

BILL NO: _____

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI AMENDING SECTIONS OF APPENDIX A, CHAPTER 6, AND CHAPTER 15 OF THE CODE OF ORDINANCES.

WHEREAS, the City of Kirksville desires to develop aesthetically pleasing neighborhoods to encourage redevelopment, home ownership, and community pride; and

WHEREAS, the City of Kirksville desires to reestablish residential front yards to ease access to first responders during winter months and provide a social focal point for neighborhood residents to interact; and

WHEREAS, the City of Kirksville desires to promote walkability and ADA accessibility throughout the community through a well-connected, safe, and comfortable sidewalk system; and

WHEREAS, the City of Kirksville desires to reduce and manage the amount of stormwater runoff originating from off-street parking facilities in an effort to reduce flash flooding and the inundation to the City’s stormwater facilities; and

WHEREAS, the City of Kirksville reached out on multiple occasions to stakeholders of the community about the proposed code revisions; and

WHEREAS, the notice of proposed revisions to the City Code was placed in a daily newspaper of general circulation 15 days in advance of a Public Hearing before the Kirksville Planning and Zoning Commission; and

WHEREAS, no one spoke in favor or opposition of the proposed code revisions at the Planning and Zoning Commission meeting held on January 10th, 2018; and

WHEREAS, after consideration of the proposed code revisions, the Planning and Zoning Commission voted to recommend City Council approval of the proposed code revisions by a vote of 6-1 at the February 2018 commission meeting; and

WHEREAS, after much review by the City Council during the months of March and April, the City Council finalized language to address parking matters within the City of Kirksville.

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

Section 1. That the current “Appendix A – Zoning” of the Kirksville City Code of Ordinances is hereby be amended as follows and shown with additional text in bold letters and deleted text in strikethrough:

ARTICLE 1. – IN GENERAL
Sec. 25-1. – Definitions.

Building Line, Front. A line parallel to the front lot line that separates all parts of a building from the open spaces adjacent thereto on the same lot.

Driveway. An area intended for the operation of private automobiles and other vehicles from a lot line to a garage, approved parking area, building entrance, structure or approved use located on the property.

Driveway Approach. An area intended for the operation of private automobiles and other vehicles giving access between a street and/or alley edge and abutting a lot line.

Dwelling, multiple Multifamily. A building or portion thereof arranged, intended or designed for occupancy by three (3) or more families, including apartment houses, row houses, tenements and apartment hotels.

Lot Line, Corner Side. A side boundary line which abuts upon a public right-of-way containing a street.

Lot Line, Interior Side. A side boundary line which abuts upon private property and does not abut upon a public right-of-way containing a street.

Mixed-use. A building, structure, or development containing more than one (1) land use.

Right-of-way, Undeveloped Public. The space of land located between the back of the curb or street edge to the edge of the sidewalk or the property line that extends parallel to the street. Also referred to as “unimproved right-of-way.”

Tandem Parking. A parking space that is only accessed by passing through another parking space from a street, driveway, or alley.

ARTICLE IV. – OFF-STREET PARKING AND LOADING
Sec. 25-31. – Required Parking

When units or measurements determining the number of required parking spaces or loading spaces result in a fractional space, any fraction under one-half (0.5) shall be disregarded, and fractions including and over one-half (0.5) shall require one (1) parking space or loading space.

(a) Parking in the Central Business District

~~(a)1.~~ Off-street parking is not required for uses permitted, ~~as defined below,~~ in that portion of the **Central Business District (CBD)** district which is within the area ~~defined~~ as follows:

South right-of-way line of Illinois Street on the north; eastern right-of-way line of Norfolk and Western Railroad on the west; west right-of-way line of High Street on the east; and north right-of-way line of Jefferson Street, on the south. ~~However, in the CBD district, where construction of non-required off street parking is developed by an owner or developer, the design standards set herein shall apply.~~

1. Existing buildings used for residential, business, or a combination of these uses in the **CBD** ~~area defined above~~, do not require off-street parking. ~~, with~~

~~The~~ the following exceptions shall apply:

- a. Buildings used ~~as of July 20th, 2015, the time of this ordinance~~ for the purpose of offering retail, or other commercial business in the ground floor space, whose owner wishes to change the use of this ground floor space from retail/commercial to residential living, must provide on-site parking for the residential use. One (1) parking space shall be provided for each bedroom.
- b. In this application on-site parking shall be defined as specific, reserved parking spaces on ~~private property within the same lot or~~ **parcel of land as the structure the parking is intended to serve** ~~block of or on a privately owned lot within one half block from the residence.~~

Renumber 2 and 3 to c and d As follows:

- c. ~~2.~~ New construction of buildings for business purposes in the area defined above may require construction of off-street parking, dependent upon the type of business that occupies the site.

Example: Hotels, motels, theaters, or similar types of businesses that might include convention centers, churches, or community centers, or other places of public assembly may require the construction of off-street parking.

The decision of whether new buildings in the area defined above will be required to provide parking, and the amount of parking, will be made by the city council after a recommendation from the planning and zoning commission. A public hearing will not be required.

- d. ~~3.~~ New construction of buildings for residential purposes, in the ~~area defined above~~ **CBD**, will require off-street parking on the same lot **or parcel of land** as the residential use, ~~or the parking may be located in a privately owned lot in the same block, or the parking may be located in a privately owned lot across the street from the residential~~

~~structure within one-half block. One (1) parking spot per bedroom will be required.~~

- i. In this application on-site parking shall be defined as specific, reserved parking spaces on **the same lot or parcel of land as the structure they are intended to serve.**

(b) In all other districts not located within the above-described area, the requirements for off-street parking which are in effect as of the effective date of this section shall continue to apply; provided, however, that after the date of this section, no building or structure shall be erected, constructed or moved, changed in use, nor physically altered so as to increase the floor area of such building or structure, nor shall the interior of any such building or structure be remodeled or renovated where the cost of renovation or remodeling is in excess of fifty (50) percent of the fair market value of such building or structure, unless there already is in existence upon the property, or unless provision is made for the location on the property concurrently with such erection, construction, moving, alteration, change in use, remodeling or renovation, off-street parking space on the basis of the minimum requirements contained herein ~~as applied to the following use categories:~~.

(c) Minimum off-street parking requirements are:

All required driveways and parking areas are to be hard-surfaced with concrete or asphalt paving.

Tandem parking is allowed for single family and two-family (duplex) residential given the units have separate driveways.

Any new secondary drive onto the property must be hard-surfaced from the edge of the street to the property line. If the distance from the edge of the street to the property line is less than six (6) feet, a minimum of six (6) feet of the drive must be hard-surfaced, starting at the street edge.

~~Single-family residential dwelling:~~ **Single-family residential dwelling:** Two (2) parking spaces per ~~residence dwelling.~~

~~Duplex (two-family) residential dwelling:~~ **Two-family (Duplex) residential dwelling:** One (1) parking space per bedroom.

~~Multifamily residential dwelling:~~ **Multifamily residential dwelling:** One (1) parking space per bedroom.

(d) Hotels: Hotels, including clubs, lodging houses, boarding houses, residence halls, motels, tourist and trailer camps and parks, and all other similar places offering short-term overnight accommodations, shall provide at least one (1) parking space for each employee **on the largest shift** and one (1) parking space for each guestroom. If assembly halls, bars, restaurants, nightclubs, retail shops or room for other shops, service establishments or businesses are

provided, additional ~~off-street~~ parking spaces shall be required in accordance with the regulations set forth herein for such additional uses.

- (e) Fraternities, sororities, and similar uses: One (1) parking space for each member of the organization living on the premises and one (1) parking space for each employee. In addition, where fraternities, sororities, or similar uses have areas inside the main building or accessory to, for the purpose of meetings, social functions, etc., additional parking according to the maximum floor area allowances per occupant shall apply. The most current building code adopted by the city shall be used in determining occupant load. Once the occupant load is established, the parking requirement shall be one (1) parking space for each ~~two (2)~~ **four (4)** occupants as permitted.

In computing total parking requirements in cases where social and meeting areas exist, the additional number of spaces required for social functions, meetings, etc., may be reduced by ~~fifty (50)~~ **half** of the number required for the residents in the main building.

- (f) Hospitals: Hospitals, including sanitariums, orphanages, convalescent homes, nursing homes, and all other similar institutions, shall provide at least one (1) parking space for each employee, staff member, administrative personnel, visiting doctors (one (1) space for every four (4) visiting doctors), and one (1) parking space for ~~each patient bed~~ **every four (4) patient beds**. In determining the total number of spaces required, the greatest number of employees, staff, administrative personnel, visiting doctors, in any one (1) given shift, shall be used in determining the total number of parking spaces required.
- (g) Restaurants: Restaurants, including bars, taverns, nightclubs, lunch counters, diners and all other similar dining or drinking establishments shall provide at least one (1) parking space for each employee **on the largest shift**, and one (1) parking space for every four (4) seats provided for patron use.
- (h) Theaters: Theaters, including motion picture houses, shall provide at least one (1) parking space for each employee **on the largest shift**, and one (1) parking space for every ~~two (2)~~ **four (4)** seats provided for patron use.
- (i) Places of public assembly: Places of public assembly, including assembly halls, exhibition halls, convention halls, auditoriums, skating rinks, dance halls, bowling alleys, sports arenas, stadiums, gymnasiums, amusement parks, race tracks, fairgrounds, churches, funeral homes, mortuaries, community centers, student centers, libraries, museums, private clubs, lodges and all other places of public assembly, shall provide at least one (1) parking space for each employee **on the largest shift**, and one (1) parking space for every ~~two (2)~~ **four (4)** seats provided for patron use.

Sec. 25-33. – ~~Submitting Plans.~~ **Locations.**

~~For the purpose of converting off-street parking or off-street loading spaces into the required off-street parking or off-street loading space area, Plans shall be submitted to the zoning administrator to show how the required off-street parking or off-street loading spaces will be arranged in the area and to indicate space for parking maneuvers as well as adequate access to the area.~~

(a) Commercial and Industrial Zoned Districts:

The parking facilities required shall be on the same lot or parcel of land as the structure they are intended to serve.

(b) Exclusively Residential Land Uses in Commercial and Industrial Zoned Districts:

(1) Corner Lots with Alley Access

(a) Rear Yard Setback – Parking and driveways shall be located within the rear yard setback when possible.

(b) Side Yard Setback – Parking and driveways may be located within a side yard setback, where a side yard setback is not fronting a street on a corner lot. A driveway may be located in a side yard setback, where a side yard setback is fronting a street on a corner lot, given the edge of the driveway is no closer than twenty-five (25) feet from the front building line.

(c) Front Yard Setback – Where all parking locations allowed within the rear and side yard setbacks have been maximized, a driveway may be located within the front yard setback. A driveway within the front yard setback shall be located parallel and adjacent to an interior side lot line.

(2) Corner Lots without Alley Access

(a) Rear Yard Setback – Parking and driveways shall be located within the rear yard setback when possible.

(b) Side Yard Setback – Parking and driveways may be located within a side yard setback, where a side yard setback is not fronting a street on a corner lot. A driveway may be located in a side yard setback, where a side yard setback is fronting a street on a corner lot, given the edge of the driveway is no closer than twenty-five (25) feet from the front building line.

(c) Front Yard Setback – Where all parking locations allowed within the rear and side yard setbacks have been maximized, a driveway may be located within the front yard setback. A driveway within the front yard setback shall be located parallel and adjacent to an interior side lot line.

(3) Interior Lots with Alley Access

(a) *Rear Yard Setback* – Parking and driveways shall be located within the rear yard setback when possible.

(b) *Side Yard Setback* – Parking and driveways may be located within the side yard setbacks.

(c) *Front Yard Setbacks* – Where all parking locations allowed within the rear and side yard setbacks have been maximized, a driveway may be located within the front yard setback. A driveway within the front yard setback shall be located parallel and adjacent to an interior side lot line.

(4) Interior Lots without Alley Access

(a) *Rear Yard Setback* – Parking and driveways may be located within the rear yard setback.

(b) *Side Yard Setback* – Parking or driveways may be located within the side yard setbacks.

(c) *Front Yard Setbacks* – No more than two (2) driveways may be located within the front yard setback. The width of each driveway shall not exceed forty (40) percent of the lot width. The area of each driveway shall not exceed forty (40) percent of the front yard setback. When two (2) separated driveways are located within the front yard setback, the driveways shall be located parallel and adjacent to an interior side lot line. Said driveways shall be separated by an area of greenspace extending from the street edge or back of curb to the front building line. A sidewalk shall be located within said greenspace area and shall extend from the back of the curb, street edge, or the existing sidewalk system, whichever is closer, to the front building line and shall lead to the main entrance(s) of the property.

(5) Through Lots

(a) *Side Yard Setbacks* – Parking or driveways may be located within the side yard setbacks.

(b) *Front Yard Setbacks* – No more than two (2) driveways may be located within the front yard setback. The width of each driveway shall not exceed forty (40) percent of the lot width. The area of each driveway shall not exceed forty (40) percent of the front yard setback. When two (2) separated driveways are located within the front yard setback, the driveways shall be located parallel and adjacent to an interior side lot line. Said driveways shall be separated by an area of greenspace extending from the street edge

or back of curb to the front building line. A sidewalk shall be located within said greenspace area and shall extend from the back of the curb, street edge, or the existing sidewalk system, whichever is closer, to the front building line and shall lead to the main entrance(s) of the property.

(c) Central Business District Zone Inside the Central Business District:

(1) Corner Lots with Alley Access

(a) Rear Yard Setback – Parking and driveways shall be located within the rear yard setback when possible.

(b) Side Yard Setback – Parking and driveways shall not be located within a side yard setback, where a side yard setback is fronting a street on a corner lot.

(c) Front Yard Setback – Parking and driveways shall not be located within the front yard setback.

(2) Corner Lots without Alley Access

(a) Rear Yard Setback – Parking and driveways shall be located within the rear yard setback when possible.

(b) Side Yard Setback – Parking and driveways shall not be located within a side yard setback, where a side yard setback is fronting a street on a corner lot.

(c) Front Yard Setback – Parking and driveways shall not be located within the front yard setback.

(3) Interior Lots with Alley Access

(a) Rear Yard Setback – Parking and driveways shall be located within the rear yard setback when possible.

(b) Side Yard Setback – Parking and driveways may be located within the side yard setbacks.

(c) Front Yard Setbacks – Parking and driveways shall not be located within the front yard setback.

(4) Interior Lots without Alley Access

(a) Rear Yard Setback – Parking and driveways may be located within the rear yard setback.

(b) Side Yard Setback – Parking or driveways may be located within the side yard setbacks.

- (c) **Front Yard Setbacks** – Parking and driveways shall not be located within the front yard setback.
- (5) **Through Lots**
 - (a) **Side Yard Setbacks** – Parking or driveways may be located within the side yard setbacks.
 - (b) **Front Yard Setbacks** – Parking and driveways shall not be located within the front yard setbacks.
- (d) **Residential Zones, Office Zone, and Central Business District Zone Outside the Central Business District:**
 - (1) **Corner Lots with Alley Access**
 - (a) **Rear Yard Setback** – Parking and driveways shall be located within the rear yard setback when possible.
 - (b) **Side Yard Setback** – Parking and driveways may be located within a side yard setback, where a side yard setback is not fronting a street on a corner lot. A driveway may be located in a side yard setback, where a side yard setback is fronting a street on a corner lot, given the edge of the driveway is no closer than twenty-five (25) feet from the front building line.
 - (c) **Front Yard Setback** – Where all parking locations allowed within the rear and side yard setbacks have been maximized, a driveway may be located within the front yard setback. A driveway within the front yard setback shall be located parallel and adjacent to an interior side lot line.
 - (2) **Corner Lots without Alley Access**
 - (a) **Rear Yard Setback** – Parking and driveways shall be located within the rear yard setback when possible.
 - (b) **Side Yard Setback** – Parking and driveways may be located within a side yard setback, where a side yard setback is not fronting a street on a corner lot. A driveway may be located in a side yard setback, where a side yard setback is fronting a street on a corner lot, given the edge of the driveway is no closer than twenty-five (25) feet from the front building line.
 - (c) **Front Yard Setback** – Where all parking locations allowed within the rear and side yard setbacks have been maximized, a driveway may be located within the front yard setback. A driveway within the front yard setback shall be located parallel and adjacent to an interior side lot line.

(3) Interior Lots with Alley Access

(a) *Rear Yard Setback* – Parking and driveways shall be located within the rear yard setback when possible.

(b) *Side Yard Setback* – Parking and driveways may be located within the side yard setbacks.

(c) *Front Yard Setbacks* – Where all parking locations allowed within the rear and side yard setbacks have been maximized, a driveway may be located within the front yard setback. A driveway within the front yard setback shall be located parallel and adjacent to an interior side lot line.

(4) Interior Lots without Alley Access

(a) *Rear Yard Setback* – Parking and driveways may be located within the rear yard setback.

(b) *Side Yard Setback* – Parking or driveways may be located within the side yard setbacks.

(c) *Front Yard Setbacks* – No more than two (2) driveways may be located within the front yard setback. The width of each driveway shall not exceed forty (40) percent of the lot width. The area of each driveway shall not exceed forty (40) percent of the front yard setback. When two (2) separated driveways are located within the front yard setback, the driveways shall be located parallel and adjacent to an interior side lot line. Said driveways shall be separated by an area of greenspace extending from the street edge or back of curb to the front building line. A sidewalk shall be located within said greenspace area and shall extend from the back of the curb, street edge, or the existing sidewalk system, whichever is closer, to the front building line and shall lead to the main entrance(s) of the property.

(5) Through Lots

(a) *Side Yard Setbacks* – Parking or driveways may be located within the side yard setbacks.

(b) *Front Yard Setbacks* – No more than two (2) driveways may be located within the front yard setback. The width of each driveway shall not exceed forty (40) percent of the lot width. The area of each driveway shall not exceed forty (40) percent of the front yard setback. When two (2) separated driveways are located within the front yard setback, the driveways shall be located parallel and adjacent to an interior side lot line. Said driveways shall be separated by an area of greenspace extending from the street edge

or back of curb to the front building line. A sidewalk shall be located within said greenspace area and shall extend from the back of the curb, street edge, or the existing sidewalk system, whichever is closer, to the front building line and shall lead to the main entrance(s) of the property.

(e) *New Construction of Residential and Mixed Land Uses within the Central Business District:*

The required off-street parking facilities shall be located on the same lot or parcel of land as the structure they are intended to serve, or the parking may be located in a privately owned lot in the same block, or the parking may be located in a privately owned lot across the street from the structure.

(f) *Institutional Land Uses:*

In case of use such as universities, hospitals, and large industries where lands owned by or controlled by the main or principal owner shall be permitted to have parking serving these uses on separate lot parcels from the main facilities.

(g) *Interior Block Row Houses:*

In R-1 districts, the required off-street parking or loading spaces for residential buildings shall not be located in a front yard; provided, that where a whole block is developed or is being developed with row houses that face toward the interior of the block, each separate lot containing one (1) dwelling unit within such a row house may be provided for with two (2) off-street parking spaces of not more than three hundred sixty (360) square feet in the front yard area, so long as there is no other off-street parking space upon any part of such separate lot.

(h) *Off-Street Loading Facilities:*

The off-street loading facilities required herein shall in all cases be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be a part of the area used to satisfy the off-street parking requirements contained herein.

(i) *Off-street Parking Limitations:*

The off-street parking facilities required shall be on the same lot or parcel of land as the structure they are intended to serve or when the board of adjustment determines that the development of the area, the topography of the lot or some other physical feature makes it impractical to establish them upon the same lot and the board gives its written approval, under the rules set forth in article II of this chapter **appendix** of the City Code, then such off-street parking facilities shall be within two hundred (200) feet of the premises they are intended to serve. Off-street parking facilities intended to serve a particular

structure shall be located in the same district; provided, that they need not, in any event, be in a less restricted use district than district CBD.

Sec. 25-34. – Fractional measurements. Utilizing the undeveloped public right-of-way for parking.

~~When units or measurements determining the number of required off-street parking and off-street loading spaces result in a requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded, and fractions over one-half (0.5) shall require one (1) off-street parking or off-street loading space.~~

To utilize the undeveloped public right-of-way for the creation of new parking, the property owner must complete and submit a right-of-way permit application with site plans that reflect the required design standards. The right-of-way permit application must be approved by the City Engineer. No right-of-way permit application will be approved if:

- 1. The right-of-way is less than ten (10) feet in width;**
- 2. The right-of-way is less than twenty-one (21) feet in length;**
- 3. Healthy street trees with a trunk circumference of three (3) feet or greater must be removed;**
- 4. Current or proposed City utilities are located or planned within the right-of-way;**
- 5. Written concurrence of the right-of-way development has not been obtained by all property owners abutting the right-of-way;**
- 6. Any conflicts with Chapter 21, Article III, Sec. 21-53 (8).**

The City reserves the right to repeal a previously approved right-of-way permit if the right-of-way is needed for public utility use or other public use deemed necessary by the City.

For every street tree removed from the right-of-way, the property owner must plant a replacement tree on their property within a ten (10) foot radius of the location of the removed street tree. The replacement tree shall be planted at a maximum distance of four (4) feet from the edge of the public right of way. Please see Kirksville City Code Chapter 13.5 – Landscaping, Article II. – Trees for further guidance.

Parking constructed within the right-of-way must meet the following design standards:

- 1. The length of the parking area must be curbed along the inside of the parking area;**
- 2. The parking area must be sloped toward the street at a two (2) percent grade to allow for proper drainage;**

3. The parking area shall be a minimum of six-inch Portland cement concrete or six-inch asphaltic concrete;
4. Parking stalls must be nine (9) feet in width and eighteen (18) feet to twenty-one (21) feet in length; and
5. The parking area shall be appropriately striped.

Undeveloped public right-of-ways may be developed into on-street public parking so long as the length of this parking area extends from block corner to block corner or from block corner to alley. It is the financial and general responsibility of the property owner constructing the on-street public parking to connect to any adjoining and preexisting parking areas to ensure continuity and connectivity.

The newly constructed parking areas shall be properly striped with white paint. Stripes must be six inches in width. The initial painting and future maintenance of striping of newly constructed parking areas within the right-of-way after the passage of this code shall be carried out at the developer and/or abutting property owner's expense for properties outside the Central Business District.

Sec. 25-35. – ~~Locations.~~ **Mixed-use parking calculations.**

~~The off-street parking facilities required herein shall be on the same lot or parcel of land as the structure they are intended to serve or, when the board of adjustment determines that the development of the area, the topography of the lot or some other physical feature makes it impractical to establish them upon the same lot and the board gives its written approval, under the rules set forth in article II of this chapter of the City Code, then such off-street parking facilities shall be within two hundred (200) feet of the premises they are intended to serve. Off-street parking facilities intended to serve a particular structure shall be located in the same district; provided, that they need not, in any event, be in a less restricted use district than district CBD. All such parking spaces shall be located entirely on private property with no portion, except the necessary drive, extending into any street or public way.~~

~~In case of use such as universities, hospitals, and large industries where lands owned by or controlled by the main or principal owner shall be permitted to have parking serving these uses on separate lot parcels from the main facilities.~~

~~The off-street loading facilities required herein shall in all cases be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be a part of the area used to satisfy the off-street parking requirements contained herein.~~

~~In R-1 districts, the required off-street parking or loading spaces for residential buildings shall not be located in a front yard; provided, that where a whole block is developed or is being developed with row houses that face toward the interior of the block, each separate lot containing one (1) dwelling unit within such a row house may~~

~~be provided for with two (2) off-street parking spaces of not more than three hundred sixty (360) square feet in the front yard area, so long as there is no other off-street parking space upon any part of such separate lot.~~

Nothing in this article shall be construed to prevent the joint use of off-street loading or off-street parking space, for two (2) or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately.

When units or measurements determining the number of required parking spaces, loading spaces, or bedrooms result in a requirement of a fractional space, any fraction under one-half (0.5) shall be disregarded, and fractions including and over one-half (0.5) shall require one (1) parking space, loading space, or bedroom.

(a) *Calculating Required Parking for Mixed-Use Developments:*

In the case for mixed-use developments that combine land uses into a single building, the parking calculation for the development shall be calculated as follows:

$$\text{(Parking Spaces Required for Residential Use} \times 0.75) + \text{(Parking Spaces Required for Additional Use} \times 0.75) + \text{Possible Loading Space Requirement} = \text{Parking Required for the Mixed-Use Development}$$

Example:

Builder A is seeking to build mixed-use development that will have two (2), two (2) bedroom residential units will be located on the second floor and a 2,400 square foot retail establishment on the first floor where the largest shift includes four (4) employees. According to Sec. 25-31. (j) of this article, one parking space is required for every four hundred (400) square foot of retail space and one (1) parking space for every employee on the largest shift. Different uses will have different requirements on calculating parking and should be followed accordingly per Sec. 25-31 of this article.

STEP 1: Calculate the parking spaces required for the residential use

$$4 \text{ Bedrooms} \times 1 \text{ Parking Space Per Bedroom} = 4 \text{ Parking Spaces}$$

STEP 2: Calculate the parking spaces required for the additional use (retail)

$$4 \text{ Parking Spaces for the Largest Shift} + (2,400 \text{ Square Feet of Retail Space} / 400 \text{ Square Feet per Parking Space}) = 10 \text{ Parking Spaces Required for Additional Use}$$

STEP 3: Multiply the parking spaces required per use by 0.75 and add together to determine the parking spaces required for the mixed-use development

Residential Use (4 Parking Spaces x 0.75)	=	3
		+
Additional Use (10 Parking Spaces x 0.75)	=	<u>8 (Round up from 7.5)</u>
Parking Required for the Mixed-Use Development	=	11 Parking Spaces

If Builder A's mixed-use development is located within the Central Business District, half of the existing on-street public parking spaces directly bordering the property may count toward the development's parking requirement. Each on-street public parking space will be worth a one-half (0.50) spaces. The off-street loading space(s) for one use shall not be considered as providing the required off-street loading space(s) for any other use, except as otherwise allowed herein.

~~Sec. 25-36. - Continuing nature of obligation; discontinuing, etc., structure.~~ **Submitting plans.**

~~The schedule of requirements for off-street parking space and off-street loading space applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues.~~

~~It shall be unlawful for an owner of any building affected by this chapter to discontinue, change or dispense with or to cause the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this chapter, or for any person to use such building without obtaining the use of sufficient land for vehicle parking or loading space to meet the requirements of this article.~~

Plans shall be submitted to the zoning administrator to show how required parking or off-street loading spaces will be arranged in the area and to indicate space for parking maneuvers as well as adequate access to the area.

~~Sec. 25-37. - Collective use for separate buildings or uses.~~ **Continuing nature of obligation; discontinuing, etc., structure.**

~~Nothing in this article shall be construed to prevent the joint use of off-street loading or off-street parking space, for two (2) or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirements for the various individual uses computed separately.~~

The schedule of requirements for off-street parking space and off-street loading space applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues.

It shall be unlawful for an owner of any building affected by this appendix to discontinue, change or dispense with or to cause the discontinuance, sale or transfer of such structure, without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this appendix or for any person to use such building without obtaining the use of sufficient land for vehicle parking or loading space to meet the requirements of this article.

Sec. 25-38. - ~~Mixed uses.~~ **Reserved.**

~~In the case of mixed uses of a building or structure, the total requirements for off-street parking and off-street loading spaces shall be the sum of the requirements of the various uses computed separately; the off-street parking and off-street loading spaces for one use shall not be considered as providing the required off-street parking or off-street loading spaces for any other use, except as otherwise allowed herein.~~

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

- (f) *Dimensions of parking and other paved areas:* Parking stall dimensions shall not be less than nine (9) feet by eighteen (18) feet for both commercial and residential developments plus the necessary space for maneuvering into and out of the space. For parking lots the minimum cross dimensions shall be as follows:

- ~~90 degree pattern—Single-loaded aisle: 42 feet;~~
- ~~90 degree pattern—Double-loaded aisle: 66 feet;~~
- ~~60 degree pattern—Single-loaded aisle: 39 feet;~~
- ~~60 degree pattern—Double-loaded aisle: 64 feet;~~
- ~~45 degree pattern—Single-loaded aisle: 31.5 feet;~~
- ~~45 degree pattern—Double-loaded aisle: 54 feet;~~

TWO-WAY DRIVE:

90 degree pattern—Single-loaded aisle: 44 feet;
90 degree pattern—Double-loaded aisle: 63 feet;
60 degree pattern—Single-loaded aisle: 45 feet;
60 degree pattern—Double-loaded aisle: 66 feet;
45 degree pattern—Single-loaded aisle: 43 feet;
45 degree pattern—Double-loaded aisle: 63 feet;
30 degree pattern—Single-loaded aisle: 41 feet;
30 degree pattern—Double-loaded aisle: 58 feet;

ONE-WAY DRIVE:

90 degree pattern—Single-loaded aisle: 42 feet;
90 degree pattern—Double-loaded aisle: 63 feet;
60 degree pattern—Single-loaded aisle: 38 feet;
60 degree pattern—Double-loaded aisle: 60 feet;
45 degree pattern—Single-loaded aisle: 33 feet;
45 degree pattern—Double-loaded aisle: 52 feet;
30 degree pattern—Single-loaded aisle: 29 feet;
30 degree pattern—Double-loaded aisle: 46 feet; and

Parallel spaces 9 x 21 feet each space.

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

Except as provided in a planned zoning district **or a mixed-use development**, no part of an off-street parking area required for any building or use for the purpose of complying with this article shall be included as a part of an off-street parking area similarly required for another building or use, unless the board of adjustment determines from the type of the structure or other proof that the periods of usage for such building shall not be simultaneous with each other and the board shall give its written approval, under the rules set forth in article II of this chapter.

ARTICLE V. – HEIGHT, AREA AND YARD REGULATIONS GENERALLY

Sec. 25-45. – Yards – Setback lines.

c) Front Yard.

- a. **Residential Zones** – No less than sixty (60) percent of the front yard shall be greenspace, excluding pedestrian pathways or decorative yard elements. In cases where two (2) driveways can be located in the front yard setback of interior lots without alley access, the sixty (60) percent greenspace requirement need not apply.
- b. **Central Business District Zone** – Buildings containing a land use that is exclusively residential in this zone are required to have a front yard. No less than sixty (60) percent of the front yard shall be greenspace, excluding pedestrian pathways or decorative yard elements. In cases where two (2) driveways can be located in the

front yard setback of interior lots without alley access, the sixty (60) percent greenspace requirement need not apply.

- c. ***Office, Commercial, and Industrial Zones*** – Buildings containing a land use that is exclusively residential in these zones are required to have a front yard. No less than sixty (60) percent of this front yard shall be greenspace, excluding pedestrian pathways or decorative yard elements. In cases where two (2) driveways can be located in the front yard setback of interior lots without alley access, the sixty (60) percent greenspace requirement need not apply.

d) **Side Yard.**

- (1) ***Residential Zones*** – A side yards fronting a street on a corner lot shall be filled with greenspace, excluding pedestrian pathways or decorative yard elements, from the front building line to at least twenty-five (25) feet beyond the front building line.

- (2) ***Central Business District Zone*** – For areas outside the defined Central Business District, a side yard fronting a street on a corner lot shall be filled with greenspace, excluding pedestrian pathways or decorative yard elements, from the front building line to at least twenty-five (25) feet beyond the front building line.

- (3) ***Office, Commercial, and Industrial Zones*** – Buildings containing a land use that is exclusively residential in these zones are required to have side yards. A side yard fronting a street on a corner lot shall be filled with greenspace, excluding pedestrian pathways or decorative yard elements, from the front building line to at least twenty-five (25) feet beyond the front building line.

ARTICLE VI. – DISTRICT R-1, SINGLE FAMILY RESIDENTIAL DISTRICT
Sec. 25-51. - Height and area; parking.

In district R-1, the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:

- (b) ***Front yards.*** Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least ~~twenty five (25) percent of the depth of the lot, but the depth of such front yard need not be more than twenty-five (25) feet.~~ **twenty (20) percent of the depth of the lot, but the depth of such front yard need not be more than twenty (20) feet.** Buildings containing a land use that is exclusively residential in applicable zones are required to have a front yard. No less than sixty (60) percent of this front yard shall be greenspace, excluding pedestrian pathways or

decorative yard elements. In cases where two (2) driveways can be located in the front yard setback of interior lots without alley access, the sixty (60) percent greenspace requirement need not apply.

- (c) *Side yards.* There shall be a side yard on each side of a building not less than ten (10) percent of the width of the lot; except, that such side yards shall not be less than seven (7) feet and need not be more than fifteen (15) feet. **For areas outside the defined Central Business District and buildings containing a land use that is exclusively residential, a side yard fronting a street on a corner lot shall be filled with greenspace, excluding pedestrian pathways or decorative yard elements, from the front building line to at least twenty-five (25) feet beyond the front building line.**

ARTICLE IX. – DISTRICT R-3, MULTIFAMILY RESIDENTIAL DISTRICT
Sec. 25-57. – Height, area, parking, maintenance.

In district R-3, the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:

- (b) *Front yards.* ~~Same as district R-1.~~ **The depth of the front yard shall be at least fifteen (15) feet, but no greater than twenty (20) feet. No less than sixty (60) percent of the front yard shall be greenspace, excluding pedestrian pathways or decorative yard elements. In cases where two (2) driveways can be located in the front yard setback of interior lots without alley access, the sixty (60) percent greenspace requirement need not apply;**
- (d) *Rear yards.* ~~Same as district R-1.~~ **The depth of the rear yard shall be at least thirty (30) feet, but no greater than forty (40) feet;**
- (g) *Size of dwelling.* Every one- or two-family dwelling hereafter erected, constructed, reconstructed or altered in a district R-3 shall have a floor area as required in district R-2; **and**

ARTICLE XI. – DISTRICT R-4, GENERAL RESIDENTIAL DISTRICT
Sec. 25-61. – Height and area; parking.

In district R-4, the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:

- (b) *Front yards.* ~~Same as district R-1;~~ **Same as district R-3;**
- (d) *Rear yards.* ~~Same as district R-1;~~ **Same as district R-3;**

Section 2. That the current “Chapter 6 – Building and Building Regulations” of the Kirksville City Code of Ordinances is hereby amended as follows and shown with new text in bold letters and deleted text in strikethrough:

ARTICLE VII. – PLUMBING CODE

Sec. 6-108. – ~~Sec. 6-120.~~ **Sec. 6-119.** Reserved.

ARTICLE VIII. – CONCRETE CONSTRUCTION

Sec. 6-120. - Definitions.

Driveway. An area intended for the operation of private automobiles and other vehicles from the front lot line to a garage, approved parking area, building entrance, structure or approved use located on the property.

Driveway Approach. An area intended for the operation of private automobiles and other vehicles giving access between a street edge and abutting front lot line.

Sec. 6-128. - Driveways.

- (e) ~~The width of driveways shall match the garage entrance; however such driveways shall be not less than ten (10) feet in width.~~ **On lots developed with residential dwellings, no motor vehicle shall be permitted to be parked between the dwelling and any street unless such vehicle is parked upon a driveway. Said driveway shall conform to all the following standards:**
- (1) The distance between a front, rear, or side building line of a structure and the edge of a driveway shall be no greater than ten (10) feet.**
 - (2) A driveway shall not be wider than forty (40) percent of the width of the lot on which the driveway is located or thirty-six (36) feet, whichever is less;**
 - (3) A driveway shall not be less than ten (10) feet in width.**
 - (4) A driveway shall not cover more than forty (40) percent of the required front yard or side yard, where the side yard is fronting a street on a corner lot;**
 - (5) In all instances, no vehicle shall be parked so as to have any portion of the vehicle located over a public or private sidewalk or pedestrian way; and**
 - (6) A driveway which is accessed from an alley and is located within the rear yard setback shall have a minimum width of ten (10) feet.**

Section 3. That the current Chapter 15 – Motor Vehicles and Traffic of the Kirksville City Code of Ordinances is hereby amended as follows and shown with additional text in bold letters and deleted text in strikethrough:

ARTICLE VII. – STOPPING, STANDING, AND PARKING

Sec. 15-348. - Parking on unimproved right-of-way.

Parking on the unimproved (grass/dirt) street right-of-way is prohibited ~~unless permission is obtained from the adjacent property owner to park in such unimproved street right-of-way.~~ **To utilize the undeveloped public (unimproved) right-of-way for parking, please refer to Appendix A – Zoning, Article IV. – Off-street parking and loading, Sec. 25-34 – Utilizing the undeveloped public right-of-way for parking.**

Section 4. All of the modifications to this ordinance shall be effective from and after its date of passage.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Kirksville, Missouri as an addition or deletion thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED BY THE CITY COUNCIL OF KIRKSVILLE, MISSOURI AND SIGNED BY THE MAYOR THIS 16th DAY OF APRIL, 2018.

Jerry Mills, Mayor

ATTEST:

Lindsay Leckbee, City Clerk