

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF APPENDIX A – ZONING OF THE CODE OF ORDINANCES OF THE CITY OF KIRKSVILLE, MISSOURI.**

**WHEREAS**, amendments and additions to the zoning ordinance are needed to address sea container restrictions, fire and explosive hazards, C-P zoning districts, secondary driveway entrances, and corridor zone amendments; and

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

**WHEREAS**, a public hearing was duly advertised and held before the Planning and Zoning Commission on April 8, 2015 to receive citizens comments. No citizens spoke in opposition to the amendments listed below. The Planning and Zoning Commission voted and recommends approval of these changes.

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

Amendments and additions to the Code of Ordinances for Appendix A – Zoning referred to in this ordinance shall be approved and incorporated into the Code of Ordinances of the City of Kirksville, Missouri.

The Code changes required are shown below with strikeouts for deleted sections. The additions are printed in bold letters. All Sections refer to Appendix A – Zoning.

Section 1. To amend Article I, In General, as follows:

Article I – In General

Sec. 25-1. Definitions.

**“Sea Going Container. Also known as Sea Container, Sea Cargo Container, or Sea Storage Container, this is a rectangular metal container primarily used on ocean-going ships that contain freight or goods and provides protection from the elements. Has a large door or doors at one end of the container. Many times has advertising on the sides with the company name of the original owner.”**

Section 2. To amend Article I, In General, as follows:

Article I – In General

Sec. 25-2. Compliance with chapter.

(d) A driveway or walk to provide access to any premises in districts O-1P, C-1, CBD, C-3, ~~C-P~~, M-1 and M-2 shall not be permitted in districts R-1, R-2, R-2-S, R-3, R-3-S, R-4, R-4-S, and RP-5.

Section 3. To amend Article III, Nuisance and Hazard Regulations, as follows:

Article III – Nuisance and Hazard Regulations

Sec. 25-29. Fire and explosive hazards.

~~(c) The storage, use or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with the following table. The following table shall be exclusive of storage of finished products in original sealed containers, which shall be unrestricted. Each aboveground storage tank containing over twenty thousand (20,000) gallons shall be surrounded by earth dikes high enough to contain the total volume of each tank:~~

[Table located here and all wording in the table to be removed.]

~~When flammable gases are stored, used or manufactured and measured in cubic feet, in quantity in cubic feet of standard temperature and pressure permitted shall not exceed three hundred (300) times the quantities as listed above where the factor three hundred (300) is the volume in cubic feet occupied by one (1) gallon of most liquids.~~

**Any questions or conflicts with this section will be resolved by applying current Missouri state law.**

Section 4. To amend Article IV, Off-Street Parking and Loading, as follows:

Article IV – Off-Street parking and Loading

Sec. 25-31. Required parking.

(c) Minimum off-street parking requirements are:

All **required** parking and driveway areas are ~~required~~ to be hard-surfaced with concrete or asphalt paving. **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: Two (2) parking spaces per residence.

Duplex (two-family) residential: Two (2) parking spaces per unit, totaling four (4) parking spaces per duplex.

Multi-family residential: One (1) parking space per bedroom.

Section 5. To amend Article V, Height, Area and Yard Regulations Generally, as follows:

Article V – Height, Area and Yard Regulations Generally

Sec. 25-48. Same – Rear yards.

(a) No rear yard shall be required in districts C-1, CBD, C-3, ~~C-P~~, M-1 and M-2 on any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway track connection.

Section 6. To amend Article VI, District R-1, Single-Family Residential District, as follows:

Article VI – District R-1, Single-Family Residential District

Sec. 25-50. Accessory uses.

(e) *Detached buildings generally.* A detached accessory building shall not be allowed in the front yard. A detached accessory building shall not be located less than three (3) feet of [from] any side, rear, or alley lines. A detached accessory building not exceeding twenty-four (24) feet or two (2) stories in height, or in any case not higher than the main building, may occupy not more than thirty (30) percent of a rear yard. If such building is not more than one (1) story or sixteen (16) feet high, it may occupy forty (40) percent of a rear yard. A detached accessory building may be connected with the main building by a lightly constructed, covered passage, open on each side, not more than twelve (12) feet high and six (6) feet wide inside, and which is not an extension of the roof of the main building. Any accessory building not attached to the main building must be a minimum of ten (10) feet from the main building, measured at the closest point, not including eaves or overhangs. **No metal sea going container may be used as an accessory building in any residentially zoned property or on any property used only for residential use, unless for a temporary use no longer than 30 days, unless an extension of time is approved by the Codes & Planning Director of the City of Kirksville. For this temporary use, the owner or tenant must have a remodeling or other type permit from the City. Existing containers in place on the date of passage of the ordinance will have one year to be removed from the site.**

Section 7. To amend Article XIV, District O-1P, Office District Planned, as follows:

Article XIV – District O-1P, Office District Planned

Sec. 25-81 (b). Uses permitted.

**(7) For any commercial or industrial property with a business license, sea going containers may be used for a permanent building only in the rear of the main commercial structure, or may be located at the side of the structure if placed behind privacy fencing that screens the container from view from the front of the property. The structures may be located in any commercial area for a temporary use for storage of materials during a remodeling or other project if the use is no longer than 60 days. For the temporary use of these buildings, the owner or tenant must have a remodeling or other type permit from the City. Existing containers in place on the date of passage of the ordinance, that do not comply with the ordinance, will have one year to comply with the fencing requirement or to be removed from the site. A business that rents or sells sea going containers that is located in an M-2 industrial zone is not required to comply with the location or fencing requirements.**

Section 8. To amend Article XV, District C-1, Local Business District, as follows:

Article XV – District C-1, Local Business District

Sec. 25-85. Height and area.

(a) *Height.* Buildings or structures shall not exceed thirty-five (35) feet and shall not exceed two and one-half stories; except, that where a district C-1 joins districts R-3, R-3-S, R-4, R-4-S, R-P, O-1P, CBD, C-3, ~~C-P~~, M-1 or M-2 within the same block, the height shall be increased to forty-five (45) feet or three (3) stories within that block.

Section 9. To amend Article XXIII, Corridor Zoning

Article XXIII – Corridor Zoning

Sec. 25-116. Corridor streets

**(6) North New Street and Rosewood Drive locations: All of that land enclosed within the triangle of Baltimore Street, North New Street, and Rosewood Drive is a combination of Low, Medium, and High Density Corridor Zone properties.**

Section 10. This ordinance shall be of full force and effect on the day of passage.

**PASSED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR ON THIS 20<sup>th</sup> DAY OF APRIL, 2015.**

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Richard Detweiler, Mayor

ATTEST:

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Vickie Brumbaugh, City Clerk