TO FORM:

City Clerk

ATTEST:

ADOPTED IN LAMAR this _____ day of _____, 199_____.

Aldermen and publication in the official City newspaper.
SECTION 3 (Or 2). That this Ordinance shall take effect and be in force from and after its adoption by the Board of

reference, and re incorporated as a part of the Zoning Ordinance, as amended.
SECTION 2. (Include if applicable) That upon the taking effect of this Ordinance, the above (Select appropriate action) *Rezoning, Text Amendment, etc.* shall be entered and/or shown on or in the Zoning Ordinance, previously adopted by

(Restate a general description of the action being taken and provide legal description if applicable)

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Zoning Ordinance of Lamar, Missouri, (Select appropriate action) i.e. zoning classification or districts of lands legally described hereby are changed as follows; the Zoning Ordinance for Lamar, Missouri are hereby amended as follows; a Conditional Use permit is allowed for the lands legally described hereby as follows; etc.)

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF LAMAR, MISSOURI

AN ORDINANCE (Select appropriate action) i.e., Allowing for a Conditional Use Permit in a "C-3" District as permitted by the Lamar Zoning Ordinance; Amending the Lamar, Missouri Zoning Ordinance, which were adopted by ordinance no. _____; Changing the Zoning Classification or Districts of Certain lands located in Lamar, Missouri under the authority granted by the zoning ordinance of Lamar, Missouri, etc.

ORDINANCE NO. _____

Published in the _____ (City/County Newspaper) on _____, 199_____.

(Select a Procedure) Zoning Text Amendment

ORDINANCE (Sample)

PROTEST PETITION INSTRUCTIONS

The attached protest petition form may be used to submit protests to the Board of Aldermen in Zoning District Amendment, Conditional Use Permit and Appeals of Administrative Decision cases.

If a protest against such action is filed in the office of the Zoning Administrator within fourteen (14) days after the conclusion of the Planning Commission public hearing, duly signed and acknowledged by the owners of twenty percent (20%) or more of any real property proposed for which the case applies or by the owners of twenty percent (20%) of the total area, excepting public streets and ways, located within 1000 feet of boundaries of said property such amendment shall not be passed except by three-fourths (3/4) vote of the Board of Aldermen.

IN FILLING THIS FORM, PLEASE:

1. Enter in Section I of the petition the information about the property against which the protest is being made.
2. Use a separate form for each property owner(s) submitting a protest. In the case of joint or multiple ownership of a single lot, each owner petitioning shall sign the same protest petition.
3. Enter in Section II of the petition the following:

- A. Your full name (all names of joint or multiple owners).
- B. The full legal description by lot, block and addition (or by metes and bounds description) of your property.
- C. Have each of the signatories acknowledged by a notary public.

PROTEST PETITION

SECTION 1. The undersigned property owners protest the proposed action considered for property described in Case No. _____, _____, _____ (describe action).

SECTION 2. Protestor(s).

A) _____ (Signature)
Property Owned
Lot(s) Block(s) Addition

(Printed Name)

B) _____ (Signature)

(Printed Name)

(If the land is not platted, attach a metes and bounds or legal description on a separate sheet.)

ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

Be it remembered that on this _____ day of _____, 199____, before me, a notary public in and for said county and state, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public
My Commission Expires _____

ALL SIGNATURES MUST BE ACKNOWLEDGED

Additional statements of acknowledgment may be attached and made a part of this petition as necessary.

Received at the office of the Zoning Administrator at _____ (a.m/p.m) on _____ (Month, Day, Year) by _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR THE CITY OF LAMAR, MISSOURI, ORDINANCE NO. 1523, BY CHANGING THE ZONING DESIGNATION ON PROPERTY LOCATED AT 1201 EAST 12TH STREET FROM C-1 (GENERAL COMMERCIAL DISTRICT) TO M-1 (BUSINESS PARK DISTRICT). THE PLANNING AND ZONING COMMISSION RECOMMENDED THAT THE CITY DENY THE PROPOSED AMENDMENTS HEREIN PROVIDED, THEREFORE, SIX (6) "YES" VOTES ARE REQUIRED FOR THE PASSAGE OF THIS ORDINANCE.

BE IT ORDAINED by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. The zoning designation made by Ordinance No. 1523, as it applies to the following described property located in Lamar, Barton County, Missouri, to-wit:

A tract commencing at the Northwest Corner of Southwest Quarter of Section Twenty-Nine (29), Township Thirty-Two (32), Range Thirty (30), in the City of Lamar, Barton County, Missouri, and running thence East 20 rods, thence South 40 rods, thence West 20 rods, thence North 40 rods to the place of beginning, except that part heretofore conveyed for Highway purposes, SUBJECT to the provisions and terms of City Zoning Ordinance No. 1523, as amended, and SUBJECT to easements of record,

is hereby changed from C-1 (General Commercial District) to M-1 (Business Park District).

Section 2. This Ordinance shall be in force and effect from and after its passage and approval.

Section 3. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

PASSED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Lamar, Missouri, this 30th day of July, 2019.



ATTEST:

By Kent M. Harris, Mayor

By Bev Baker, City Clerk

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LAMAR, MISSOURI, BY ADDING LANGUAGE TO PERMIT MEDICAL MARIJUANA FACILITIES IN CERTAIN DISTRICTS AND BY ADDING ADDITIONAL REGULATIONS APPLICABLE TO THE SAME, INCLUDING A 750 FOOT BUFFER ZONE. THE PLANNING AND ZONING COMMISSION RECOMMENDED THAT THE CITY DENY THE PROPOSED AMENDMENTS AS HEREIN PROVIDED, THEREFORE, SIX (6) "YES" VOTES ARE REQUIRED FOR THE PASSAGE OF THIS ORDINANCE.

WHEREAS, Ordinance 1523, known as "the Zoning Ordinance of the City of Lamar, Missouri", (hereinafter the "Zoning Ordinance"), was adopted for the purpose of promoting the public health, safety, comfort, morals, convenience and general welfare of the City; and

WHEREAS, the voters of the State of Missouri approved an amendment to Article XVI of the Missouri Constitution establishing a Right to Access Medical Marijuana and allowing for the limited legal production, distribution, sale and purchase of marijuana for medical use; and

WHEREAS, the City desires to amend the Zoning Ordinance to clarify regulations regarding medical marijuana in accordance with the purposes of the Missouri Constitution; and

WHEREAS, the City desires to protect the public health and safety by establishing reasonable regulations on medical marijuana related businesses regarding noise, air quality, neighborhood safety, security and other health and safety concerns; and

WHEREAS, in accordance with procedures established in the Zoning Ordinance and Chapter 89 of the Revised Statutes of Missouri, proceedings were initiated to amend the Zoning Ordinance as hereinafter set forth; and

WHEREAS, public notice was given by publication in the Lamar Democrat on July 10, 2019, a newspaper having a general circulation in the City of Lamar, Missouri, that a public hearing of the Zoning and Planning Commission would take place on July 25, 2019 at 5:15 P.M., where the Planning and Zoning Commission of said City would consider the aforesaid amendments; and

WHEREAS, on July 25, 2019, at 5:15 P.M., the Zoning and Planning Commission did conduct said public hearing, and did evaluate the proposed amendments to the Zoning Ordinance; and

WHEREAS, at said public hearing, the Planning and Zoning Commission did conclude and recommend to the Board of Aldermen that the hereinafter described amendments to the Zoning Ordinance should be denied.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. Section 2 of Article 2, "Definitions," of the Zoning Ordinance of the City of Lamar, Missouri (the "Zoning Ordinance") is hereby amended by adding the following definitions as subparts, which subparts shall hereafter read as follows:

Medical Marijuana Cultivation Facility. A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport and sell marijuana to a Medical Marijuana Dispensary

Facility, Medical Marijuana Testing Facility or a Medical Marijuana Infused Products Manufacturing Facility.

Medical Marijuana Dispensary Facility. A facility licensed by the State of Missouri to acquire, store, sell, transport and deliver marijuana, marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient, a primary caregiver, another licensed Dispensary Facility, a licensed Testing Facility or a licensed Manufacturing Facility.

Medical Marijuana Facility. A Medical Marijuana Cultivation Facility, Medical Marijuana Dispensary Facility, Medical Marijuana Infused Products Manufacturing Facility, Medical Marijuana Testing Facility or Medical Marijuana Transportation Facility.

Medical Marijuana Infused Products Manufacturing Facility. A facility licensed by the State of Missouri to acquire, store, manufacture, transport and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility or to another Medical Marijuana Infused Products Manufacturing Facility.

Medical Marijuana Testing Facility. A facility certified by the State of Missouri to acquire, test, certify and transport marijuana.

Medical Marijuana Transportation Facility. A facility certified by the Missouri Department of Health and Senior Services to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility or another medical marijuana-transportation facility.

Qualifying Patient. A Missouri resident diagnosed with at least one qualifying medical condition.

Other than as specifically set forth hereinabove, all other definitions and subparts of Section 2 of Article 2, "Definitions," of the Zoning Ordinance shall be unaffected by this amendment and shall remain in full force and effect.

Section 2. Section 1 (Use Table) of Article 5 (Use Regulations) of the Zoning Ordinance is hereby amended by adding the following permitted uses:

Medical Marijuana Cultivation Facility

Medical Marijuana Dispensary Facility

Medical Marijuana Infused Products Manufacturing Facility

Medical Marijuana Testing Facility

Medical Marijuana Transportation Facility.

Section 3. Section 1 (Use Table) of Article 5 (Use Regulations) of the Zoning Ordinance is hereby amended by permitting the following uses in C-1 (General Commercial District) zoning district:

Medical Marijuana Dispensary Facility.

Section 4. Section 1 (Use Table) of Article 5 (Use Regulations) of the Zoning Ordinance is

hereby amended by permitting the following uses in M-1 (Business Park District) and M-2 (Heavy Industrial District) zoning districts:

- Medical Marijuana Cultivation Facility
- Medical Marijuana Infused Products Manufacturing Facility
- Medical Marijuana Testing Facility
- Medical Marijuana Transportation Facility.

Section 5. Section 2 (Use Standards) of Article 5 (Use Regulations) of the Zoning Ordinance is hereby amended by adding a new Subsection BB, "Medical Marijuana Facilities," which subsection shall hereafter read as follows:

BB. Medical Marijuana Facilities

- (1) Buffer Requirement. No medical marijuana facility shall be located within seven hundred fifty (750) feet of an existing elementary or secondary school, licensed child day care center or church. In the case of a freestanding facility, the distance between the facility and the school, daycare or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare or church to the closest point of the property line of the school, daycare or church. In the case of a facility that is part of a larger structure, such as an office building or strip mall, the distance between the facility and the school, daycare or church shall be measured from the property line of the school, daycare or church to the facility's entrance or exit closest in proximity to the school daycare, or church. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
- (2) Outdoor Operations or Storage Prohibited. All operations and all storage of materials, products or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- (3) Onsite Usage Prohibited. No marijuana may be smoked, ingested or otherwise consumed on the premises of a medical marijuana facility.
- (4) Dispensary Hours of Operation. No sales or distribution of marijuana shall occur upon the premises of medical marijuana dispensary facilities, or by delivery to or from the premises of medical marijuana dispensary facilities, between the hours of 10:00 p.m. and 8:00 a.m.
- (5) Certain Facilities Closed to the Public. Medical marijuana cultivation facilities, medical marijuana infused products manufacturing facilities and medical marijuana testing facilities shall be closed to the public.
- (6) Display of Licenses Required. The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- (7) Residential Dwelling Unit Prohibited. No medical marijuana facility shall be located in a building that contains a residence.
- (8) Ventilation Required. All medical marijuana facilities shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of

the facility. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.

(9) Compliance with State Regulations: All medical marijuana facilities shall, at all times, be in compliance with all regulations of, and regulations hereafter established by, the Missouri Department of Health and Senior Services applicable to such medical marijuana facilities.

Section 6. This Ordinance shall be governed exclusively by and construed in accordance with the applicable laws and the Constitution of the State of Missouri.

Section 7. The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected that it cannot be presumed that the Board of Aldermen would not have enacted such provisions without the others.

Section 8. This Ordinance shall be in full force and effect from and after its passage and approval.

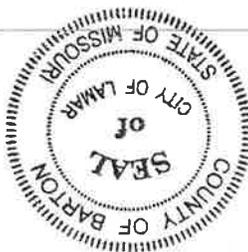
PASSED by the Board of Aldermen by a vote of

7 in favor

1 against

— abstained

and APPROVED by the Mayor of the City of Lamar, Missouri, this 30th day of July, 2019.



KENT M. HARRIS, Mayor

[Handwritten signature of Kent M. Harris]

By

ATTEST:

BEV BAKER, City Clerk

[Handwritten signature of Bev Baker]

By

COUNCIL BILL NO. 1457

ORDINANCE NO. 1447

AN ORDINANCE AMENDING ORDINANCE NO. 1100 REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES, AND PROVIDING FOR THE AMENDMENT AND/OR REPEAL OF VARIOUS SECTIONS OF THE ORDINANCE PERTAINING TO DRIVEWAYS AND PARKING IN RESIDENTIAL AREAS.

BE IT ORDAINED by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. That said Ordinance No. 1100 is hereby amended to provide, in pertinent part, as follows:

PARKING AND LOADING REGULATIONS

SECTION 2. GENERAL PROVISIONS.

- 1. (Amended to provide as follows)
 - Parking shall not be permitted closer to any side property line than one-half the distance of the required side yard.

7. Repealed.

SECTION 4. EXCEPTION, SPECIAL PERMIT.

a. Repealed.

e. Repealed.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen of the City of Lamar, Missouri.

PASSED by the Board of Aldermen of the City of Lamar, Missouri, this 19th day of July, 1993.

[Signature]
Gerald Gilkey, President of the Board of Aldermen and Mayor

[Signature]
Carolyn Taffner, City Clerk



AN ORDINANCE AMENDING ORDINANCE NO. 1100 REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES, AND PROVIDING FOR THE AMENDMENT AND/OR REPEAL OF VARIOUS SECTIONS OF THE ORDINANCE PERTAINING TO FENCES IN RESIDENTIAL AREAS.

BE IT ORDAINED by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. That said Ordinance No. 1100 is hereby amended to provide, in pertinent part, as follows:

SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 3. FENCES. Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences.

1. Fences constructed in side and rear yards shall be no more than eight (8) feet in height unless a special use permit is granted by the Board of Adjustment to allow higher construction, and it is the intent of this Ordinance that such be allowed when conditions permit.

2. Fences may be constructed within the front yard setback and shall be no more than four (4) feet in height and constructed in such a manner that no less than fifty percent (50%) of the fence area shall be transparent for visual purposes.

3. No fence shall be constructed which will constitute a traffic hazard.

4. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

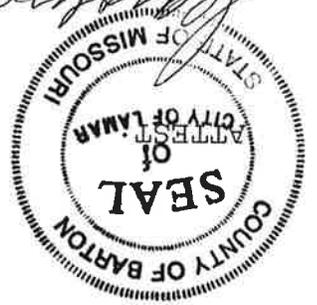
5. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety and welfare.

6. Regulation of fences in non-residential zones shall not be affected by this section.

7. All fences shall conform to the construction standards of the building code, if any.

Carolyn Taffner, City Clerk

Carolyn Taffner



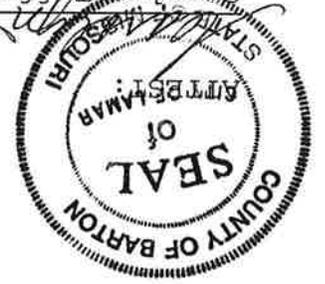
Gerald Gilkey, Mayor

Gerald Gilkey

APPROVED by the Mayor this 16th day of August, 1993.

Carolyn Taffner, City Clerk

Carolyn Taffner



Mayor

Gerald Gilkey, President of the Board of Aldermen and

Gerald Gilkey

PASSED by the Board of Aldermen of the City of Lamar, Missouri, this 16th day of August, 1993.

Section 2. This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen of the City of Lamar, Missouri.

SUPPLEMENTARY DISTRICT REGULATIONS

Section 3. Fences Except as otherwise

(Delete 1,2,3,4)

1. Fences constructed in side and rear yards shall be no more than 8 feet in height unless a Special Use Permit is granted to allow higher construction.

2. Fences constructed within the front yard setback shall be no more than 4 feet in height. Fences within front yard setback shall be at least 50% of the area transparent to allow viewing of traffic from any adjacent driveways.

3. Regulations of fences in non-residential zones shall not be affected by this section.

PROPOSED CHANGES IN ZONING ORDINANCE:

SUPPLEMENTARY DISTRICT REGULATIONS

Section 3. Fences

3a. Fences within dwelling districts shall conform to the following regulations:

(1) Within the side yards and rear yards, fence shall be no more than 6 feet high and constructed of wood, stone, metal, brick or vinyl material. Fences may be solid, semi-solid or transparent.

(2) Within the front yard, fences shall be no more than 3 feet high and must be constructed of transparent material such as metal chain-link.

1. It is the intent of this regulation to prevent the repair, remodel, assembly, disassembly or storage or standing of any inoperable vehicle other than in an enclosed garage other than in a district permitting and regulating such occurrence.

SECTION 4. INOPERABLE OR UNLICENSED MOTOR VEHICLE STORAGE.

5. All fences shall conform to the construction standards of the building code, if any.

4. No fence except fences erected upon public or parochial school grounds or in public parks and in public playgrounds shall be constructed of a height greater than 8 feet; provided, however, that the Board of Adjustment may, by special use permit, authorize the construction of a fence higher than 8 feet if the Board finds the public welfare is preserved.

3. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety and welfare.

2. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

1. No fence shall be constructed which will constitute a traffic hazard.

SECTION 3. FENCES. Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences.

3. Where a building cannot be erected as close to the street as is allowed by the district regulations because of the provisions of paragraphs 1 and 2 above, the governing body, upon petition signed by at least one property owner in the block affected and after report upon the same by the Planning Commission, may establish a front yard line for the block affected as close to the street as allowed by the district regulations for that block.

b. 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.

