

**COUNCIL & STAFF PRESENT:**

Martha Rowe	Mayor
Jill McCord	Mayor Pro Tem
Tom Mayer	Council Member
Aaron Rodgerson	Council Member
Howard Hickman	City Attorney
Mari Macomber	City Manager
Kris McKim	Assistant City Manager
Sarah Halstead	Deputy City Clerk
Laura Guy	Finance Director
Brad Selby	Codes Administrator
Jeanie Ewing	Risk Coordinator
Jim Hughes	Police Chief

**Absent:**

Jeff Newton                      Council Member

The City Council of the City of Kirksville, Missouri, met in a Regular Session on Tuesday, November 6, 2007, at 5:30 p.m. in the City Hall Council Chambers.

**INVOCATION/PLEDGE**

Aaron Rodgerson, First Baptist Church, gave the invocation.  
The Mayor and Council led the Pledge of Allegiance.

**MINUTES**

Council Member McCord moved to approve the minutes of the regular session of October 16, 2007 and the special session of October 23, 2007; seconded by Council Member Mayer. The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

**ORDER OF AGENDA**

Council Member Rodgerson moved to approve the agenda, as distributed; seconded by Council Member Mayer. The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

**INFORMATION PRESENTATIONS**

**MIRMA Presentation**

Finance Director Laura Guy introduced Kelly Beets, Senior Loss Control Consultant from MIRMA. Beets explained that one of the aspects of the MIRMA program is a Risk Management Grant Format, and Jeanie Ewing usually handles most of it from the City’s side. The City applied for a grant for an in-car camera for the Police Department and PASS alarms for the Fire Department. Beets presented the City with a plaque for compliance with the Risk Management Grant Program, and said a check is in the mail to the City for approximately \$6400.

**Tourism Board Annual Report**

Tourism Director, Debi Boughton, stated that she submitted reports in paper form as part of the Council packet, and she wanted to give an update about the Tourism office. Boughton stated that she was hired July 16, 2007, and that the City Lodging Tax pays the budget for the Tourism Office. As part of the agreement between the City and the Chamber of Commerce Boughton is required to submit an annual report by November 1, so this year it is a three month report. Boughton said that Kirksville has been chosen as part of the Missouri Jewels program by the Missouri Division of Tourism in the Cooperative Marketing Program. Boughton explained that this means the Tourism Office will get technical advice, and that with the help of the Cooperative Marketing Director in Jefferson City a Destination analysis has been completed. On November 14, 2007 the Cooperative Marketing Director will come to Kirksville and tour the City to see the attractions and lodging accommodations available followed by a luncheon in the Chamber conference room. Boughton invited the Council to attend the luncheon, and said that the Director will be given information to help her analyze and give her best advice as to how to market Tourism for the City of Kirksville. Boughton then gave the Council a summary of upcoming events with the expected number of attendees. Boughton explained that one of the initial goals was to create a Tourism Website, [www.visitkirksville.com](http://www.visitkirksville.com), and that it is now up and she hopes to have it complete as of January 1, 2008. Boughton said that the Kirksville Leadership Institute volunteered to build and then give the Tourism Office the website. There has also been a brochure completed to develop conferences with a list of what the Tourism office can do to help bring conferences to Kirksville. Boughton stated that she included a draft of the 2008 proposed budget, and that it has now been approved. The Tourism Office is very pleased with the third quarter collections of the City Lodging Tax of \$44,191, and said that amount is almost double the estimate that was originally presented to the voters.

Mayor Pro Tem McCord asked if she had received her note about the Certified Local Government Conference. Boughton responded she had received it and thought it was a great idea worth pursuing.

### **Utility Rate Ordinance Public Hearing**

Mayor Rowe opened the public hearing to hear citizen comments regarding the Utility Rate Ordinance at 5:45p.m.

Finance Director, Laura Guy, stated that this public hearing is an opportunity for the City Council to hear input from the citizens on the revision of the water and sewer rate structure that is being proposed. Guy explained that she had previously discussed the issue with the Council and gave a full report. Due to participation in the State Revolving Loan Funds Program (SRF) the State requires the City to be fiscally responsible and have adequate rates in place. The State outlines areas to cover the costs and how much the City is to receive. Guy said that for the City to further operations, expand, and provide for capital projects, the City needs to participate in an SRF program. Guy stated that the City has had sewer rate increases in 1997 and 1998. In 2003 the water and sewer rates were implemented under a five year rate plan, and prior to that the water rate had not been increased since 1981. Guy stated that another requirement of the SRF is to review the rates on an annual basis and hold a public hearing.

Council Member Mayer asked if the review of rates and public hearing was a new requirement of the State, or if it had been done in years past. Guy explained that the City had been under a five year rate plan, and the State had allowed the City to go through the public hearing process in 2003 for the five year plan. Guy said that the City has participated in the drinking water program since 2004, and the clean water program since 1997. She said

that in the past there had been different requirements for each, but that now they have the same requirements.

Guy stated that with the proposed changes a household will incur a \$5 service availability fee each for water and sewer. The average household will incur a \$120 increase on an annual basis for 2008. Guy explained that the City has always had a minimum charge of 600 cubic feet consumption, and if this ordinance passes, starting January 1, 2008, the City will charge per 100 cubic feet consumption, so the minimum consumption users will not be charged for 600 cubic feet.

Mayor Rowe asked if there were any questions or comments from Citizens of the Council.

James Rasura, 516 E. Jefferson, said that he is not too clear about what the proposal would include. Mr. Rasura said he understands there will be a rate increase and would like to object on behalf of the disabled and seniors that will be severely adversely affected. He stated that many of the disabled and senior citizens cannot afford an increase due to limited income. He said that he would only support it if there were a modification to not increase seniors or disabled citizens, or at least modify the increase for those groups.

There being no further comments, Mayor Rowe closed the public hearing at 5:52p.m.

### **Zoning Ordinance Public Hearing**

Mayor Rowe opened the public hearing to hear citizen comments regarding the Zoning Ordinance at 5:52p.m.

Code Administrator, Brad Selby, stated that the public hearing is to outline proposed changes to the Zoning and Subdivision Regulations for the City. Selby said that on October 10, 2007 the Planning and Zoning Commission held a public hearing and the Commission recommended to move forward with the changes. Selby summarized some of the main changes requested in the ordinance, and said there were approximately: twenty-three clarifications of the language; nine changes of job title or commission names; fourteen amendments to the code; two corrections to the code; six additions to the code; and two changes that conform to State Law.

James Rasura, 516 E. Jefferson, commended Selby on the changes to the Zoning ordinance. Mr. Rasura recommended that when implementation of zoning changes is made he felt it would be wise for the City to send notices to all affected parties by mail. That way anyone that does not read the paper or keep up with current events would know about the proposed changes.

There was a question as to whether or not the changes were made public, or if they will be released. City Manager Macomber stated that the proposed ordinance had been available at other meetings, and that the City would make a copy for anyone that wanted it. Macomber had Selby place extra copies on the table at the back of the room for citizens to take with them.

There being no further comments, Mayor Rowe closed the public hearing at 6:00p.m.

### **CITIZEN PARTICIPATION**

Charles Cannaday, Sr., 219 S. Franklin, stated that he came to make a comment and a report. Mr. Cannaday started by commending the City Council on the actions taken on

Alternate Route 63. Mr. Cannaday feels it is positive that the City is holding a public hearing about the Alternate Route, and feels the public would expect it. Mr. Cannaday stated that he and his wife are both non-smokers, and that they own one of the older business establishments in town which includes thirty apartments and eight businesses. He stated that he has always had no smoking in his office, conference room, and lobby and halls of the building for safety and economic considerations. Mr. Cannaday explained that he had two tenants move out due to the smoking ordinance. He stated that what concerns him is that the ordinance passed with only ten percent (10%) of the total population. Mr. Cannaday said that his business brings in about \$100,000 per year, and that it's not a big business, but that means about \$400,000 per year that stays local. Mr. Cannaday is concerned that the City doesn't pay enough attention to small businesses, and hopes that the smoking ban will serve the City as a reminder that they should take in all considerations before passing an ordinance.

City Manager Macomber stated that she would like to add that at the Tuesday, November 13, 2007, Council Study Session the Staff will present information regarding the fiscal impact of the smoking ban. This information will be from the first quarter following the passage of the ordinance.

James Rasura, 516 E. Jefferson, thanked the Council for the opportunity to speak to them. Mr. Rasura said he would like to ask God to bless the Council to show him the love he needs. He stated that he has been in the City of Kirksville for a few months and has had his share of troubles and difficulties. Mr. Rasura stated that he feels like the City has not understood or cared enough to try and help him. He said that a chain is only as strong as its weakest link, and asked the Council to not dismiss him from the chain. Mr. Rasura stated that he hopes that the Council will feel his pain and see his dreams become reality to try, with help, to start his own radio station. Mr. Rasura stated that he is limited due to his disabilities, and would like to be contacted by the Council by mail as to how they might/could help him.

### **Old Business**

None.

### **ACTION PRESENTATIONS**

***City Clerk Reading of Bill No. 2007-48***

[Ordinance No. 11813]

**AN ORDINANCE APPROVING AMENDMENTS TO CERTAIN SECTIONS AND ADDING NEW SECTIONS TO CHAPTER 22 SUBDIVISION REGULATIONS AND APPENDIX A - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.**

Council Member McCord moved to approve Bill No. 2007-48 on first reading; seconded by Council Member Rodgerson.

City Manager Macomber stated that Bill 2007-48 is from the prior public hearing, and that the City Staff is asking the City Council to consider approving the ordinance. Macomber said that the Council and the Planning and Zoning Commission have already discussed this Bill at several meetings.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

**Franklin Street Project**

Council Member McCord moved to approve a bid and authorize the City Manager to enter into an agreement with Mihalevich Concrete Construction, Inc. for the construction of the Franklin Street Pedestrian Project and Downtown Courthouse Square Sidewalk Enhancements 2007; seconded by Council Member Mayer.

Macomber explained that this motion is for two projects: to make the remaining downtown corners accessible; and Franklin Street streetscape project which takes place from Normal to Washington on the East side of Franklin and will include improved sidewalks, lights, benches, wayfinding, etc. Macomber said that the streetscape portion of the project was made possible from funding through a grant, the Capital Improvement Sales Tax, and the TIF. Macomber stated that the City took bids and received three bids from: Mihalevich, Sparks, and Columbia Curb and Gutter. Mihalevich was the low bid and actually came in lower than the Engineer’s estimate. Macomber stated that staff would like to recommend Mihalevich, and noted that Mihalevich did the corners last year and is familiar with that aspect of this job.

Council Member Mayer stated that this project is for improving pedestrian traffic among larger entities TSU, ATSU and the Downtown Area, and asked if the City has any plans, or any way, to study the actual increase in pedestrian traffic to the Downtown. It was discussed as to whether or not the Council would like to pursue the issue of tracking the increase in pedestrian traffic, and how it would be done.

The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

**Second Reading**

**Bill No. 2007-48**

**[Ordinance No. 11813]**

**AN ORDINANCE APPROVING AMENDMENTS TO CERTAIN SECTIONS AND ADDING NEW SECTIONS TO CHAPTER 22 SUBDIVISION REGULATIONS AND APPENDIX A - ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.**

**WHEREAS**, the City has a need to update and clarify certain sections of the Zoning and Subdivision Regulations of the Code of Ordinances, and

**WHEREAS**, the City has a need to add additional sections into the Code of Ordinances to the Zoning and Subdivision Regulations, and

**WHEREAS**, public hearings were held for the purpose of adding and amending information to the Zoning and Subdivision Regulations on October 10, 2007 and on November 6, 2007, and

**WHEREAS**, the Planning and Zoning Commission approved the changes listed in this Ordinance at their regular meeting of October 10, 2007, and

**WHEREAS**, these changes and additions are necessary for the correct interpretation and use of the said codes and are for the benefit and safety of the citizens of the City of Kirksville,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KIRKSVILLE, MISSOURI, AS FOLLOWS:**

That the amendments and additions to the Zoning and Subdivision Regulations of this Ordinance shall be approved and incorporated into the Code of Ordinances of the City of

Kirksville, Missouri. These amendments and additions are listed below. Amendments and additions are printed in bold letters and deleted sections are struck through:

## Chapter 22 – Subdivision Regulations

### Article I.

#### Sec. 22-1. Definitions.

**Codes and Planning Director.** For the purposes of this section, the job title of **Codes and Planning Director** shall refer to the same person as may be referred to as **Codes Administrator or Code Administrator or Zoning Administrator or Building Official or Floodplain Manager or Plat Official.**

#### Sec. 22-1. Definitions.

*Plan commission.* The city **Planning and Zoning Commission** of Kirksville.

#### Sec. 22-1. Definitions.

##### *Subdivision:*

##### (d) *Subdivision lot split:*

(1) The division of land previously platted as a part of a major subdivision, **or as a pre-existing out lot**, if such division does not involve the dedication and construction of any new public . . . (continues on with no other changes)

#### Sec. 22-2. Enforcement.

The city manager shall appoint the official responsible for the administration of this chapter. That person's title shall be **the plat officer**. No officer designated by the city manager . . . (continues on with no other changes)

#### Sec. 22-3. Penalties.

(a) In case any map, plat, **lot split** or subdivision is recorded or attempted to be recorded, or any deed or deeds recorded conveying property according to such map, plat or subdivision, the proper . . . (continues on with no other changes)

#### Sec. 22-4. Amendments.

This chapter may be amended in whole or in part by the city council in accordance with section 89.410, providing that no such amendment shall be adopted until a recommendation is made by the planning **and zoning** commission, **and** after a public hearing is held by the city council. Fifteen (15) days notice of time and place of such hearings shall be published . . . (continues on with no other changes)

### Article II.

#### Division 1.

#### Sec. 22-6. Building permits.

(a) *Major subdivision.* The city building inspector shall not issue building permits for any structure . . . are completed and accepted by the city. ~~It is not the intent of this section to require construction of major subdivisions improvements in areas of the city where development of lots is substantially complete, but rather to assure timely and adequate construction in major subdivisions which are hereafter opened for sale of lots for development purposes.~~

(d) *Revision of plat.* With the exception of lot splits **and minor subdivisions**, no changes, erasures, modifications or revisions shall be made on any plat of a subdivision after approval

has been given by the commission and city council, unless the plat is first submitted to the commission and city council for their approval.

Division 2.

Sec. 22-10. Approval of the preliminary plat.

(b) **Four signed and sealed** copies of the preliminary plat shall be submitted to the plat office at least two (2) weeks prior to the meeting at which it is to be considered.

Sec. 22-13. Final plat contents.

(b) **(20) An area at least 5" wide x 3" in height must be left blank at the upper right hand corner of the final Plat or survey for the Adair County Recorder's seal and signature.**

Division 3.

Sec. 22-14. General requirements.

Large lot subdivision shall meet all of the requirements for platting as outlined in section 22-8 --- 22-13, major subdivision. However, large lot subdivisions may be permitted variance and/or **have** additional requirements as hereafter stated:

Sec. 22-14. General requirements.

(d) Storm water construction may be by overland process, **subject to approval by the City Engineer.**

Division 4.

Sec. 22-17. Contents of the plat.

**(18) Records seal: An area at least 5" wide by 3" in height must be left blank at the upper right hand corner of the final plat or survey for the Adair County Recorder's seal and signature.**

Division 5.

Sec. 22-20. Field survey required.

**(c) An area at least 5" wide by 3" in height must be left blank at the upper right hand corner of the final plat or survey for the Adair County Recorder's seal and signature.**

Article III.

Sec. 22-22. Streets.

(1) Street right-of-ways shall be a minimum of sixty (60) feet to accommodate public and private utilities, sidewalks, and tree planting.

Street pavement depth shall be a minimum of six (6) inch Portland cement concrete. The asphaltic concrete equivalencies contained in this ordinance may be substituted for Portland cement concrete.

Street pavement width shall be a minimum of twenty-eight (28) feet. Variances to this requirement may be made to accommodate affordable housing or other public interest projects. In these cases, no on-street parking on streets of lesser widths, shall be permitted and suitable off-street parking shall be required. In these cases, certain standards for street widths, parking spaces, lot sizes, etc., may be **permitted**, but shall be determined under the regulatory **discretion** of the planning and zoning commission and city council, ~~through the planned unit development process contained in the zoning ordinance.~~

Sec. 22-22. Streets.

(10) All streets which are designated as permanent dead end shall be terminated by a cul-de-sac having a street line radius of sixty (60) feet and pavement radius of forty-nine (49) feet, **unless permitted by the city's Planning and Zoning Commission and the City Council.** In R-1 residential zones, cul-de-sac length should be limited to twenty (20) houses. In all other zones, cul-de-sac length . . .(continues on with no other changes)

Sec. 22-27. Sidewalks.

(b) Sidewalk specifications:

(1) Sidewalks shall be a minimum of four (4) feet wide **and** four (4) inches thick, ~~with wire mesh reinforcement.~~ Sidewalks shall have control joints every four (4) lineal feet. Where sidewalks intersect with a street, they shall conform to the A.D.A. standards for handicapped accessibility. Sidewalks will be constructed on a subgrade compacted to the same specified density of the applicable subgrade standards for street construction. Large rocks and boulders found in the subgrade shall be removed to a minimum of six (6) inches below the bottom of the proposed concrete and the space filled with suitable materials. **All sidewalks shall be required to have reinforcements installed in all concrete. Reinforcements shall be a minimum of #3 rebar (3/8" diameter bar) on no more than twenty-four inch (24") centers. If using fiber mesh in the concrete mix, the rebar reinforcement can be placed at no more than 42" centers. Sidewalks shall have the option of using a 6" x 6" welded wire mesh of 10 gauge steel, minimum, for its reinforcement.**

Article IV.

Sec. 22-36. Site discharge plan/permit.

(a) Prior to final plat approval, when subdivisions are platted that disturb an area of **one (1) acre** or more, the developer shall apply to the department of natural resources (DNR) for a Missouri State Operating permit for stormwater discharge. The city shall be in receipt of a copy of DNR's approved permit.

(b) In subdivisions that contain less than **one (1) acre**, the city engineer may require soil erosion control management plan submission and approval prior to final plat approval. Subdivisions less than **one (1) acre** that contain unusual topographic features, i.e. steep slopes, streams inside their boundaries, etc., where a high degree of erosion could result due to construction activity, may require approval of a soil erosion control plan by the city.

Sec. 22-38. Maintenance bond.

Ten (10) percent maintenance bond shall be provided by the subdivider on a contractor, guaranteeing the street improvements against defects in workmanship and materials for a period of two (2) years from the date of acceptance of such improvements; it shall be filed with the plat officer prior to the acceptance of the improvements by the city. Amount of the bond shall be ten (10) percent of the mean average of developer's cost and the city's **estimated** cost of the street only.

Sec. 22-40. Variance.

Where the subdivider can show that the strict application of a provision of this chapter would cause unnecessary hardship because of unusual topographical or other physical conditions peculiar to the site, the **planning and zoning** commission may **recommend approval of** a variance from such provisions as, in its opinion and for reasons set forth in its minutes, will not materially impair the intent thereof; subject, however, to approval of the city council.

APPENDIX A – ZONING

Article I.

Sec. 25-1. Definitions.

*Accessory building or use.* A subordinate building having a use **secondary** to any **location** on the lot occupied by the main building, or any use **secondary** to the main use of the property. A building housing an accessory use is considered an integral part of the main use **with respect to set backs for the back or side lines** of properties otherwise abutting on a street.

Sec. 25-1. Definitions.

***Codes and Planning Director.* For the purposes of this section, the job title of Codes and Planning Director shall refer to the same person as may be referred to as Codes Administrator or code Administrator or Zoning Administrator or Building Official or Floodplain Manager or Plat Officer.**

Sec. 25-1. Definitions.

*Manufactured housing, double-wide.* Same as Mobile Home except:

In addition, a manufactured home/double-wide shall be subject to the following:

(a) The home must be occupied only as a one-family dwelling or as a two-family dwelling if so designed, **and meets proper zoning criteria.**

(f) Maintain a minimum of eighteen (18) inches of crawl space under the entire **structure.**

Sec. 25-1. Definitions.

*Planned zoning district.* The zoning designation of a lot or tract which permits development as is specifically depicted on plans approved in the process of **rezoning** that lot or tract.

Sec. 25-1. Definitions.

*Special use permit.* An act of granting permission to use land in a manner not permitted in a given zoning district. **The process of granting a special use permit requires** a public hearing before the planning and zoning commission and approval of a special use permit ordinance by the city council setting forth the terms and conditions of said special use.

Sec. 25-4. Building permits, certificates of occupancy and fees.

(b) (1) Plans drawn ~~to scale~~, showing the actual dimensions and shape of the lot to be built upon. **This requires a survey, location of property pins, or other definite means of establishing boundaries;**

Sec. 25-4. Building permits, certificates of occupancy and fees.

(e) *Fees.* Each application for a building permit shall be accompanied by a **payment** according to the fee schedule contained in the building code.

Sec. 25-7.1. Same – Planned districts

(b) . . . The foregoing deviations may be granted by the planning and zoning commission only where there is ample evidence that such deviations will not adversely affect neighboring property, **and shall not** constitute the mere granting of a privilege. Reduction setbacks . . . (continues on with no other changes)

Sec. 25-8. Nonconforming uses prior to December 18, 1972.

(d) Changes to conforming or more restricted use. A nonconforming use, if changed to a conforming use or a more restricted, nonconforming use, may not thereafter be changed back to a less restricted **nonconforming** use than that to which it was changed.

Sec. 25-8. Nonconforming uses prior to December 18, 1972.

(f) Repairs, etc. Repairs and alterations may be made to a nonconforming building; provided, that no structural alterations or extensions shall be made, except those required by law or ordinance, unless the building is changed to a conforming use; provided, that the **Board of Adjustment**, by special permit in the case of evident hardship, may grant an extension of a nonconforming use not exceeding twenty-five (25) percent of the ground area of the building

Sec. 25-9. Nonconforming uses prior to July 1, 1997.

(d) Changes to conforming or more restricted use. A nonconforming use, if changed to a conforming use or a more restricted, nonconforming use, may not thereafter be changed back to a less restricted **nonconforming** use than that to which it was changed.

Sec. 25-9. Nonconforming uses prior to July 1, 1997.

(f) Repairs, etc. Repairs and alterations may be made to a nonconforming building; provided, that no structural alterations or extensions shall be made, except those required by law or ordinance, unless the building is changed to a conforming use; provided, that the **Board of Adjustment**, by special permit in the case of evident hardship, may grant an extension of a nonconforming use not exceeding twenty-five (25) percent of the ground area of the building

Sec. 25-12. Amendments, changes, etc., to chapter.

. . . The planning and zoning commission shall hold a public hearing on the zoning application, including the plan as provided by law. At such time as the development as planned meets with the approval of the commission, the same shall be duly approved, properly endorsed and identified and sent on to the council for action. Prior to issuance of building permits, the final plans for buildings and site improvements shall be submitted to the **city codes and planning director, to review with the engineering department**, as to compliance with the development plan. The development may proceed in stages and final plans for each **stage** shall be submitted and approved prior to permit issuance. The final plans, in addition to building construction plans, shall include a landscape and screening plan showing species and size of all plant materials, areas to be seeded, sodded, etc., all to be in keeping with the development plan as approved. If, in the judgment of the **Codes and Planning Director and the City Engineer**, the concept of development, as depicted on the final plans, deviates substantially from the concept of the preliminary development plan submitted for zoning, the **Codes and Planning Director** shall deny the request for final plan approval. In the event that . . . (continues on with no other changes)

Sec. 25-12. Amendments, changes, etc., to chapter.

(e) List of property owners, etc.; scale drawings, etc. Any person, property owner or other interested parties requesting that a tract or parcel of land, lots or blocks be changed, amended or rezoned shall provide the planning and zoning commission with a complete list of the names, addresses and legal description of land of all adjacent and adjoining property owners within one hundred eighty-five (185) feet of the proposed area to be changed or rezoned. Such list shall be certified as to accuracy by an abstractor, and the costs of such list and certification shall be paid by the requesting person, owner or parties, which shall also include the expense of notice **by certified mail** to adjacent and adjoining property owners or owner entitled to such notification. The planning and zoning commission . . . (continues on with no other changes)

Sec. 25-14. Remedies and penalties for violations.

In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this chapter, the proper local authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of such building, structure or land or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the **Codes and Planning Director**, who is empowered to cause any building, structure, place or premises to be inspected and examined and to order, in writing, the remedying of any condition found to exist therein in violation of any provision of the regulations enumerated herein. The owner or general agent of a building or premises in or upon which a violation of any provision of this chapter has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which such violation has been committed or shall exist; or the owner, general agent, lessee or tenant of any part of the building or premises in or upon which such violation has been committed or shall exist; or the general agent, architect, building contractor or any other person who commits, takes part or assists in any violation of this chapter or who maintains any building or premises in or upon which a violation of this chapter shall exist, shall be guilty of **an ordinance violation** punishable by a fine **not to exceed Five Hundred Dollars (\$500.00) and/or by imprisonment not to exceed ninety (90) days for each and every day that such violation occurs.** ~~of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues. But if the offense be willful, on conviction thereof the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment, in the discretion of the court. Any such person, who, having been served with an order to remove any such violation, shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of this chapter, in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).~~

Article IV.

Sec. 25-32. Required loading space.

No building or structure shall be erected or changed in use, and no extensions, major repairs or substantial alterations shall be made to an existing building or structure in any district, except in the CBD, where no off-street parking is required, unless there already is in existence upon the lot, or unless provision is made for the location on the lot concurrently with such erection or change of **use**, off-street loading space on the basis of the following requirements: . . . (continues on with no other changes)

Sec. 25-39. Maintenance of parking facilities and design specifications.

(d) **Curbs, parking lots, sidewalks:** Curbs will be required in all parking areas/lots other than one- and two-family residential. **Entrances from public streets shall be six inch (6") minimum depth from the physical street connection to the property line. All parking lots, sidewalks and walkways to parking areas shall be required to have reinforcements installed in all concrete that is less than 6" in depth. Concrete poured at a depth of 6" or greater will not require reinforcement. Reinforcements shall be a minimum of #3 rebar (3/8" diameter bar) on no more than twenty-four inch (24") centers. If using fiber mesh in the concrete mix, the rebar reinforcement can be placed**

**at no more than 42” centers. Sidewalks *only* shall have the option of using a 6” x 6” welded wire mesh of 10 gauge steel, minimum, for its reinforcement.**

Sec. 25-40. Changes in requirements.

The number of parking or loading spaces required upon the erection, change in use, or substantial alteration of a building shall not be reduced, except upon written approval of the **Board of Adjustment**, after proof that, by reason of diminution in floor area, seating, number of employees or change in other factors controlling the requirements for parking or loading spaces, the proposed . . . (continues on with no other changes)

Sec. 25-41. Use of required parking by another building.

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Note: In the case of occupancy style that would not necessitate the need for parking or loading space as required in this article, then such parking or loading space requirements may be varied by the **Board of Adjustment** at the request of the owner/developer.

Article V.

Sec. 25-46. Same--Projections, uses, etc., in required yards.

(a) Projections generally. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except as provided for in subsection (m) of section 25-50, and except for the ordinary projection of sills, belt courses, cornices, chimneys, buttresses, ornamental features and eaves; provided, that none of the above projections shall extend into a court more than six (6) inches, nor into a minimum yard more than twenty-four (24) inches; and provided further, that canopies of open porches or decks having a roof area not exceeding sixty (60) square feet may project a maximum of fifteen (15) feet into a required front or rear yard. Open paved patios **or decks without roofs** may extend to within three (3) feet of any ~~front~~ side or rear lot line.

Sec. 25-48. Same--Rear yards.

(c) In computing the depth of a rear yard for residential purposes and the rear yard abuts a **abandoned** railroad right-of-way, **one-half** of the railroad right-of-way may be used. ~~However, the lot shall provide for a minimum of ten (10) percent of the necessary thirty (30) percent of the yard required. In any event the total rear yard depth shall equal thirty (30) feet.~~

Article VI.

Sec. 25-50. Accessory uses.

(b) *Swimming pools.* **An in-ground permanent** swimming pool shall be allowed as an accessory use. It shall be located in the rear or side yard. It shall be placed not closer than five (5) feet away from any side or rear lot line. On a corner lot, it shall not be closer than fifteen (15) feet to the side lot line abutting the street. A swimming pool shall be entirely enclosed by buildings, fences or walls not less than **four (4)** feet in height. Such fences or walls shall be equipped with self-latching gates or doors, the latching device being located not less than four (4) feet above the ground. All lighting of the pool areas shall be so hooded that the light does not shine toward abutting properties.

Sec. 25-50. Accessory uses.

(d) *Garages generally.* For any dwelling house there shall be permitted one (1) private garage with space for not more than one (1) motor vehicle for each two thousand (2,000) square feet of lot area; provided, that such garage shall be located not less than three (3) feet from any side lot line nor less than three (3) feet from any alley line; except, than when the rear lot line is common to a side or rear lot line of another lot, such outbuilding shall be

located a minimum of three (3) feet from such lot line and in the case of corner lots not less than the distance required for residences from side streets. A garage constructed as an integral part of the main building shall be subject to the regulations affecting the main building; except, that on a corner lot, a private garage, when attached to the main building and not exceeding the height of the main building, may extend into the required rear yard to a point not less than eighteen (18) feet from the rear lot line and shall not occupy more than thirty (30) percent of the required rear yard. **Any garage not attached to the main building must be a minimum of ten feet (10') from the main building, measured at the closest point, not including eaves or overhangs.**

Sec. 25-50. Accessory uses.

(e) *Detached buildings generally.* A detached accessory building shall not be allowed in the front yard. A detached accessory building shall not be located less than three (3) feet of [from] any side, rear, or alley lines. A detached accessory building not exceeding twenty-four (24) feet or two (2) stories in height, or in any case not higher than the main building, may occupy not more than thirty (30) percent of a rear yard. If such building is not more than one (1) story or sixteen (16) feet high, it may occupy forty (40) percent of a rear yard. A detached accessory building may be connected with the main building by a lightly constructed, covered passage, open on each side, not more than twelve (12) feet high and six (6) feet wide inside, and which is not an extension of the roof of the main building. **Any accessory building not attached to the main building must be a minimum of ten feet (10') from the main building, measured at the closest point, not including eaves or overhangs.**

Article IX.

Sec. 25-56. Uses permitted.

(c) Apartment houses or multiple dwellings; **(See Sec. 25-57, item (f) of this Article)**

Sec. 25-57. Height, area, parking, maintenance.

(f) *Lot area per family.* ~~Every~~ **Dwellings** hereafter erected or altered **for multiple family dwellings shall be a minimum of** one thousand two hundred (1,200) square feet per family; provided, that where a lot of record has less area than herein required in single ownership on December 18, 1972, this regulation shall not prohibit the erection of a one- or two-family dwelling; **and further provided that large parcels that are developed and that are owned by a single ownership, more than one dwelling on the tract shall be permitted as long as the front, side and rear yards on the exterior perimeter of said projects meet the code.** ~~Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than fifteen thousand (15,000) square feet per family;~~ **All buildings and premises are to be maintained by the owner.**

Article XIII.

Division 2.

Sec. 25-72. Access at entrances or exits.

Access to mobile home parks shall be designed to minimize congestion and hazards to the entrance or exit and allow free movement of the traffic on the adjacent streets. If there should be more than one (1) entrance road, they shall be spaced not closer than two hundred (200) feet apart. The entrance roads connecting the park streets with the public streets or roads shall have a minimum road pavement width of thirty-six (36) feet where parking is permitted on both sides or a minimum road pavement width of twenty-eight (28) feet where parking is limited to one (1) side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting mobile home lots within such distance, the

minimum road pavement width may be **twenty-eight (28)** feet; provided, that parking is prohibited on both sides.

Sec. 25-73. Streets and sidewalks; walkways to service buildings; service buildings; electrical outlets; numbering system.

(a) All streets, ~~except minor streets~~, shall be **twenty-eight (28) feet**;

(b) ~~Minor streets with no parking shall be twenty (20) feet. Minor streets are acceptable only if they are less than five hundred (500) feet long and serving less than twenty-five (25) mobile homes, or of any length if they are one-way streets and providing access to abutting mobile home lots on one (1) side only;~~ **Paragraph (b) is deleted.**

(c) Dead-end streets shall be limited in length to four hundred (400) feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least **ninety-eight (98)** feet;

Article XV.

Sec. 25-84. Uses permitted.

.....  
**Motor fuel dispensing** stations; provided, that all storage tanks for gasoline shall be below the surface of the ground; . . . (continues on with no other changes)

Sec. 25-85. Height and area.

(b) *Front yards*. Same as district R-1; provided, that where established buildings in this district within the same block have front yards of less depth **than required, it may be allowed to** reduce the required depth.

Article XVI.

Sec. 25-86. Uses permitted.

.....  
Beer gardens, bowling alleys, dance halls, shooting galleries, skating rinks and similar commercial recreation buildings or activities; provided, that such uses shall be not less than **one hundred (100)** feet from any existing clinic, hospital, school or church; and shall not be less than **one hundred (100)** feet from districts R-1, R-2, R-2-S, R-3, R-3-S, R-4, or R-4-S, unless approved by the board under such restrictions as seem appropriate after consideration of noise and other . . . (continues on with no other changes)

Article XIX.

Sec. 25-95. Uses permitted.

.....  
Recycling/non-auto salvage yard, if enclosed within **an approved** solid fence or wall at least eight (8) feet in height, **which must effectively screen the contents contained therein**; . . . (continues on with no other changes)

Article XX.

Sec. 25-97. Uses permitted.

(c)

(2) Automobile wrecking yards, if enclosed within **an approved** solid fence or wall at least eight (8) feet high, **which must effectively screen in all automobiles contained therein**;

Article XXI.

Sec. 25-99. Exceptions by special use permits.

(e)

(3) If such special use permit shall be for a limited or stated term of use, the same may be extended **by the city council** after public hearing and report by the planning and zoning commission; **however, notice to property owners that are within 185 feet shall not be required for a special use permit extension.**

Council Member Rodgerson moved to adopt Bill No. 2007-48 on second reading; seconded by Council Member Mayer. The motion carried by the following vote: Mayor Rowe – aye; Council Members: Mayer – aye; McCord – aye; Newton – absent; Rodgerson – aye. Ayes – 4; Nays – none; Absent–1.

**Council Comments**

City Manager Macomber said that on November 13, 2007, there will be a public meeting to explain the Franklin Street Project. On November 15, 2007 there will be an open forum for citizens to learn more about the Hwy 63 Alternate Route and offer feedback from 2:00-7:00p.m. at the Adair County Annex.

**Adjournment**

Council Member Mayer moved to adjourn to Executive Session regarding Personnel Matter RsMO 610.021(3); seconded by Council Member Rodgerson. The Deputy City Clerk took the roll call vote: The motion carried by the following vote: Mayor Rowe—aye; Mayor Pro Tem McCord – aye; Council Member Mayer - aye; Council Member Newton - absent; Council Member Rodgerson – Aye. Ayes—four; Absent – one; Nays – None.

Mayor Rowe adjourned the meeting to an Executive Session, at 6:21 p.m.

Sarah Halstead  
Deputy City Clerk