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Charlotte Pickering
Recorder of Deeds

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CHARLOTTE PICKERING
Jasper County Recorder of Deeds
116 W. Second Street
P. O. Box 387
Carthage, MO 64836
417-358-0431

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AMENDMENT NO. 2

AN ORDINANCE OF THE VILLAGE OF CARYTOWN, MISSOURI, REPEALING AND REPLACING CERTAIN SECTIONS OF ORDINANCES WITHIN THE VILLAGE TO INCLUDE RESIDENTIAL DWELLINGS, VARIANCE APPLICATION PROCEDURES, LOT SPLIT APPLICATION PROCEDURES AND RESTRICTIONS ON BUSINESSES WITHIN THE VILLAGE OF CARYTOWN.

WHEREAS, in keeping with the stability, shared commitment and sense of community that gives the Village of Carytown its exceptional and unique quality the Board of Trustees have determined that certain ordinances previously adopted should be amended for clarification to include residential dwelling, variance application procedures, lot split applications, and restrictions on businesses within the Village.

NOW, THEREFORE, be it ordained by the Board of Trustees of the Village of Carytown, as follows:

Section 1: That Section 1.13, Residential Dwellings, as originally passed October 20, 1997, shall be repealed in its entirety and replaced with the following Section 1.13 Residential Dwellings.

"Section 1.13 Residential Dwellings"

For the purpose of this section a residential dwelling shall be defined as a single-family dwelling, including attached structures such as porches and stoops, designed exclusively for occupancy by one (1) family with said structures to exist on a lot size of no less than ten (10) acres of contiguous land. Any existing residential dwelling constructed prior to October 20, 1997 on a lot size with less than 10 acres shall be exempt from the requirements of this ordinance regarding lot size."

Section 2: That Section 1.14 Variance Procedure, as originally passed October 20, 1997, shall be repealed in its entirety and replaced with the following Section 1.14 Variance Procedure.

"Section 1.14 Variance Procedure"

1. An application shall be filed with the Board of Trustees by the property owner of the property seeking a variance of the Village ordinances, with said application showing the location and intended use of the property, the site plan for any structures to be constructed on the property, and the purpose of the variance requested.

2. The Village shall schedule a hearing within a reasonable time following receipt of the application with a public hearing to be held by the Board of Trustees to allow for the applicant and the public to comment on the requested variance. A notice of the public hearing shall be sent to all property owners within 2000 feet of the variance requested and publication notice of said hearing to be published in a newspaper of *general circulation in the Village at least once a week for two (2) successive weeks prior*

to the hearing and that a notice posted on the property seeking the variance at least one (1) week prior to the public hearing.

3. The Board of Trustees will hear comments by the applicant and the public, in favor or opposed to the variance, to include comments submitted in writing or those presented during the hearing.

4. The Board of Trustees shall approve or deny the application for variance following the public hearing. In reviewing the application for variance the Board of Trustees must find that all of the following criteria are met:

a. Special circumstances exist which are peculiar to the applicant's land, structure or building and do not generally apply to the neighboring lands, structures or buildings in the same district or vicinity.

b. Strict application of the provisions of the Village Ordinances would deprive the applicant of reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same district or vicinity.

c. The special circumstances are not the result of action of the applicant taken subsequent to the adoption of this Section and prior to October 20, 1997.

d. Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of the Village Ordinances.”

Section 3: That Section 1.16 Lot Split Procedure shall be adopted to read as follows:

“Section 1.16 Lot Split Procedure”

“Any proposed lot split shall be submitted to the Board of Trustees for review. The Board of Trustees shall review as to whether the proposed lot split complies with the provisions of the of the Village for lot sizes and residential dwellings, as well as required building codes as may be adopted by the Board by ordinance. If the Board of Trustees is satisfied that such proposed lot split is not contrary to applicable regulations, it shall upon motion and vote to approve such lot split. In the event that Board of Trustees determines it is not in the best interest of the Village to approve a lot split, then, the provisions of relevant Village Ordinances shall apply regarding the proposed lot split.”

Section 4: That Section 1.18 Businesses within the Village, Limitations and Restrictions, shall be adopted to read as follows:

“Section 1.18 Businesses within the Village, Limitations and Restrictions”

"Other than as required by State statute, no business shall be granted a license to operate within the Village of Carytown, nor shall any business operate on any lot within the Village. A person shall be deemed to be in business within the meaning of this Ordinance when he/she is selling any goods or service, soliciting business or offering goods or services for sale or hire or using any vehicle or premises in the Village for business purposes.

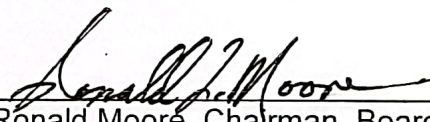
This section shall not be construed to prohibit home-based businesses. A home-based business is defined as: any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling. A home-based business may not adversely affect the character of the surrounding neighborhood."

Section 5: This ordinance shall be in full force and effect from and after the date of its passage and approval.

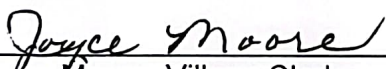
FIRST READING: Oct. 23, 2023

SECOND READING: Nov. 6, 2023


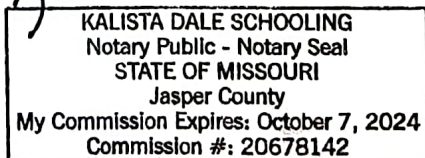
Passed by the Board of Trustees this 6th day of Nov. 2023.


Ronald Moore, Chairman, Board of Trustees

ATTEST:


Joyce Moore, Village Clerk

Subscribed and sworn before me this
29th day of November, 2023

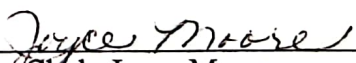
ATTEST

VILLAGE CLERK, JOYCE MOORE

State of Missouri)
)
County of Jasper)

I, Joyce Moore, City Clerk of said City hereby certify that the foregoing is a true and correct copy of Amendment No. 2, adopted by the Trustees of said City at a meeting held according to law at said City on the 6th day of November 2023, as same appears on file and of record in this office.

IN TESTIMONY WHEREOF, I place my signature, as said Village has no corporate seal, this 30th day of November 2023.



Village Clerk, Joyce Moore
Village of Carytown
State of Missouri