City of Osceola, Missouri

210 Olive St. · P.O. Box 561, Osceola, MO 64776 · Phone (417) 646-8421 · Fax (417) 646-2015

Zoning Variance Request

Please print clearly. Bring or mail the finished form to City Hall: 210 Olive St., or P.O. Box 561, Osceola, MO 64776. You can also fill it out online on the City's website, under **Forms**.

If the Zoning Administrator does not issue the permit within 10 days, you will be asked to come to the next Board of Aldermen meeting. There the Board will either grant the permit, if everyone affected has given written consent, or set a public hearing as required by Zoning Ordinance 93-06, Article 5. City Hall will tell you the fee.

The full zoning ordinance is on the City Ordinances page.

The full text of Zoning Ordinance 93-06 is printed after this form.

ABOUT YOU

Your name

Your address

Phone

Email address

THE VARIANCE

The undersigned applies for a zoning variance as described below.

Date

Location of the property

What you want to do and why you need a variance

SIGNATURE

By signing, I confirm the answers above are mine and are true and complete.

Signature of applicant

Printed name

Date

FOR CITY HALL USE

Permit granted (yes or no)

Zoning Administrator

Fee paid

Date

Notes

Zoning Ordinance 93-06

BILL NO. 92-04

2003-05

ZONING ORDINANCE

ORDINANCE: 93-06

AN ORDINANCE TO REGULATE AND RESTRICT IN THE INCORPORATED AREA OF THE CITY OF OSCEOLA, MISSOURI, THE USE OF LAND AND THE IMPROVEMENTS THEREON.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSCEOLA, MISSOURI, AS FOLLOWS:

ARTICLE 1 Ordinance

Section 1 - TITLE AND OBJECTIVES

This Ordinance shall be known and may be cited as the Zoning Ordinance of Osceola, Missouri.

Section 2 The districts established in these zoning regulations are designed to promote and protect public health, safety, comfort, convenience, prosperity and other aspects of moral and general welfare, thus encouraging the highest and best use of land and resources in accordance with a Master Plan as provided by the laws of the State of Missouri. These general goals include among others the specific purpose of:

a. Providing sufficient space in appropriate locations for all types of land use in a manner that is harmonious and compatible.

b. Protecting and encouraging freedom from undue exposure to fire, explosions, toxic and noxious matter, radiation, noise, vibration, smoke, heat, glare, and other objectionable matter and influences.

c. Providing appropriate locations where necessary, objectionable or dangerous uses may operate without undue restrictions.

d. Protecting against congestion by regulating density of population, bulk of buildings, and by encouraging the use of land in a manner which will provide for light, air, and open space.

e. Protecting all zoning districts, but especially residential districts against heavy and undue vehicular traffic.

f. Providing freedom of architectural design in order to encourage the development of more attractive and economic building forms.

g. Promoting and developing a strong economic base by protecting the character of individual districts thereby conserving the value of land, buildings and tax revenues.

ARTICLE 2 - DISTRICTS

Section 1 - The City is hereby divided into the following districts:

I-I	Light Industrial District
B-3	Central Business District
B-2	General Business District
S&O	Public Service & Office District
R-3	Multi-family Dwelling District
R-1	Single Family Dwelling District
R-A	Agricultural District
M-H	Manufactured Home District
UU	Utilities, Other City Operations
PR	Parks & Recreation
CM	Cemetery
PP	Public Parking

Section 2 - ZONING DISTRICT MAPS

A. Boundaries of the districts, as enumerated in Section 1 of this Article are hereby established as shown on the maps hereby designated as the "Zoning District Maps," and said maps and all the notations, references and information shown thereon are hereby made as much a part of this Ordinance as if the same were set forth in full herein. It shall be the duty of the Zoning Administrator to keep on file in his office an authentic copy of said map, all changes, amendments or additions thereto.

B. When definite distances in feet are not shown on the Zoning District Maps, the district boundaries are intended to be along centerlines of the existing street, alley or plotted lot lines or extensions of the same, and if the exact location of such line is not clear, it shall be determined by the Zoning Administrator, due consideration being given to location as indicated by the scale of the Zoning District Map.

C. When the streets or alleys on the ground differ from the streets or alleys as shown on the Zoning District Maps, Zoning Administrator may apply the district designations on the map to the streets or alleys on the ground in such matter as to conform to the intent and purpose of this Ordinance.

D. Whenever any street or alley is vacated, the particular district in which the adjacent property lies shall automatically be extended to the center line of any such street or alley.

E. All territory hereafter annexed and made a part of the City shall be given a district classification in accordance with use at time of annexation.

Section 3 - Descriptions of Districts

A. I-I Light Industrial District

Purpose District I-I is intended primarily for those manufacturing industries and related industrial activities in which the production performance of the manufacturing industries characteristically produces a finished product from semi-finished materials, but requires little or no outside material storage. The effect of the production process upon surrounding areas is normally that of the traffic generated by the receipt and delivery of goods and materials. Commercial uses in this district are generally those which serve the convenience of industrial establishments and their employees. Residential uses are not compatible with this environment and are not included in order that the district may be reserved for its intended light industrial purpose.

B. B-3 Central Business District

Purpose - District B-3 is intended primarily for major business services and retail business activity related to the core of the central business district serving the metropolitan trade area. Because this district is the major employment. and shopping area within the community, relatively large building volumes and high residential density is permitted for transient and apartment accommodation. The high volume of pedestrian movement generated within this district will be facilitated as much as possible by the separation of pedestrian and vehicular traffic.

C. B-2 General Business District

Purpose - District B-2 is intended primarily for general trades and commercial services located at specific points on major thoroughfares outside of the central and local business districts. This district is particularly appropriate adjoining a major highway. Such an area draws highway uses such as restaurants, service stations, and motels, which are not totally compatible with shopping center developments but which may be grouped together quite advantageously as highway service centers. Multi-family residential uses are permitted.

D. S&O Service and Office District

Purpose - District S&O is intended to provide areas for public, semi-public, institutional, professional and office type of uses. Density or intensity of use may be considered similar to the R-3 District. The primary difference between this and the R-3 district is that this zone is primarily used to allow for uses which provide a direct service to the total community without being in conflict with its residential neighbors.

E. R-3 Multi-Family Dwelling District

Purpose - District R-3 is intended primarily to accommodate non-elevator or walkup-type apartment buildings located generally in or adjacent to central areas of the City in proximity to principal areas of development and commercial activity or in convenient relation to outlying major thoroughfares and outlying business centers.

F. R-1 Single Family Dwelling Districts

Purpose - District R-1 is intended primarily for one-family detached dwelling units and related residential activities which are in general peripherally related to higher density and more centrally located residential areas or may be peripherally related to more limited outlying higher density districts or business centers. The district is intended to accommodate a moderate population density for this type of dwelling unit on medium size lot areas. Manufactured homes are not authorized in District R-1, except as specified in Article 3,

Section 4.

G. R-A Agricultural District

Purpose - District R-A is intended primarily for use in areas of the City on the outer edge of the urbanized development. More intense urban usage is usually premature in this district due to lack of adequate utility services or transportation systems. It is likely that this district will be changed to more intense urban zoning districts as utility services can be feasibly extended and the undeveloped areas within existing service limits are used up or become in short supply. Uses within this district are mostly related to farming semi-urban functions and are not necessarily compatible with higher density residential development.

H. The purposes of Districts UU, PR, CM and PP are indicated in their titles as stated above in Section 1.

ARTICLE 3 PERMITTED USES

This section states which uses are permitted for each type of district. No land may be used for an unauthorized use unless the Board of Adjustment approves in accordance with Article 5.

Section 1 - Light Industrial District. Any industrial use which does not cause substantial noise, smells or emissions, or danger to neighbors. Also uses permitted in Sections 2 and 3 of this Article.

Section 2 - Central Business District and General Business District. Retail or other commercial businesses or service enterprises. Also uses permitted in Sections 3,4 and 5 of this Article.

Section 3 - Service and Office District. Government and other offices. Also uses permitted in Sections 4 and 5 of this Article.

Section 4 - Single-family Dwelling District. Single-family detached residences, also duplex dwellings. Manufactured homes are not permitted, except (a) double-wide manufactured homes, and (b) manufactured homes with a value of $15,000 or more and have tongue and wheels removed and are set on a foundation of concrete blocks.

Section 5 - Multiple-family Dwelling District. Apartment buildings containing more than two dwelling units. Also uses permitted in Section 4 of this Article.

Section 6 - Agricultural Districts. Farm-related activities.

Section 7 - Manufactured Homes Districts. Manufactured homes.

Section 8 - Other Districts. Permitted uses for Districts UU, PR, CM and PP are indicated in their titles in Section 1 above.

ARTICLE 4 - Signs

Section 1 - In Residential Districts no signs permitted without action of the Board of Adjustment.

Section 2 - In Districts other than residential, any sign is permitted, permitted it is affixed to a business or commercial establishment, except those specified in

Section 3.

Section 3 - Any free-standing sign, or sign containing more than 100 square feet, or more than ten feet tall, is not permitted without special action of the Board of Adjustment.

Section 4 - No sign is permitted on any City street without action of the Board of Adjustment.

Section 5 - Any owner of a sign not approved by this Ordinance shall be informed shall have six months to comply or obtain approval of Board of Adjustment

Section 6 - The following signs are considered exceptions and are permitted without further action:

a. Memorial signs or tablets.

b. Signs required to be maintained or operated by law or government order, rule or regulation.

c. Temporary accessory construction or subdivision site signs denoting participating architect, engineer, contractor or the like. Said total sign area shall not exceed forty (40) square feet for each major approach.

d. Temporary, portable accessory signs not to exceed (8) square feet in sign area. (To include rent or sale signs.)

e. Accessory bulletin boards, or announcements for churches or public building, not to exceed twenty-five (25) square feet in sign area.

f. Name plates, address plates, or identification signs of less than one and one-half square feet, for all residential buildings.

g. Accessory name plates, address plates or identification signs not to exceed ten (10) square feet for non-residential buildings where said sign is a permanent part of the building, and does not project beyond the building wall.

h. Accessory flags or emblems of civic, philanthropic, educational, or religious organizations.

i. Temporary, accessory signs announcing a campaign, drive or special event of any of the organizations mentioned above.

ARTICLE 5 BOARD OF ADJUSTMENT

Section 1 - There shall be a Board of Adjustment, which shall consist of the Mayor and the four elected members of the Board of Aldermen, and shall serve as Secretary to the Board of Adjustment.

Section 2 - The Board of Adjustment shall operate in accordance with RSMO 89.080 and following sections.

Section 3 - Any appeal to the Board of Adjustment shall be made in writing within ten days of the decision appealed from, and shall be delivered to the City Clerk.

Section 4 - Instead of applying for a permit to the City Clerk, any applicant may apply directly to the Board of Adjustment, which may (a) grant the request or (b) set the matter down for a public hearing on a meeting day of the Board of Aldermen. If a public hearing is scheduled, it shall be governed by Sections 89.050 and 89.060 RSMO and the applicant shall be charged the cost of a notice to that effect in a local newspaper at least 15 days before the date of the hearing.

Section 5 - The City Clerk shall attempt to notify all persons residing or owning property within 500 feet of the proposed improvement, of the hearing.

Section 6 - In the event a protest is filed by any resident or landowner whose residence or land within 500 feet of the land whose Zoning is in question, any Zoning change shall be effective only if approved by three-fourths of the Board of Aldermen.

Section 6-A - Any person requesting a change in Zoning shall be invited to submit a written consent to such Zoning change signed by persons residing or owning land within 500 feet of the land whose Zoning is in question.

Section 7 - Any Zoning change shall be codified in an Ordinance which shall specify the area affected, and the new classification of the land or other modification made.

ARTICLE 6 - ADMINISTRATION AND PERMITS

Section 1 - Zoning Administrator

a. The City Clerk shall serve as Zoning Administrator.

b. The Zoning Administrator/City Clerk shall issue all permits required by this Ordinance.

Section 2 - Permits

a. No person shall engage in any construction project within the city of Osceola costing more than $1,000, or any installation of a m outside a mobile home park, or any change in use from a conform non-conforming use, or install any exterior sign except one allowed 11, Sections 2 or 6, without obtaining a City Permit, see 2006-2.

b. The requirement of Article 6, Section 2, A, shall not apply to:

1. Improvements of existing structures which do not alter exterior appearance,

2. Garages in residential zones.

c. The City Clerk shall provide a form for any person to apply for a permit, and charge $10.00 for filing such form, which shall provide information on the activity for which the permit is requested.

d. If any permit is not issued within 10 days, it shall be deemed denied, and the applicant may then appeal to the Board of Adjustment. See 2006-12

ARTICLE 7 - PENALTIES

Section 1 - Any person who shall wilfully violate this Ordinance by taking action in violation of same after having been informed of the provisions of the Ordinance, shall be fined not more than $250.00 for each day such violation shall continue.

Section 2 - In addition to the penalties in Section 1, any work, construction, sign or other thing in violation of this Ordinance may be ordered removed by the Zoning Administrator or by the City Council, and if such order is not complied with, will be in violation of this Ordinance, and require its owner to pay the cost of such removal.

ARTICLE 8 - INVALIDITY OF A PART

Section 1 - In case any section, clause, sentence or paragraph or part of this Ordinance shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not effect, impair or invalidate the remainder of this Ordinance.

ARTICLE 9 - DEFINITIONS

Section 1 - "Manufactured home" shall mean the same as specified in Section 700.-010 RSMO.

ARTICLE 10 - REPEAL OF EXISTING ORDINANCES

Section 1 - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed, and in particular Ordinance 85-04 is repealed.

ARTICLE 11 - EFFECTIVE DATE

This Ordinance shall become effective on June 3, 1993.

ATTEST:

Mayor, Thomas M. Johnson, Attest: Geneva Hartwallen, City Clerk