CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager

SESSION DATE: August 14, 2007
TIME: 5:30 P.M.
PLACE: North Park

AGENDA:

Zoning Ordinance Review
Skate Park Plans and Progress
North Park Master Plan and Expansion of Services
Newsletter Review – August 10, 2007

ZONING ORDINANCE REVIEW

The Codes Department has been working on a list of proposed changes to the zoning ordinances and the subdivision ordinances. These changes are to clean up some language in the ordinances that is outdated, to clarify some ordinances that have been interpreted differently by others, to make some corrections that refer to state statutes, and to make some changes to enhance public safety concerning distances and dimensions on some ordinances.

Most changes are of a minor nature and may only be a change of job title or the names of Boards or Commissions, or the addition of clarifying language that makes clearer the procedures and interpretations that we use as standard practice today. The Codes staff had a preliminary discussion with the Planning & Zoning Commission about these changes earlier this week. At the September Planning & Zoning meeting they will hold a formal public hearing on the changes and will make their final recommendations to the Council. In the meantime we have attached the information on proposed changes – some have been worked through and proposed changes are listed, while others are things we know we still need to look at and will work on in the next few weeks.

Recommended Action: It is recommended that the City Council review the proposed changes to the Zoning Ordinance and give input.

SKATE PARK PLANS AND PROGRESS

Since the community began developing a Community Strategic Plan, a skateboard park has been one of the items identified as a need and has continued to be a requested project. Local skateboarders have no place to go to practice and develop their skills. As a result, they end up skateboarding in places that are not approriate – private parking lots and driveways, downtown sidewalks, and on makeshift ramps that land in streets. Not only are these young people often breaking City ordinances, but they are not skateboarding safely. The municipal judge as well as the police chief have both been asked “If we can’t

skateboard here, then where can we go?" Unfortunately we don't currently have a good answer to that question.

Last fall the City completed an application for a DNR Land and Water Conservation Grant to help fund a skate park. The grant was awarded to the City by DNR. The grant award is $30,000, with a commitment of $40,000 from the local skateboard group, and $50,000 from the City, with another $10,000 in in-kind services from the City. The planning committee has chosen a modular design that will allow for expansion of the park as funds become available. DNR has completed a preliminary site visit and is very impressed with the project and with the existing North Park facility. Since we will be meeting at North Park for Study Session, we will be able to show the Council the location that has been selected for the skate park, and explain how that fits into the overall future plans for the park.

The first meeting of the steering committee will be August 16th at 6:30 p.m. This group will be planning for fund raising, construction, public awareness campaign and volunteer development. While the group has already done a few smaller fundraising activities, now that we have the grant and the City's commitment as leverage, they will be able to apply for their own grants and do larger fundraising events.

Recommended Action: It is recommended that the City Council review the proposed location and layout of the future skate park.

NORTH PARK MASTER PLAN AND EXPANSION OF PROGRAMS

North Park master plan project is progressing. The discussions have centered on green space/soccer fields, indoor and outdoor tennis courts, skate park, parking and additional concession/restrooms. Maps have been printed with the existing facilities identified and suggestions as to where additional facilities could be placed. The LPRC is reviewing this information and will be making recommendations to Council in the coming months.

The City has an agreement with the Kirksville R-III School District for use of North Park. However, in recent years the school district has used the facility much more than is called for in the agreement. City staff has approached the school district to try and make some kind of agreement for additional compensation for this additional usage, as it costs the City additional staff time, supplies, etc. However, there has been no progress with the school district on this issue.

Earlier this week the City Council approved the sale of land that was a part of the original North Park acquisition. However, due to its location and limited development possibilities it was no longer needed. The funds from this sale of land will go into the North Park Fund and will be used for maintenance (parking lot repair and restroom improvements).

There are several parents of local baseball/softball players who are interested in helping to get tournaments at North Park. Many of these families travel all over the state or farther to baseball/softball tournaments and play at facilities that are not nearly as nice as North Park. They also spend their time and money in these other communities. There is a lot of interest in getting more tournaments in Kirksville and we have several community members who are willing to help make that happen.

Recommended Action – It is recommended that the City Council provide input on the future plans for North Park and assist with generating ideas to increase its usage and increasing revenues for the facility.

NEWSLETTER REVIEW – August 10, 2007

Attachments

Zoning Ordinance – pgs 4 - 28
Skate Park Layout – page 29
North Park Master Planning Map (Draft) – page 30

Proposed - Zoning and Subdivision Ordinance Changes

SUBDIVISION REGULATIONS

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

Street. A thoroughfare which affords the principal means of access to abutting property. A street may be designated as an avenue, boulevard, highway, parkway, road, thoroughfare, court, or other appropriate name. Streets are identified according to type of use as follows:

Subdivision:
(a)
(b)
(c)
(d) *Subdivision lot split:*
(1) The division of land previously platted as a part of a major subdivision, if such division does not involve the dedication and construction of any new public utilities, (sewer and water), or the construction of any new public streets; and provided further, that such division does not change the street or block patterns as previously platted.

Proposed Change:
(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 utilities, (sewer and water), or the construction of any new public streets; and provided further, that such division does not change the street or block patterns as previously platted.

Sec. 22-2. Enforcement.

The city manager shall appoint the official responsible for the administration of this chapter. That person's title shall be plat officer. No officer designated by the city manager as the plat officer under the provision of this chapter shall engage, either directly or indirectly, in the business of surveying, and no plat or subdivision shall be received for record, or have any validity which has been prepared by, or under the direction of, any such plat officer.

Proposed Change:

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 as the plat officer under the provision of this chapter shall engage, either directly or indirectly, in the business of surveying, and no plat or subdivision shall be received for record, or have any validity which has been prepared by, or under the direction of, any such plat

Sec. 22-3. Penalties.

(a) In case any map, plat 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 authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful conveyance of the property or to restrain, correct or abate such violation to prevent the occupancy of any buildings or structures erected on the premises or to prevent any illegal act, conduct of business or use in or upon such premises.

Proposed Change:

(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 authorities of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful conveyance of the property or to restrain, correct or abate such violation to prevent the occupancy of any buildings or structures erected on the premises or to prevent any illegal act, conduct of business or use in or upon such premises.

Sec. 22-4. Amendments.

This chapter may be amended in whole or in part by the city council in accordance with section 89.~~360~~, providing that no such amendment shall be adopted until a recommendation is made by the planning commission, after a public hearing is held by the city council. Fifteen (15) days notice of time and place of such hearings shall be published in at least one (1) newspaper having general circulation within the municipality, such publication to be at least once a week for two (2) weeks. The provisions of the proposed amendment, setting forth the principal provisions of the proposed changes and a reference to the place or places where copies of the proposed amendment may be examined, shall be incorporated in the official notice.
(Ord. No. 11367, 2-1-99)

Proposed Change:

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 in at least one (1) newspaper having general circulation within the municipality, such publication to be at least once a week for two (2) weeks. The provisions of the proposed amendment, setting forth the principal provisions of the proposed changes and a reference to the place or places where copies of the proposed amendment may be examined, shall be incorporated in the official notice.
(Ord. No. 11367, 2-1-99)

Sec. 22-6. Building permits.

(a) *Major subdivision.* The city building inspector shall not issue building permits for any structure on a lot in a major subdivision or large lot subdivision for which a plat has not been approved and recorded in the manner prescribed herein. In major or large lot subdivisions, the improvements required must be completed, or satisfactory surety in the form of a bond, cash, or other accepted method furnished to guarantee the installation of such improvements. However, if a major or large lot subdivision is developed in stages, and only that particular subdivision phase is being accepted by the city, building permits may be issued for lots in any designated phase for which the required improvements have been completed or satisfactory surety for the same provided. In cases of evident hardship, inclement weather, etc., the building inspector may issue building permits on platted lots prior to construction of utilities. Occupancy of the structure will not be allowed until utilities 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.~~

Proposed Change:

(a) *Major subdivision.* The city building inspector shall not issue building permits for any structure on a lot in a major subdivision or large lot subdivision for which a plat has not been approved and recorded in the manner prescribed herein. In major or large lot subdivisions, the improvements required must be completed, or satisfactory surety in the form of a bond, cash, or other accepted method furnished to guarantee the installation of such improvements. However, if a major or large lot subdivision is developed in stages, and only that particular subdivision phase is being accepted by the city, building permits may be issued for lots in any designated phase for which the required improvements have been completed or satisfactory surety for the same provided. In cases of evident hardship, inclement weather, etc., the building inspector may issue building permits on platted lots prior to construction of utilities. Occupancy of the structure will not be allowed until utilities are completed and accepted by the city.

Section 22-6. Building permits

(d) *Revision of plat.* With the exception of lot splits, 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.

(Ord. No. 11367, 2-1-99)

Proposed Change:

(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.

(Ord. No. 11367, 2-1-99)

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

(b) ~~Fifteen (15)~~ 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.

Proposed Change:
(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.

Proposed Addition to the code:

(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 for the Adair County Recorders seal and signature.

DIVISION 3. LARGE LOT SUBDIVISIONS

Sec. 22-14. General requirements.

Large lot subdivision shall meet all of the requirements for platting as outlined in section 22-~~41~~ --- 22-~~46~~, major subdivision. However, large lot subdivisions may be permitted variance and/or additional requirements as hereafter stated:

(a)
(b)
(c)
(d) Storm water construction may be by overland process.

Proposed Change:

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:

(a)
(b)
(c)
(d) Storm water construction may be by overland process, subject to approval by the city Engineer.

Sec. 22-17. Contents of the plat.

The plat of a minor subdivision shall contain the following:

Proposed Addition to the code:

(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 for the Adair County Recorders seal and signature.

Sec. 22-20. Field survey required.

Proposed Addition to the code:

(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 for the Adair County Recorders seal and signature.

ARTICLE III. DESIGN STANDARDS

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 ~~varied~~, but shall be determined under the regulatory discriminations of the planning and zoning commission and city council~~, through the planned unit development process contained in the zoning ordinance~~.

Proposed Change:

(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 discriminations of the planning and zoning commission and city council.

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. In R-1 residential zones, cul-de-sac length should be limited to twenty (20) houses. In all other zones, cul-de-sac length shall be limited to five-hundred (500) feet.

Street stubs shall be platted and paved at intervals along the boundaries of the subdivision in order that vehicle and pedestrian access will be provided to future subdivisions adjacent. The spacing and location of the street stubs shall be determined by topography, maximum block length requirement of section 22-104, the logical future street patterns of the adjacent property and the street and lot pattern of the subject subdivision.
(Ord. No. 11367, 2-1-99)

Proposed Change:

(10) All streets which are designated as permanent dead end shall be terminated by a cul-de-sac having a street line radius of ninety (90) feet and pavement radius of forty-nine (49) feet, unless varied 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 shall be limited to five-hundred (500) feet.

Street stubs shall be platted and paved at intervals along the boundaries of the subdivision in order that vehicle and pedestrian access will be provided to future subdivisions adjacent. The spacing and location of the street stubs shall be determined by topography, maximum block length requirement of section 22-104, the logical future street patterns of the adjacent property and the street and lot pattern of the subject subdivision.
(Ord. No. 11367, 2-1-99)

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 cost of the street only.
(Ord. No. 11367, 2-1-99)

Proposed Change:

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.
(Ord. No. 11367, 2-1-99)

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 ~~plan~~ commission may ~~authorize~~ 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.
(Ord. No. 11367, 2-1-99)

Proposed Change:

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.
(Ord. No. 11367, 2-1-99)

ZONING

ARTICLE I. IN GENERAL

Sec. 25-1. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section:

Accessory building or use. A subordinate building having a use customarily incident to any located on the lot occupied by the main building, or any use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main use ~~to the back or side~~ of properties otherwise abutting on a street.

Proposed Change:

Accessory building or *use.* A subordinate building having a use customarily incident to any located on the lot occupied by the main building, or any use customarily incident 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.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section:

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

(1) Must be a minimum of twenty-six (26) feet wide and transported in more than one (1) single unit as a finished dwelling unit;

(2) May be located in any R2S, R3S, R4S zone or planned unit development (PUD) if:

a. Placed on a permanent foundation: Foundations shall meet the most current adopted building code of the city.

b. Location on the site meets all standard zoning requirements contained in this chapter.

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.

Proposed Change:

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

(1) Must be a minimum of twenty-six (26) feet wide and transported in more than one (1) single unit as a finished dwelling unit;

(2) May be located in any R2S, R3S, R4S zone or planned unit development (PUD) if:

a. Placed on a permanent foundation: Foundations shall meet the most current adopted building code of the city.

b. Location on the site meets all standard zoning requirements contained in this chapter.

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.

Sec. 25-1. Definitions.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section:

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 zoning that lot or tract.

Proposed Change:

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.

For the purposes of this chapter, the following words and terms shall have the meanings ascribed to them by this section:

Special use permit. An act of granting permission to use land in a manner not permitted in a given zoning district ~~following~~ 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.

Proposed Change:

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) *Same--Applications.* All applications for building permits shall be accompanied by:

(1) Plans drawn to scale, showing the actual dimensions and shape of the lot to be built upon;

Proposed Change:

(b) *Same--Applications.* All applications for building permits shall be accompanied by:

(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 ~~deposit~~ according to the fee schedule contained in the building code.

Proposed Change:

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

(d)

(4) A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with ordinance requirements can be determined.

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 ~~planning and zoning commission for review~~ as to compliance with the development plan. The development may proceed in stages and final plans for each ~~state~~ 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 ~~commission~~, the concept of development, as depicted on the final plans, deviates substantially from the concept of the preliminary development plan submitted for zoning, the ~~commission~~ shall deny the request for final plan approval.

In the event that ……. (this section continues without changes)

Proposed Change:

(d)

(4) A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces and other quantities relative to the submitted plan in order that compliance with ordinance requirements can be determined.

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 city staff, the concept of development, as depicted on the final plans, deviates substantially from the concept of the preliminary development plan submitted for zoning, the city staff shall deny the request for final plan approval.

In the event that…..(this section continues without 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 ~~registered~~ notice to adjacent and adjoining property owners or owner entitled to such notification. The planning and zoning commission shall have the further right to require the requesting party to provide a scale plat, drawing plat or drawing of the area proposed to be changed and the surrounding area if, in their opinion, the circumstances warrant such drawing.
(Code 1974, § 25-12; Ord. No. 11029, § 2, 4-6-92; Ord. No. 11296, 6-16-97)
State law references: Changes in zoning regulations, RSMO. § 89.060.

Proposed Change:

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 shall have the further right to require the requesting party to provide a scale plat, drawing plat or drawing of the area proposed to be changed and the surrounding area if, in their opinion, the circumstances warrant such drawing.
(Code 1974, § 25-12; Ord. No. 11029, § 2, 4-6-92; Ord. No. 11296, 6-16-97)
State law references: Changes in zoning regulations, RSMO. § 89.060.

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 ~~zoning administrator~~, 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 ~~a misdemeanor~~ punishable by a fine 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).~~

(Code 1974, § 25-14; Ord. No.11296, 6-16-97)

State law references: Similar provisions, RSMO. § 89.120.

Proposed Change:

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 of up to $500 and/or up to 90 days in jail. Each day the violation continues to exist can be considered as a separate ordinance violation.

(Code 1974, § 25-14; Ord. No.11296, 6-16-97)

State law references: Similar provisions, RSMO. § 89.120.

Other Changes Not Yet Ironed Out:

1. Change of ordinance to require reinforcement bars (re-bar) in flat concrete work, such as sidewalks, parking lots and driveways, etc.

2. Change of “P & Z Commission” to “Board of Adjustment” (language).

3. Clarification of lot line limits as far as decks without roofs can extend to.

4. Computation of rear yard area when bordering on railroad rights of way.

5. Unattached garage spacing from the house, change to 10 ft. min.

6. Lot area per family changes on lots with multiple dwellings. Clarification of language to allow 1200 feet per family.

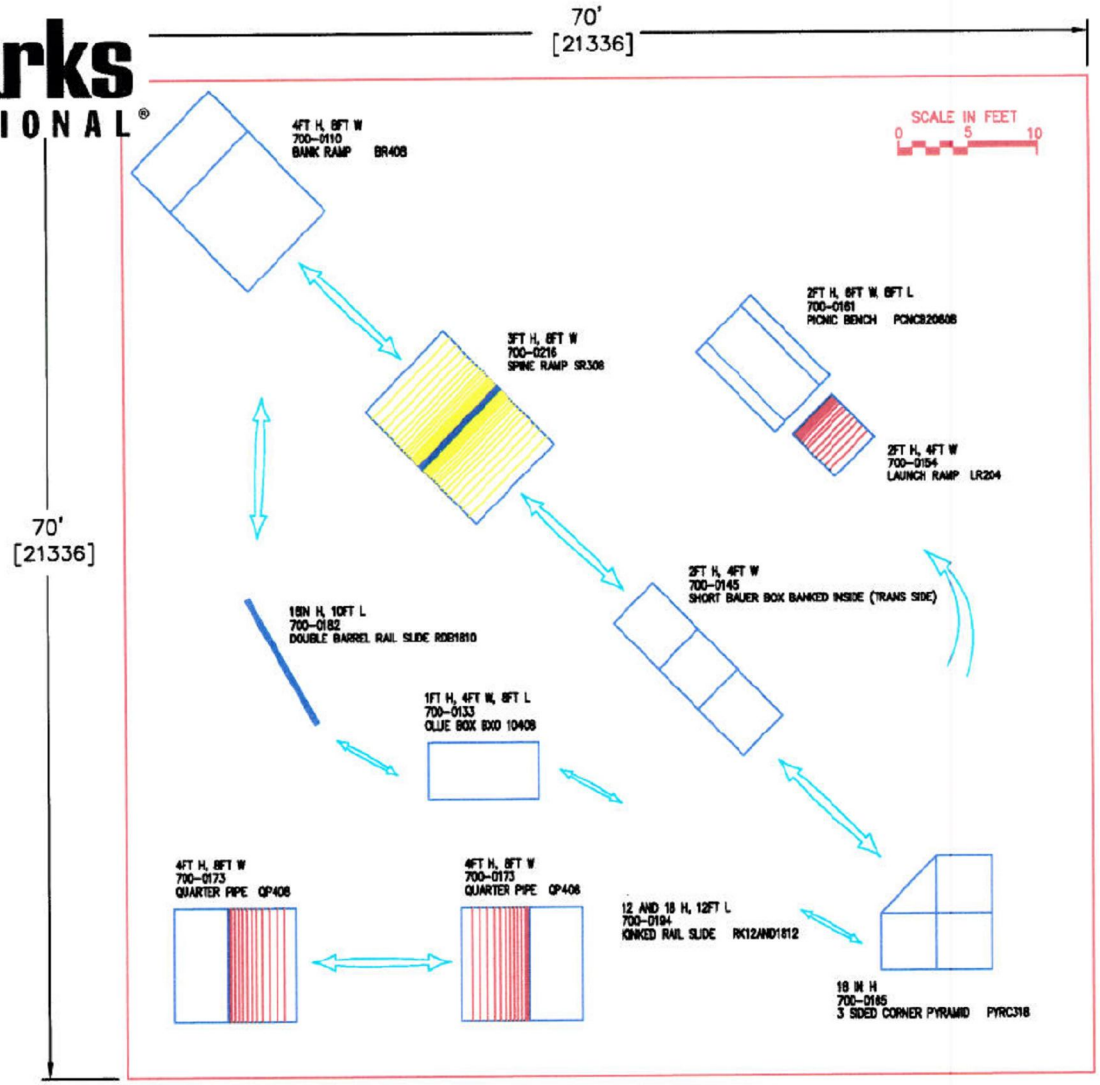
7. Minimum pavement width in RP-5 zoning to 28 feet, to be the same as in other zoning classifications.

8. Beer gardens, etc., to be 100 feet from hospitals, churches, etc., to align with state law.

9. Change in language of fence height around automobile wrecking yards to include “must effectively screen” the debris and junk inside from outside viewing.

Still looking at:

1. Swimming pool fencing requirements
2. Kennel language or what exactly constitutes a kennel
3. Rear property lines and easements for buildings, future subdivision construction.



SHIPPING INFO.
SHIP TO ZIP CODE: 63501
NUMBER OF TRUCKS
2 @ 48' FLAT BED

6-20-07

SK8PARKS

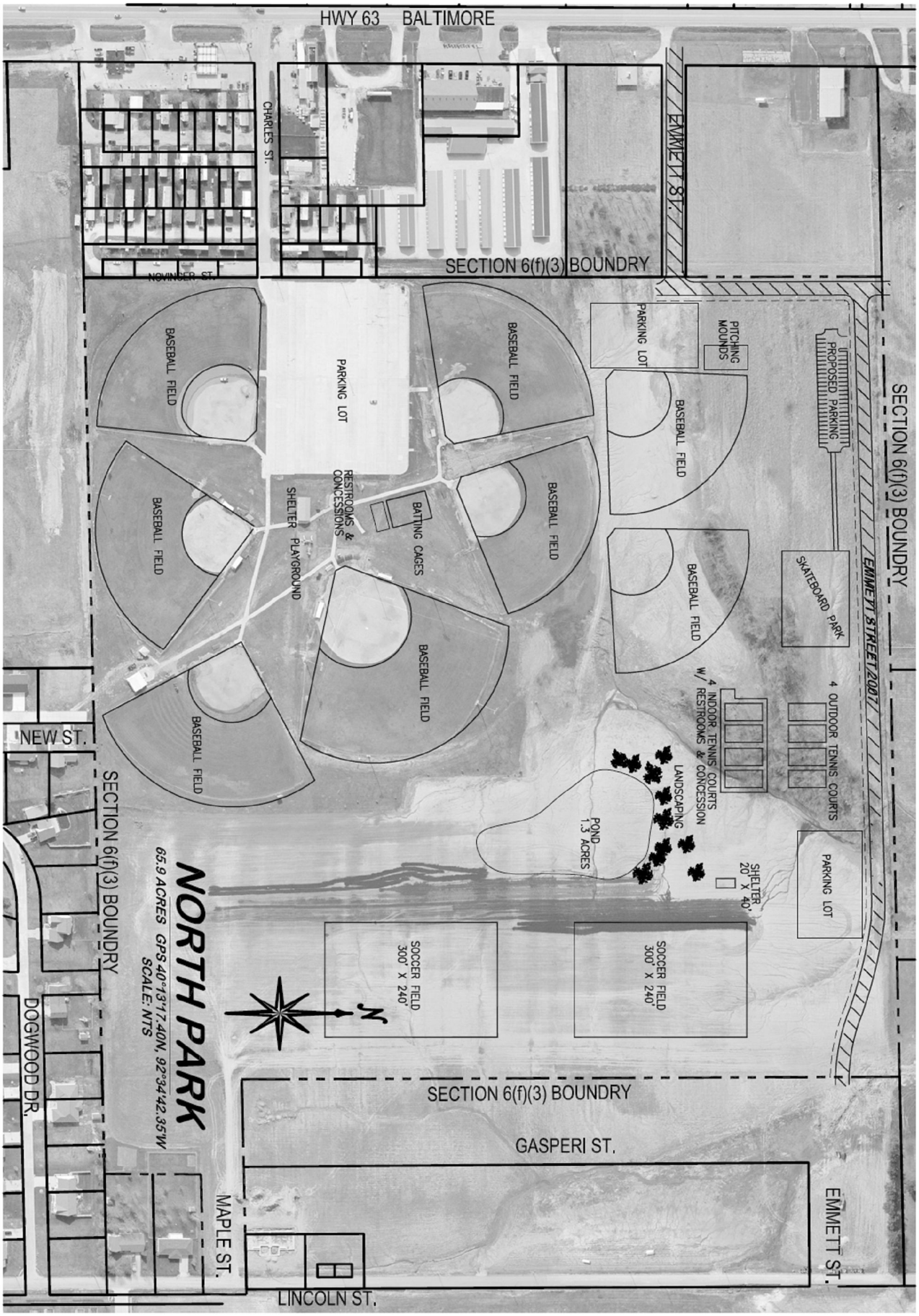
DRAWN BY: M. FENRICK

KIRKSVILLE CITY

KIRKSVILLE, MO

SK8PARK INTL. DIRECT
414-42216-1
PROPOSAL 1

Skate Park International PO Box 549 Fond du Lac, Wisconsin 54936-0549 Telephone 1-877-891-1283


SECTION 6(f)(3) BOUNDRY
EMMETT STREET 2001
PROPOSED PARKING
PITCHING MOUNDS
SKATEBOARD PARK
4 OUTDOOR TENNIS COURTS
PARKING LOT
BASEBALL FIELD
BASEBALL FIELD
BASEBALL FIELD
4 INDOOR TENNIS COURTS W/ RESTROOMS & CONCESSION
LANDSCAPING
POND 1.3 ACRES
SHELTER 20' X 40'
SOCCER FIELD 300' X 240'
SOCCER FIELD 300' X 240'
N
SECTION 6(f)(3) BOUNDRY
GASPERI ST.
EMMETT ST.
MAPLE ST.
LINCOLN ST.
NORTH PARK
65.9 ACRES GPS 40°13'17.40N, 92°34'42.35'W
SCALE: NTS
SECTION 6(f)(3) BOUNDRY
DOGWOOD DR.
NEW ST.
BASEBALL FIELD
BASEBALL FIELD
BASEBALL FIELD
BASEBALL FIELD
PARKING LOT
RESTROOMS & CONCESSIONS
SHELTER
PLAYGROUND
BATTING CAGES
CHARLES ST.
NOVINGER ST.
SECTION 6(f)(3) BOUNDRY
EMMETT ST.
HWY 63 BALTIMORE