

BILL NO: 2021-31

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF KIRKSVILLE, MISSOURI, AMENDING CHAPTER 44 ZONING SECTIONS 44-126, 44-210(6), AND 44-211(6) OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, ADAIR COUNTY, MISSOURI.

WHEREAS, the City completed a recodification to the municipal code culminating in the adoption of the recodified code in August of 2020; and

WHEREAS, after its adoption, City staff realized that certain sections of the permitted use table found in Section 44-126 were not complete and a determination was made that the table needed to be updated; and

WHEREAS, after inquiries from the public regarding fences, staff also realized that the permitted use table limited the heights of all fencing throughout the City to four feet (4'), and determined additional height requirements for screening were necessary, again requiring a change to Section 44-126; and

WHEREAS, City staff also found a discrepancy between the lot size requirements comparing in Section 34-156 with Sections 44-210 and 44-211 determining that the lot size found in Chapter 34 was the intended lot size; and

WHEREAS, in order to make these changes, the Planning and Zoning Commission must hold a public hearing which was held on April 28, 2021, voting to recommend these Ordinance changes to the City Council.

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

Section 1. That Chapter 44. Zoning is hereby amended as follows and shown with additional text in bold letters for new language and strikethrough for deleted language. The use of the letter S shall refer to Special Use Permit, and the letter P shall refer to Permitted.

Section 2. Chapter 44. Section 44-126. Permitted Use Table shall be amended as follows:

~~Auto-parts shop~~

Automobile or car wash establishments C-1 – **S**; CBD – **S**; C-3 – **P**; M-1 – **P**; M-2 – **P**

Beauty Salons **and Barber Shops** C-1 – **P**; CBD – **P**; C-3 – **P**; M-1 – **P**; M-2 – **P**

Commercial kennels M-1 – **P**; M-2 – **P**

Commercial parking garages OP-1 – **S**; CBD – **S**; C-3 – **S**; M-1 – **P**; M-2 – **P**

New and used automobile, truck and tractor, boat, mobile home, recreation vehicle, and trailer sales C-1 – **P**; CBD – **S**; C-3 – **P**; M-1 – **P**; M-2 – **P**

~~Outdoor sales~~

Photographic service shops C-1 **P**; CBD – **P**; C-3 – **P**; M-1 – **P**; M-2 – **P**

Adult entertainment businesses (as limited by Article ~~XVIII~~ of Chapter ~~44~~**12** of the Code of the City of Kirksville)

Electroplating works – M-2 – **P**

~~Accessory buildings and accessory uses customarily incidental to the permitted uses in this section~~

Fences or walls exceeding four feet in height (in front yard) C-1 – **P**; CBD – **P**; C-3 – **P**; M-1 – **P**; M-2 – **P**

Fences or walls not exceeding seven feet in height (in side and back yards) R-1 – P; R-2 – P; R-2-S – P; R-3 – P; R-3-S – P; R-4 – P; R-4-S – P; OP-1 – P; C-1 – P; CBD – P; C-3 – P; M-1 – P; M-2 – P; M-2 - P

Fences or walls exceeding seven feet in height (permit required) R-1 – S; R-2 – S; R-2-S – S; R-3 – S; R-3-S – S; R-4 – S; R-4-S – S; OP-1 – S; C-1 – P; CBD – P; C-3 – P; M-1 – P; M-2 – P; M-2 - P

Section 3. Chapter 44. Section 44-210. District R-1, Single-Family Residential District (6) is hereby amended by adding the following language at the end of the Section.

(6) Lot area per family. Every dwelling hereafter erected or altered shall provide a lot area of not less than ~~7,500~~**5,000** square feet per family, provided that where a lot of record has less area than herein required on December 18, 1972, this regulation shall not prohibit the erection of a one-family dwelling. 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 15,000 square feet per family.

Section 4. Chapter 44. Section 44-211. District R-2, Two-Family Residential District and R-2-S, Two-Family Special Residential District (6) is hereby amended as follows.

(6) Lot area per family. Every dwelling hereafter erected or altered shall provide a lot area for one-family dwellings the same as in district R-1, and for two-family dwellings the lot area shall be ~~3,750~~**2,500** square feet per family, provided that where a lot of record has less area than herein required on December 18, 1972, this regulation shall not prohibit the erection of a one- or two-family dwelling. 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 15,000 square feet per family.

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 amendment thereto.

Section 6. This Ordinance shall be effective from and after the date of its passage.

PASSED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR THIS 17th DAY OF MAY, 2021.

Zac Burden, Mayor

ATTEST:

Wanda J. Cagle, City Clerk