

ARTICLE I. IN GENERAL

Sec. 110-1. Short title of chapter.

This chapter constitutes and may be referred to as "The Ava Zoning Ordinance."

(Code 1977, § 42.100)

Sec. 110-2. Purpose of chapter.

(a) In order to promote the health, safety, morals and the general welfare of the city, this chapter divides the city into districts to regulate and restrict the height, number of stories, size of buildings and other structures; the percentage of lot that may be occupied; the size of yards, courts and other open spaces; the density of population; the preservation of features of historical significance; the location and use of buildings, structures and land for trade, industry and residence or other purposes; and the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

(b) The regulations of this chapter are made in accordance with RSMo 89.010--89.140, and amendments thereto, and in accordance with the comprehensive development plan of the city and are designed to:

- (1) Lessen congestion in the streets;
- (2) Secure safety from fire, panic and other dangers;
- (3) Promote the health and the general welfare;
- (4) Provide adequate light and air;
- (5) Avoid undue concentration of population;
- (6) Prevent the overcrowding of land; and
- (7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(c) The regulations of this chapter are made with reasonable consideration of the character of the district and its peculiar suitability for particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Code 1977, § 42.110)

Sec. 110-3. Classes of districts.

For the purpose of this chapter, the city is divided into the following districts in accordance with a zoning map, included in this section and made a part of this section by reference.

- (1) Residence districts:
 - a. Single-family district, R-1;
 - b. Two-family district, R-2; and
 - c. Multiple-family district, R-3.

- (2) Business districts:
 - a. Neighborhood business district, B-1;
 - b. Central business district, B-2; and
 - c. General business district, B-3.
- (3) Industrial districts:
 - a. Light industrial district, I-1;
 - b. Heavy industrial district, I-2; and
 - c. Planned industrial park district, I-P.
- (4) Miscellaneous districts:
 - a. Agricultural district, A; and
 - b. Parking district, P.

(Code 1977, § 42.120)

Sec. 110-4. Zoning map.

Such districts are bounded and defined as shown on a map entitled, "Zoning Map--Ava, Missouri," and adopted as a part of this chapter. The zoning map shall be kept and maintained by the building superintendent, or other official, designated by the legislative body, and shall be available for inspection and examination by members of the public at all reasonable times as that of any other public record.

(Code 1977, § 42.130)

Sec. 110-5. Rules for interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts on the zoning map, the following rules shall apply:

- (1) Where district boundary lines are indicated as approximately following streets and alleys, highways or railroads, such boundaries shall be construed as following the centerlines thereof.
- (2) Where district boundary lines are indicated as approximately following lot lines, or section lines, such lines shall be construed to be such boundaries.
- (3) Where a boundary of a district shall follow a stream, lake or other body of water, such boundary line shall be deemed to be at the limit of the jurisdiction of the city, unless otherwise indicated.
- (4) Where a district boundary line divides a lot or unsubdivided property, and the dimensions are not shown on the zoning map, the location of such boundary shall be as indicated upon the zoning map using the scale appearing on such map.

(Code 1977, § 42.140)

Sec. 110-6. Interpretation of chapter provisions.

In their interpretation and application, the provisions of this chapter shall be held to be minimum

requirements. Except as specifically provided in this section, it is not intended to repeal, abrogate, annul or in any way impair or interfere with any existing law or ordinance of the city, or any easement, covenant or other agreement between parties; provided, however, that where the regulations of this chapter impose a greater restriction upon the use of buildings or premises, or upon the height or bulk of buildings or requires larger building site areas, yards or open spaces than are imposed or required by any such other law, ordinance, easement, covenant or agreement, then the provisions of this chapter shall control. Wherever the provisions of any other statute or local ordinance or regulation require a greater width, or size of yard, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of such sections, the provisions of such statute, local ordinance or regulation shall govern.

(Code 1977, § 42.150)

Sec. 110-7. Conformity with chapter provisions required.

(a) Except as otherwise provided in this chapter, it shall be unlawful to use any land or building for any purpose other than is permitted in the district in which such land or building is located. No building shall hereafter be erected, reconstructed, relocated or structurally altered to have a greater percentage of lot area, to accommodate or have a greater number of facilities, to have narrower or smaller yards, courts or open spaces than permissible under the limitations set forth in this chapter for the district in which such building is located.

(b) No part of a yard, or other open space required about any building, existing or hereafter provided for a building or use and necessary to meet or partially meet the requirements of this chapter, shall be included as part of a yard or other open space required for another building.

(c) No lot, held under one ownership at the effective date of the ordinance from which this chapter is derived shall be reduced in dimension or area in relation to any building thereon so as to be smaller than that required by this chapter, if already less, the dimensions or area shall not be further reduced.

(d) No main building shall hereafter be erected, reconstructed, relocated or structurally altered on any lot or parcel unless such lot or parcel faces a publicly dedicated street or right-of-way. Where a building is in existence, no such required dedicated street or right-of-way shall be vacated so as to eliminate the required access to a publicly dedicated street or right-of-way.

(Code 1977, § 42.160)

Sec. 110-8. Definitions.

The following terms, when used in this chapter, shall have the meaning indicated as follows, unless such construction would be inconsistent with the manifest intent of the board of aldermen, or the context clearly requires otherwise:

Accessory building means a detached subordinate building, located on the same lot with the main building, the use of which is incidental to the main building or to the main use of the premises.

Accessory use means any use which is incidental to and subordinate to the main use of the premises.

Advertising sign means any structure, object or device, erected, maintained or used for advertising purposes related to the permitted principal use of the premises upon which it is located. This definition includes the terms "sign," "roof-signboard," and "advertising display," but does not include the term "billboard."

Agricultural uses means the growing of crops in the open and the raising of such stock and

poultry as are incidental to the acreage farmed. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables, or dog kennels be so considered.

Alley means a public thoroughfare which affords only a secondary means of access to abutting property.

Alter or *alteration* means any change or modification in construction or occupancy.

Animal, house (pet) means any animal normally and customarily kept by domestic households for pleasure and companionship, excluding poultry, pheasants, cows, livestock, chinchillas, horses, goats [goats], sheep, monkeys, and other similar animals and fowl.

Animal, nondomestic means any feline (other than a domestic house cat), nonhuman primate, bear, wolf, coyote, fox, venomous reptile, or any other animals or crossbreed of such animals which have similar characteristics of the animals specified herein or are dangerous or unsafe for contact with humans.

Apartment means a room or suite of rooms in a multiple dwelling or where more than one living unit is established in any building, intended, designed, used or suitable for use by one or more persons as a place of residence with culinary accommodations.

Apartment house means a building or portion thereof intended, designed, used or suitable for use as a residence for three or more families living in separate apartments.

Basement means a story partly or wholly underground but having more than one-half of its height below the average level of the adjoining ground.

Billboard means any structure, object or device, erected, maintained or used for advertising purposes not related to a principal use of the premises upon which it is located.

Boardinghouse means a building or place other than a hotel where, by prearrangement and for compensation, lodging and meals for a definite period are provided for three or more persons. Such accommodations are not furnished to transient or overnight customers.

Building means a structure having a roof supported by columns or walls, intended, designed, used or suitable for use for the support, enclosure, shelter or protection of persons, animals or property, and, when separated by firewalls, each portion of such structure so separated shall be deemed a separate building.

Building height means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge of gable, hip, curved and gambrel roofs.

Building, main means a building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in the residence district is a main building.

Building site means the land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building and accessory buildings, or by a principal use accessory thereto, together with such parking and loading spaces, yards and open spaces as are required by this chapter.

District means a section of the city specifically declared within which the regulations governing the use of buildings and premises are uniform.

Drive-in service means a type of retail sales which encourages, recognizes or permits patrons or customers to call for service by the flashing of lights or by the parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.

Dump means a lot or land or part thereof used primarily for the disposal by abandonment,

dumping, burial, burning or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

Dwelling means any building or portion thereof which is designed or used primarily for residential purposes.

Dwelling group means two or more detached or attached single-family, two-family or multiple-family dwellings occupying a single building site and having yards or open space in common, but not including a motel, hotel or motor hotel.

Dwelling, multiple-family means a building or portion thereof designed with accommodations for or occupied by three or more families living independently of each other who may or may not have joint services or facilities, or both. The term includes dormitories, lodginghouses and roominghouses, but does not include hotels, motels and tourist courts.

Dwelling, single-family means a detached building or portion thereof designed for or occupied exclusively by one family.

Dwelling, two-family means a building or semidetached building, or portion thereof, designed or occupied exclusively by two families living independently of each other.

Family means an individual, or two or more persons related by blood or marriage, or a group of not more than four persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. The term "family" shall include individuals residing in a home for mentally or physically handicapped persons or residing in a foster home, in compliance with and as permitted by state statute.

Filling station means any building or premises used solely or principally for the storage, dispensing, sale or offering for sale, at retail, of any automotive fuels, or lubricants and accessories. If such dispensing, sale or offering for sale is incident to the conduct of a public garage, the premises will be classified as a public garage.

Garage, private means any accessory building designed or used only for the housing and storage of automobiles which are the property of, or provided for, the exclusive use of the occupants of the lot or premises upon which such building is located, and having no provisions for the repairing or equipping of such vehicles. No more than one of the vehicles may be a truck or commercial vehicle not exceeding three tons capacity as rated by the manufacturers.

Garage, public means any building, portion of a building or premises designed, operated or used for commercial purposes in the storage, sale, hiring, care or repair of motor vehicles.

Governing body (legislative body) means the board of aldermen of the city. The terms "governing body" and "legislative body" are synonymous for the purposes of this chapter.

Group or row house means two or more detached or attached dwellings occupying a single premises and having any yard or other open space in common, but not including a motel.

Hotel means any building or portion thereof having a common entrance, lobby, halls, stairs and elevators, which is designed or used to offer for hire, by the general public, rooms for temporary lodging of transient guests and in which no provisions are made for cooking in the individual rooms or apartments.

House trailer. See *Mobile home.*

Junkyard m