

| Ordinance | Bill | Date | Description |
|------------------|-------------|-------------|--|
| 2505 | 2533 | 10/12/09 | Repealing Parkville Municipal Code Chapter 143 derived from Ordinance No. 1925 to establish an Audit Committee and to replace it with a Finance/Audit Committee. |
| 2509 | 2537 | 11/3/09 | Amending Parkville Municipal Code Chapter 405 to rezone 37 acres, more or less, generally located between Bell Road and 9 Hwy, south of the Platte County Community Center and north of Lakeview Drive, from Single-Family, Multiple-Family, Neighborhood Commercial, and General Commercial districts to Traditional Neighborhood Design District and to approve a design manual for said property. |
| 2512 | 2540 | 12/1/09 | Amending Parkville Municipal Code Title VII, Chapter 700, Section 703.040(J.) to reduce the special sewer assessment rate. |
| 2513 | 2541 | 12/15/09 | Repealing Parkville Municipal Code Section 703.040 Subsections C, D, and G setting the sewer base charge, sewer use charge, and surcharge for customers of the sewer system. |
| 2530 | 2558 | 3/16/10 | Amending Parkville Municipal Code Title IV, Chapter 463, to regulate animated signs and electronic message centers. |
| 2539 | 2567 | 6/15/10 | Amending the Parkville Municipal Code by repealing and replacing Section 110.040 and creating a new Chapter 142 to regulate mayoral appointments to commissions, committees and boards and service on same by mayor and aldermen, and repeal Chapter 152 to eliminate the Channel 2 Committee. (repealed by Ordinance 2559) |
| 2545 | 2573 | 7/20/10 | Amending the Parkville Municipal Code Title IV, Chapter 442, Section 442.055 to repeal and replace Subsections E and F pertaining to permitted and prohibited signs in the "OTD" Old Town District. |
| 2553 | 2581 | 9/7/10 | Amending Ordinance 2473 and Parkville Municipal Code Section 206.080 D and adding a new section 206.080 E to better define minimum smoking ban sign text height and a minimum no smoking symbol diameter. |
| 2555 | 2584 | 10/19/10 | Amending portions of the Parkville Municipal Code, Title II, Chapter 201 regarding the Parkville Emergency Management Agency for clarification purposes. |
| 2559 | 2588 | 11/16/10 | Repealing Ordinance 2539 and amending Parkville Municipal Code by repealing and replacing Section 110.040 and creating a new chapter 142 to regulate mayoral appointments to commissions, committees and boards and service on same by mayor and aldermen, and repeal Chapter 152 to eliminate the Channel 2 Committee. |
| 2566 | 2596 | 1/4/11 | Repealing and replacing Chapter 480, Sections 480.010 and 480.020 of the Parkville Municipal Code to clarify the formation, organization, operation and powers of the Board of Zoning Adjustment. |
| 2567 | 2597 | 1/4/11 | Repealing and replacing Chapter 498 of the Parkville Municipal Code to clarify the formation, organization, operation and powers of the Planning and Zoning Commission. |
| 2571 | 2601 | 2/15/11 | Revising the Parkville Municipal Code Title VIII, Chapter 700, Article IV, Public Sewer Disposal, adding a new section and language 700.230, maintenance and repair of building drain and building sewer and Title VII, Utilities, Article I, added to definitions for building sewer. |
| 2572 | 2602 | 3/1/11 | Authorizing the temporary suspension of the rule set fourth in the Parkville Municipal Code, Section 105.040 regarding dates of Board of Alderman meetings. |

| Ordinance | Bill | Date | Description |
|------------------|-------------|-------------|---|
| 2573 | 2603 | 3/1/11 | Repealing and replacing Parkville Municipal Code Section 215.420, F, 1 pertaining to zoning districts where fireworks may be sold. |
| 2586 | 2616 | 5/17/11 | Amending Parkville Municipal Code Title IV, to create a new chapter 429 "OTD-R" Old Town District-Residential Zoning District and adopt associated design guidelines. |
| 2587 | 2617 | 5/17/11 | Amending Parkville Municipal Code Title IV Chapter 470, Supplementary Use Regulations – Conditional Uses, Section 470.040, Conditional Uses Enumerated, to allow petroleum product storage and distribution facilities as a conditional use permit. |
| 2613 | 2643 | 9/20/11 | Amending Parkville Municipal Code Title IV, Chapter 457, "U-1-1" Underground Light Industrial District, to redefine the district purpose, use regulations, development plan requirements and required improvements. |
| 2614 | 2644 | 9/20/11 | Amending Parkville Municipal Code Title IV, Chapter 428, "P-EC" Planned Educational Campus District, to clarify the procedure for amending approved campus master plans. |
| 2620 | | 12/20/11 | Amending Parkville Municipal Code Title III to modify Section 300.010 and create new Chapter 362, to permit operation of golf carts and low speed vehicles on public streets. |
| 2624 | 2654 | 12/20/11 | Amending Parkville Municipal Code Title IV, Chapter 467 to define side-yard setbacks for non-residential uses in the Multiple Family Residential District. |
| 2626 | 2656 | 1/3/12 | Amending Parkville Municipal Code Title VI, Chapter 600, Section 600.310 to allow the Board of Aldermen to consent to a liquor license closer than 300 feet to a church or other building regularly used as a place of religious worship. |
| 2636 | 2666 | 5/1/12 | Amending Parkville Municipal Code, Chapter 143, Section 6, previously established by Ordinance 2505, in order to change the Finance/Audit Committee meeting date from "Wednesday preceding each Board of Aldermen Meeting" to "Second Monday preceding each Board of Aldermen Meeting." |
| 2653 | 2683 | 10/2/12 | Amending Parkville Municipal Code Chapter 500 and Ordinance 2464 adopting said code to add a new Section 500.010, C addressing structures located in two or more jurisdictions. |
| 2654 | 2684 | 10/2/12 | Amending the Parkville Municipal Code, Title I, Chapter 140, Section 140.350 Parks Facility usage and permit fee structure. |
| 2655 | 2685 | 11/6/12 | Amending and repealing existing Parkville Municipal Code Title VI, Chapter 650 and enacting new provisions for the licensing and regulation of adult businesses, establishing fees, and providing penalties for violations. |
| 2656 | 2686 | 11/6/12 | Amending and repealing Parkville Municipal Code Title II, Section 215.180 and enacting a new provision relating to the selling, displaying, advertising, possessing or use of drugs, drug paraphernalia and imitation controlled substances. |
| 2658 | 2688 | 11/20/12 | Amending Parkville Municipal Code Title VI, Chapter 650, Section 650.020, A, and Section 650.120, C, and amending Ordinance 2655 previously adopting such. |
| 2659 | 2689 | 11/20/12 | Amending Parkville Municipal Code Title IV to define adult business uses and related terms, identify where said businesses are permitted, prohibited and conditionally permitted, and to identify zoning and other regulations applying to said businesses. |

| Ordinance | Bill | Date | Description |
|------------------|-------------|-------------|--|
| 2661 | 2691 | 11/20/12 | Amending Parkville Municipal Code Title I, Chapter 140, Section 140-350 Parks Facility usage and permit fee schedule. |
| 2668 | 2698 | 1/15/13 | Amending Parkville Municipal Code, Title I, Chapter 145, Section 145.060, regarding qualifications for the position of Municipal Court Judge. |
| 2670 | 2700 | 2/19/13 | Amending Parkville Municipal Code, Title III, Chapter 362, Section 362.050 regarding registration of low speed vehicles and golf carts. |
| 2671 | 2701 | 2/19/13 | Amending Parkville Municipal Code Title I, Chapter 140, Section 140.350 Parks Facility usage and permit fee schedule. |
| 2673 | 2703 | 3/5/13 | Amending Parkville Municipal Code Title I, Chapter 110, Section 110.120, regarding the filling of vacancies in certain offices. |
| 2676 | 2706 | 3/5/13 | Amending Parkville Municipal Code, Chapter 362, Operation of Golf Carts and Low Speed Vehicles on Public Streets, Section 362.050, Registration. |
| 2701 | 2731 | 8/20/13 | Amending and repealing existing Parkville Municipal Code Title VII, Chapter 700 and enacting new provisions relating to the late payment of bills for sewerage service. |
| 2702 | 2732 | 8/20/13 | Amending Parkville Municipal Code Section 145.250 to provide for the assessment and collection of a surcharge on all municipal court actions. |
| 2705 | 2735 | 8/20/13 | Amending Parkville Municipal Code Chapter 405 to rezone five acres from County Agriculture District and Planned Industrial District to City Planned Business District and 15.69 acres from County Planned Industrial District to City Planned Business District, subject to the conditions of the Missouri Department of Transportation. |
| 2709 | 2739 | 9/23/13 | Repealing Ordinance No. 2696 and authorizing the City Administrator and City Attorney to take the necessary steps to remove the matter presented by Ordinance No. 2696 from the November 5, 2013, General Election ballot. |
| 2710 | 2740 | 9/23/13 | Calling for the election on April 8, 2014 to amend Section 110.010 of the Parkville Municipal Code to provide for the term of office for the Mayor to be three years. |
| 2716 | 2746 | 10/15/13 | Amending Parkville Municipal Code Chapter 405 to rezone 5.0 acres from County Agriculture District to City Single-Family Residential District. |
| 2717 | 2747 | 11/5/13 | Repealing Ordinance No. 2277 and the related Parkville Municipal Code Title VII, Chapter 700, Article IX, Section 700.485. |
| 2725 | 2755 | 12/17/13 | Repealing and replacing Parkville Municipal Code Title I, Chapter 100, Section 100.130, Wards. |
| 2727 | 2757 | 1/21/14 | Repealing and replacing Subsections C, D and G of Section 703.040 of the Parkville Municipal Code setting the sewer base charge, sewer use charge and surcharge for customers of the sewer system. (3% increase) |
| 2728 | 2758 | 1/21/14 | Amending and repealing existing Title VI, Chapter 630 of the Parkville Municipal Code and enacting new provisions relating to the Farmers Market. |

BILL NO. 2533

ORDINANCE NO. 2505

AN ORDINANCE REPEALING CHAPTER 143 OF THE MUNICIPAL CODE, DERIVED FROM ORDINANCE #1925 TO ESTABLISH AN AUDIT COMMITTEE AND REPLACING IT WITH A NEW ORDINANCE TO ESTABLISH A FINANCE/AUDIT COMMITTEE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Chapter 143 of the Municipal Code is hereby repealed and replaced with the following to establish a Finance/Audit Committee.

Section 2. A Finance/Audit Committee to monitor revenues, expenditures and budget compliance of the City is hereby established. This Committee will oversee the auditing of the City's financial records and shall review and comment on the annual audit prior to a presentation to the Board of Aldermen. The Committee shall consist of the mayor and one alderman from each ward, nominated by the mayor and approved by the Board of Aldermen. The chairman shall be chosen from the members of the committee and will be a signatory for the City.

Section 3. The Finance/Audit Committee shall hear staff financial reports and funding requests, compare actual revenues and expenses to the budget and financial projections, recommend approval or denial of funding requests to the Board of Aldermen and alert the Board of Aldermen in a timely manner regarding any budget compliance issues or other financial concerns. The Finance/Audit Committee shall work with staff to prepare a first draft of the upcoming year budget and present said draft to the Board of Aldermen on or around November 1st of each fiscal year.

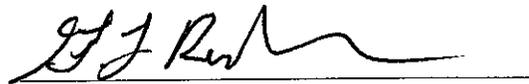
Section 4. The Vice-Chair, who will also be appointed by the committee will act as Chairman and serve as a signatory for the City in the absence of the Chairman.

Section 5. Finance/Audit committee members shall serve for one year beginning May 1st of each year or until replaced by the mayor and Board of Aldermen.

Section 6. The Finance/Audit Committee shall meet every Wednesday preceding each Board of Aldermen meeting, or as necessary, with the city administrator, city treasurer, and other staff.

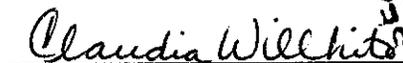
Section 7. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 12th day of October, 2009.



Mayor Gerald L. Richardson

ATTESTED:



City Clerk Claudia Willhite



Ord. 2505

BILL NO. 2537

ORDINANCE NO. 2509

AN ORDINANCE AMENDING CHAPTER 405 OF THE PARKVILLE ZONING CODE TO REZONE 37 ACRES, MORE OR LESS, GENERALLY LOCATED BETWEEN BELL RD AND 9 HIGHWAY, SOUTH OF THE PLATTE COUNTY COMMUNITY CENTER AND NORTH OF LAKEVIEW DRIVE, FROM "R-1" SINGLE-FAMILY, "R-4" MULTIPLE-FAMILY, "B-1" NEIGHBORHOOD COMMERCIAL, AND "B-2" GENERAL COMMERCIAL DISTRICTS TO "TND" TRADITIONAL NEIGHBORHOOD DESIGN DISTRICT, AND TO APPROVE A DESIGN MANUAL FOR SAID PROPERTY.

WHEREAS, all public notices and hearings required by the Zoning Code and State Statutes have been posted and held; and

WHEREAS, on October 13, 2009 the Parkville Planning & Zoning Commission, recommended approval of the proposed rezoning and associated design manual titled "Parkville Connections Design Manual" and attached hereto and incorporated herein by reference as Exhibit A.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Section 405 of the Parkville Zoning Code is hereby amended to parcels 20-7.0-26-100-002-023-000, 20-7.0-26-100-002-023-002, 20-7.0-26-100-002-024-000, 20-7.0-26-100-002-026-000, 20-7.0-26-100-002-027-000, 20-7.0-26-100-002-027-001, 20-7.0-26-400-002-001-000, 20-7.0-26-400-002-002-000, 20-7.0-26-400-002-003-000, 20-7.0-26-400-002-004-000, 20-7.0-26-400-002-027-000, and 20-7.0-26-400-002-032-000 containing approximately 37 acres generally located between Bell Rd and 9 Hwy., south of the Platte County Community Center and north of Lakeview Dr and generally depicted in Exhibit B which is attached hereto and incorporated herein by reference, from "R-1" Single-Family, "R-4" Multiple-family, "B-1" Neighborhood Commercial, and "B-2" General Commercial Districts to "TND" Traditional Neighborhood Design District.

Section 2. The "Parkville Connections Design Manual" submitted with this rezoning in accordance with Parkville Municipal Code, Title IV, Chapter 427: "TND" Traditional Neighborhood Design District and attached hereto and incorporated herein by reference as Exhibit A, is hereby approved subject to the following conditions:

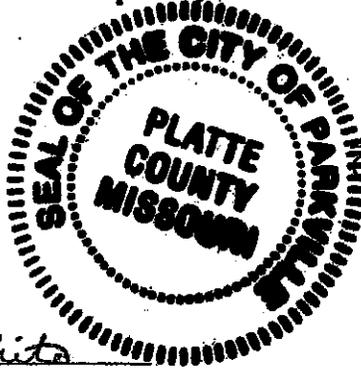
- A. Completion and approval of traffic and stormwater studies as required by the Public Works Director and City Engineer prior to approval of a final development plan;
- B. The traffic study assessing impacts, if any, to the full length of Bell Road between 45 Highway and FF Highway and Highway 9 between 45 Highway and the entrance to Park University (at the light);
- C. Recording of the proposed cross access agreement which ensures access across individually owned properties including access to the intersection of 9 Highway and Lakeview Drive through property currently outside the proposed plans;
- D. Adoption of final architectural and landscape details prior to or in conjunction with approval of a final development plan(s);

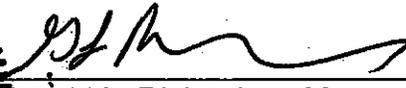
- E. Approval of all offsite improvements and required utility and service plans by jurisdiction of authority prior to or in conjunction with approval of a final development plan(s);
- F. The Design Manual being amended to include a conceptual connection of the trail system to Main Street; and
- G. Any additional conditions deemed necessary by the Planning Commission and Board of Aldermen.

Section 3. Future development shall be governed by the regulations of Parkville Municipal Code, Title IV, Chapter 427: "TND" Traditional Neighborhood Design District and the "Parkville Connections Design Manual," attached hereto and incorporated herein by reference as Exhibit B.

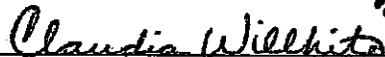
Section 4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 3rd day of November 2009:




Gerald L. Richardson Mayor

ATTESTED:


City Clerk Claudia Willhite

BILL NO. 2540

ORD. NO. 2512

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE TITLE VII, CHAPTER 700, SECTION 703.040 (J.) TO REDUCE THE SPECIAL SEWER ASSESSMENT RATE.

WHEREAS, in 1990, voters authorized the issuance of general obligation bonds in the amount of \$500,000 for the purpose of acquiring, constructing, extending and improving the sewage system for the City of Parkville, and

WHEREAS, Ordinance 1309, passed in 1992, authorized the collection of the expense of such improvements from the benefited property owners, and

WHEREAS, in 1994, Ordinance 1474 increased the special assessment for future property owners in the district benefited by said sewer improvements; and

WHEREAS, the assessment increase, combined with an increase in the number of lots, has established a reasonable reserve in the debt retirement fund for the sewer general obligation bonds authorized by the voters in the 1990 election; and

WHEREAS, it is the City's standard policy and recommendation of the State of Missouri that assessments should be no higher than necessary to service the bond payments, it is now in the best interest of the City of Parkville to amend Section 703.040 (J.) of the Municipal Code to reduce the rates for property owners who are subject to the Special Sewer Assessment;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Parkville Municipal Code Title VII, Chapter 700, Section 703.040 (J.) is hereby amended as follows:

Effective immediately a thirty-five percent reduction in the Special Sewer Assessment rate shall be applied to Special Sewer Assessment Payers, as described in the attached policy report.

Section 2. This ordinance shall become effective immediately upon its passage and approval.

PASSED and APPROVED this 15th day of December 2009.




Mayor Gerald L. Richardson

ATTESTED:


City Clerk Claudia Willhite

Ord. 2512

CITY OF PARKVILLE

POLICY REPORT

DATE: 11/13/09

PREPARED BY:

REVIEWED BY:

Shannon Thompson



Stephen Berg



ISSUE: Proposal to reduce the annual Special Assessment for Riss Lake Sewer Customers for payment of Special Assessment Sewer G. O. Bonds.

BACKGROUND: These Special Assessment Sewer G. O. Bonds will be retired in 2011, with final payments due in 2010 and 2011. Since a reserve fund has been built up during the duration of the bonds, it is now appropriate to apply the existing reserve funds to the final bond payments. The fund is sufficient to pay the entire 2011 debt service, as well as a portion of the 2010 debt service. The proposed reduced Special Assessment levy, due December 31, 2009, will fully cover the remaining portion of the 2010 debt service while still allowing sufficient reserves for any shortfalls. It is anticipated that no assessments will be required for 2011.

OPTIONS: The assessment rate can be lowered by 35% for all assessment payers and still produce sufficient revenue for bond payments for each year from 2010 to 2011. This would reduce annual assessments for property owners according to the following table.

| <u>Current Payments</u> | <u>Proposed Payments</u> |
|-------------------------|--------------------------|
| \$27.00 | \$18.00 |
| \$77.00 | \$50.00 |

STAFF RECOMMENDATION: Board approval of this new rate structure is recommended. See attached ordinance.

POLICY: Once a reasonable reserve is established in a debt retirement fund, as is permitted and recommended by the State of Missouri, assessments should be no higher than is needed to service the bond payments. A percentage reduction in all rates seems to be the simplest and fairest method of allocating a reduction, as it will benefit all property owners subject to the Special Assessment.

BUDGET IMPACT: This fund is completely separate from all other City funds. Consequently there is no budget impact to the City.

BILL NO. 2541

ORDINANCE NO. 2513

AN ORDINANCE REPEALING SUBSECTIONS C, D, AND G OF SECTION 703.040 OF THE PARKVILLE MUNICIPAL CODE TO REPLACE SAME WITH NEW SUBSECTIONS C, D AND G OF SECTION 703.040, SETTING THE SEWER BASE CHARGE, SEWER USE CHARGE AND SURCHARGE FOR CUSTOMERS OF THE SEWER SYSTEM.

Whereas the City of Parkville, Missouri has constructed wastewater treatment works: and

Whereas the City of Parkville must pay all expenses associated with said treatment works and charge the users of said treatment works accordingly;

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Subsection C of Section 703.040 is hereby repealed and shall be replaced by the following language:

- C. The minimum charge per month shall be \$11.51. In addition each contributor shall pay a user charge for operation and maintenance including replacement of \$0.544 per 100 gallons of water as determined in the preceding section.

Section 2. Subsection D of Section 703.040 is hereby repealed and shall be replaced by the following language:

- D. For those contributors who contribute wastewater the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is:

\$0.6941 per pound BOD

\$0.5897 per pound SS

Section 3. Subsection G of Section 703.040 is hereby repealed and shall be replaced by the following language:

- G. The charge for users in the Riverchase subdivision of Parkville shall be a set user charge of \$52.71 per month.

Section 4. This ordinance shall be in effect immediately upon its passage and approval.

PASSED and APPROVED this 15th day of December 2009.




Mayor Gerald L. Richardson

ATTESTED:


City Clerk Claudia Willhite

Ordinance No. 2513

BILL NO. 2558

ORDINANCE NO. 2530

AN ORDINANCE TO AMEND PARKVILLE MUNICIPAL CODE, TITLE IV, CHAPTER 463, TO REGULATE ANIMATED SIGNS AND ELECTRONIC MESSAGE CENTERS.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title IV, Chapter 463, Article I, Section 463.030, of the Parkville Municipal Code is hereby amended to add the following definitions:

Animated Signs. Signs that include animation or effects simulating animation, including those that employ: flashing or blinking; intermittent or changing illumination creating a fading, dissolving, traveling, scrolling, dropping, pixilation or other similar transitional effect; video; sound emission; flapping, blowing, spinning, rotation or other movement; pyrotechnics; visible moving parts; or any device or illumination or other effect creating the illusion of motion.

Changeable copy sign: A manually, mechanically or electronically activated sign, or portion thereof, on which copy is designed to be changed periodically without altering the face of the sign. Changeable copy signs shall include, but not be limited to electronic message centers, reader boards, gas price signs, and theater marquees. Poster panels and painted boards shall not be considered changeable message signs.

Electronic Message Center: Any electronically activated changeable copy sign. Included are signs that use changing lights to form a message and holographic displays.

Section 2. Title IV, Chapter 463, Article IV, Section 463.160, of the Parkville Municipal Code is hereby amended to add a new subsection E as follows:

E. *Electronic Message Centers.* Electronic message centers shall be allowed subject to the following standards:

1. Electronic message centers shall be restricted to use by gas stations or fuel stations that are within 1,000 feet of interstate highway right-of-way.
2. Electronic message centers shall be restricted to use in monument signs and shall not be permitted as wall or pole signs.
3. Duration. Any portion of the message must be displayed for a minimum duration of 10 minutes.
4. Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum of 400 nits (candelas per square meters) between dusk and dawn.

5. Dimmer control. The sign must have a dimmer control to automatically adjust illumination from daylight to night time maximums.
6. The change from one message to the next shall not take more than one second and shall not include any animation or movement.

Section 3. Title IV, Chapter 463, Article IV, Section 463.170, of the Parkville Municipal Code is hereby repealed and replaced as follows:

Animated signs. Animated signs shall not be permitted in any district or portion of the City. This shall not include electronic message centers as permitted in Section 463.160, E.

Section 4. Title IV, Chapter 463, Article IV, Section 463.160, of the Parkville Municipal Code is hereby amended to add a new subsection F and G as follows:

F. *Corner lots.* Where monument signs are permitted, lots with two or more public street frontages shall be allowed one monument sign for each public street frontage.

G. *Sign area.* Where monument signs are permitted within 1,000 feet of interstate highway right-of-way, lots with a lineal street frontage greater than 250 feet, shall be allowed a 25% increase in sign area on that street frontage so long as all other applicable standards are met.

Section 5. All required notifications have been published and posted, and all required public hearings on this matter have been held.

Section 6. The Planning & Zoning Commission has reviewed and considered the above-referenced amendments. At its March 9, 2010 meeting, the Planning & Zoning Commission recommended approval of the same unanimously.

Section 7. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 16th day of March 2010.

ATTESTED:

Claudia Willhite
City Clerk Claudia Willhite



Marvin J. Ferguson
Mayor Pro Tem Marvin J. Ferguson

BILL NO. 2567

ORDINANCE NO. 2539

AN ORDINANCE AMENDING THE PARKVILLE MUNICIPAL CODE BY REPEALING AND REPLACING SECTION 110.040 AND CREATING A NEW CHAPTER 142 TO REGULATE MAYORAL APPOINTMENTS TO COMMISSIONS, COMMITTEES AND BOARDS AND SERVICE ON SAME BY MAYOR AND ALDERMEN, AND REPEAL CHAPTER 152 TO ELIMINATE THE CHANNEL 2 COMMITTEE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Title I, Chapter 110, Section 110.040 of the Parkville Municipal Code is hereby repealed and replaced as follows:

- A. *The Mayor, with the consent and approval of the Board of Aldermen, shall make the following appointments. All appointments shall be made in accordance with any applicable rules and regulations adopted by Municipal Code and State Statutes.*
1. *appointment of members to City committees, commissions and boards; and*
 2. *appointment of official City representatives to civic, citizen and other committees not created by the City; and*
 3. *appointment of official advisors to the City, the Board of Aldermen, committees, commissions and board, as necessary; and*
 4. *appointment of a member to fill any vacancy that occurs before the expiration of designated term.*
- B. *Except for appointments made to fill vacancies, all new appointments and reappointments to City committees, commissions and boards shall be made at the first (1st) regular meeting of the Board of Aldermen in May. In the event that an appointment to a Committee, Commission or Board is not or can not be made in May, as specified herein, the member currently serving shall continue serve until such time as the new appointment or reappointment is made.*

SECTION 2. Title I of the Parkville Municipal Code is hereby amended to create a new Chapter 142 as follows:

Chapter 142: Committees, Commissions, Boards and Advisors

SECTION 142.010: CREATION OF COMMITTEES, COMMISSIONS, BOARDS AND ADVISORS

- A. *The Board of Aldermen shall create committees, commissions and boards as authorized by State Statutes as necessary to effectively carry out the business of the City.*
- B. *The following committees, commissions and boards have been created and are regulated by Parkville Municipal Code. These entities shall operate in accordance with the rules and regulations adopted therein.*
1. *Board of Housing Appeals*
 2. *Board of Zoning Adjustment*
 3. *Cemetery Board*
 4. *Community Land and Recreation Committee*
 5. *Ethics Commission*
 6. *Economic Development Committee*
 7. *Finance / Audit Committee*
 8. *Planning and Zoning Commission*
 9. *Tax Increment Financing Commission*
- C. *The Board of Aldermen may create by ordinance additional committees, commissions and boards as deemed necessary to advise the Board on specific or general matters. If not regulated by the Parkville Municipal Code, the Board of Aldermen shall specify the intent, authority, organization, and procedures for operation at the time of creation.*
- D. *The Mayor, with the consent and approval of the Board of Aldermen, is hereby authorized to appoint qualified persons to serve as advisors to the Board of Aldermen, committees, commissions or boards, or newly appointed advisory committees. The role, term and other details of services shall be determined by the Board at the time of appointment. When appointed to serve existing committees, commissions or boards, advisors shall not be bound by the procedures, rules and regulations governing said committees, commissions or boards and shall not be voting members of such.*

SECTION 142.020: ELECTED OFFICIALS ON COMMITTEES, COMMISSIONS OR BOARDS

The Mayor or Aldermen may be appointed as liaisons to City committees, commissions or boards, but with the exception of the Finance/Audit Committee, the Mayor and Aldermen shall not serve as voting members.

SECTION 142.030: OPEN MEETINGS

- A. All City committees, commissions, boards and advisors shall be subject to the Missouri Sunshine Law and other State Statutes, as may be applicable.
- B. All City committees, commissions and boards shall at a minimum post meeting notices and agendas, and prepare and adopt a record of attendance and actions/votes taken during meetings, all in accordance with the Missouri Sunshine Law.

SECTION 3. Title I, Chapter 152 of the Parkville Municipal Code is hereby repealed in its entirety.

SECTION 4. This ordinance shall become effective upon the passage and approval of amendments to Chapters 480 and 490 of the Parkville Municipal Code as necessary to eliminate conflicts with language adopted herein.

PASSED and APPROVED this 15th day of June 2010.





Mayor Gerald L. Richardson

ATTESTED:



City Clerk Claudia Willhite

BILL NO. 2573

ORDINANCE NO. 2545

AN ORDINANCE AMENDING THE PARKVILLE MUNICIPAL CODE TITLE IV, CHAPTER 442, SECTION 442.055 TO REPEAL AND REPLACE SUBSECTIONS E AND F PERTAINING TO PERMITTED AND PROHIBITED SIGNS IN THE "OTD" OLD TOWN DISTRICT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Title IV, Chapter 442, Section 442.055, subsections E and F of the Parkville Municipal Code are hereby repealed and replaced as follows:

E. Permitted Signs.

1. Projecting signs.

- a. Number: One per public street frontage.
- b. Size: Sign board up to nine (9) square feet.
- c. Location: Mounted to wall surface. Ground floor businesses to mount a minimum of 10' above abutting public sidewalks or ways and not higher than 15' or the sill of the any second story window. Projection from building shall not exceed three (3) feet. Separation from building shall not exceed six (6) inches. Upper floor businesses to mount above 15' or the sill of the lowest second story window and not above any roofline, eave or parapet.
- d. Materials: Wood, metal or similar durable materials.

2. Wall, awning door and window signs.

- a. Number: No maximum number of signs, but the combined square footage shall not exceed total square footage below.
- b. Total square footage: 5% coverage of the ground floor or upper story façade up to 40 square feet. Where a single space is shared by multiple tenants, the square footage may be divided among multiple signs. Total square footage shall be exclusive of any permitted temporary signs and one sign indicating whether a business is opened or closed and not exceeding three (3) square feet.
- c. Size:

- i. Walls: The total coverage for any wall shall be the lesser of 5% of the façade or twenty four (24) square feet for facades seven-hundred fifty (750) square feet or less and 5% of the façade or forty (40) square feet for buildings over seven-hundred fifty (750) square feet.
 - ii. Awnings: The total coverage for any single awning shall be twelve (12) square feet.
 - iii. Doors: Total coverage for any one door shall be the lesser of 25% or five (5) square feet.
 - iv. Windows: The total coverage for any one window shall be the lesser of 25% or twelve (12) square feet.
- d. Location: Applied or attached flush to the surface. Shall not project greater than six (6) inches. The maximum height for ground floor businesses shall be fifteen (15) feet. Signs for upper story businesses to be mounted above fifteen (15) feet or the sill of the lowest second story window and not above any roofline, eave or parapet.
- e. Materials: Signs applied to glass, canvas or fabric, must be silk screened, applied vinyl, hand painted or similar. No etching shall be allowed. Signs hung, mounted or attached to the building or building façade must be wood, metal, or similar durable and rigid material.

3. **Building directory.**

- a. Number: Where multiple businesses share one public entrance, stairway or similar access, one directory shall be allowed.
- b. Size: Up to four (4) square feet and not to exceed one (1) square foot per business listed.
- c. Location: To be mounted next to the shared public entrance, stairway or similar access. To be mounted at eye level. Shall not project greater than six (6) inches.
- d. Materials: Wood, metal, glass or similar durable and rigid materials.

4. **Hand bills and similar announcements.**

- a. Number: No maximum number, subject to the following.
- b. Size: Shall not exceed two (2) square feet, the total area occupied shall not exceed twenty-five (25) percent of any door or window.
- c. Location: To be displayed inside any ground floor door or window. Shall not be stapled or otherwise affixed to any exterior portion of a building.

- d. Other requirements: Shall not be used to advertise goods or services available on site. Duplicate copies of the same hand bill or announcement shall not be displayed.
5. **Directional signs.**
- a. Number: One per business or building facing a rear parking lot.
 - b. Size: Up to two (2) square feet.
 - c. Location: At the entrance to the rear parking lot.
 - d. Materials: Wood, metal, or similar durable and rigid material.
6. **Sandwich board.**
- a. Number: One per ground floor business.
 - b. Size: Up to five (5) square feet.
 - c. Location: The signs shall be located on the same lot as the business and shall not interfere with pedestrian circulation, parking or other similar functions.
 - d. Materials: Wood, metal, or similar durable and rigid material.
 - e. Other requirements: Headings and all non-changing text shall be professionally applied. All changeable text may be hand written. All sandwich boards shall be removed at the end of the business day.
7. **Wall mounted menu board.**
- a. Number: One per ground floor restaurant, café or other similar food service.
 - b. Size: Up to three (3) square feet.
 - c. Location: At the main entrance to the building. To be mounted at eye level.
 - d. Materials: Display cases consisting of wood, metal, glass and similar durable and rigid material.
 - e. Other requirements: Headings and all non-changing text shall be professionally applied. All changeable text may be hand written.

F. Signs Permitted by Special Exception.

1. Corner mounted projecting signs.

- a. Conditions: Allowed for ground floor businesses on corner lots when said sign is mounted so as to be visible from both street frontages. Corner mounted projecting signs shall in lieu of projecting signs on the other street frontages.
- b. Number: One per business on a corner lot.
- c. Size: Sign board up to eighteen (18) square feet.
- d. Location: Mounted to wall surface. Ground floor businesses to mount a minimum of ten (10) feet above abutting public sidewalks or ways and not higher than fifteen (15) feet or the sill of the any second story window. Projection from building shall not exceed five (5) feet. Separation from building shall not exceed one (1) foot.
- e. Materials: Wood, metal or similar durable materials.

2. Free standing signs.

- a. Conditions: Building must be setback a minimum of five (5) feet from the street right-of-way. The sign shall be architecturally compatible with the style, composition, materials, colors and details of the building. The sign shall not be internally illuminated. The sign shall not be illuminated between the hours of Midnight and 5:00 A.M. Any exposed lighting source shall be directed away from nearby residential uses using a cut-off shield or other device to eliminate off-site glare/spillover.
- b. Number: One per business.
- c. Size: Sign board up to ten (10) square feet. Structure up to thirty (30) square feet.
- d. Width: Sign board up to five (5) feet in width.
- e. Height: Top of signboard, posts or supporting elements up to eight (8) feet from the ground to which it is attached. If the ground slopes, the height shall be determined to be the mean height of the signboard. Top of the signboard or of any posts or other supporting elements up to ten (10) feet above the mean grade of the abutting street (generally determined to be the height of the sidewalk), unless otherwise excepted. Exceptions shall be subject to demonstrated necessity arising from the specific conditions of each site and development.
- f. Location: Minimum of five (5) feet outside any abutting street right-of-way. The sign shall not interfere with any required pedestrian or vehicular circulation, shall not be located or extend into any required sight triangle, nor obstruct vision at an intersection or point of ingress or egress

to the property. The freestanding signboard or sign structure shall not be placed or extend into any street, street right-of-way or private property other than the property on which the business or establishment advertised is located.

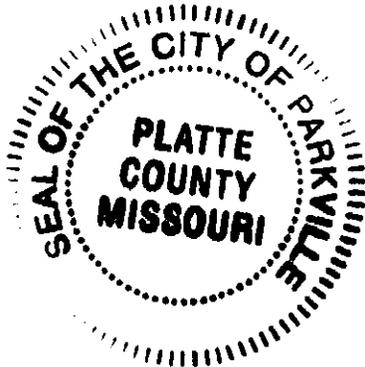
- g. Materials: Wood or equivalent durable material with stone, metal or brick accents.

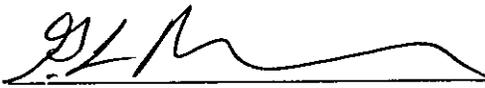
G. Prohibited Signs.

1. Signs employing mercury vapor, low pressure and high pressure sodium and plastic panel rear-lighted signs.
2. Signs on roofs and dormers.
3. Billboards.
4. Pole signs.
5. With the exception of permitted temporary signs, signs using paper, cardboard, corrugated plastic or similar non-durable material.

SECTION 2. This ordinance shall be effective immediately upon its passage and approval.

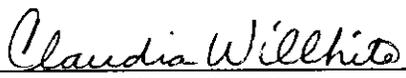
PASSED and APPROVED this 20th day of July 2010.





Máyor Gerald L. Richardson

ATTESTED:



City Clerk Claudia Willhite

BILL NO. 2581

ORDINANCE NO. 2553

AN ORDINANCE AMENDING ORDINANCE 2473 AND PARKVILLE MUNICIPAL CODE SECTION 206.080, D AND ADDING A NEW SECTION 206.080, E, TO BETTER DEFINE MINIMUM SMOKING BAN SIGN TEXT HEIGHT AND A MINIMUM NO SMOKING SYMBOL DIAMETER.

WHEREAS, Ordinance 2473 was adopted on April 7, 2009 to promote public health, safety and welfare by decreasing citizen's exposure to second hand smoke and by creating smoke-free environments for workers, citizens and visitors through regulation of smoking in the workplace and public places as described herein;

WHEREAS, approval of Ordinance 2473 enacted a ban on smoking which included requirements to post signage in order to notify the general public of the smoking status of all businesses and places of employment;

WHEREAS, specifically Section 206.080, *POSTING OF SIGNS*, regulates the height of text on signs required by the ban on smoking but did not regulate the minimum diameter of "no smoking" symbols;

WHEREAS, the amendment to follow modifies Section 206.080 to clarify that the minimum text height only applies to text required by Section 206.080 and not other discretionary text, and adds a minimum outside diameter for "no smoking" symbols when used without "no smoking" text; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Section 206.080, D of the Parkville Municipal Code shall be repealed and replaced as follows:

- D. Sign text required by this Section shall not be less than one (1) inch in height.

SECTION 2. Section 206.080, E shall be added to the Parkville Municipal Code as follows:

- E. When the international "No Smoking" symbol is used without use of "No Smoking" text, the minimum height and width of the symbol shall be two and one half (2.5) inches.

SECTION 3. This Ordinance shall become effective immediately upon passage.

PASSED and APPROVED this 7th day of September 2010.




Mayor Gerald L. Richardson

ATTESTED:


City Clerk Claudia Willhite

BILL NO. 2588

ORDINANCE NO. 2559

AN ORDINANCE REPEALING ORDINANCE 2539 AND AMENDING THE PARKVILLE MUNICIPAL CODE BY REPEALING AND REPLACING SECTION 110.040 AND CREATING A NEW CHAPTER 142 TO REGULATE MAYORAL APPOINTMENTS TO COMMISSIONS, COMMITTEES AND BOARDS AND SERVICE ON SAME BY MAYOR AND ALDERMEN, AND REPEAL CHAPTER 152 TO ELIMINATE THE CHANNEL 2 COMMITTEE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Title I, Chapter 110, Section 110.040 of the Parkville Municipal Code is hereby repealed and replaced as follows:

- A. *The Mayor, with the consent and approval of the Board of Aldermen, shall make the following appointments. All appointments shall be made in accordance with any applicable rules and regulations adopted by Municipal Code and State Statutes.*
1. *appointment of members to City committees, commissions and boards; and*
 2. *appointment of official City representatives to civic, citizen and other committees not created by the City; and*
 3. *appointment of official advisors to the City, the Board of Aldermen, committees, commissions and board, as necessary; and*
 4. *appointment of a member to fill any vacancy that occurs before the expiration of designated term.*
- B. *Except for appointments made to fill vacancies, all new appointments and reappointments to City committees, commissions and boards shall be made at the first (1st) regular meeting of the Board of Aldermen in May. In the event that an appointment to a Committee, Commission or Board is not or can not be made in May, as specified herein, the member currently serving shall continue serve until such time as the new appointment or reappointment is made.*

SECTION 2. Title I of the Parkville Municipal Code is hereby amended to create a new Chapter 142 as follows:

Chapter 142: Committees, Commissions, Boards and Advisors

SECTION 142.010: CREATION OF COMMITTEES, COMMISSIONS, BOARDS AND ADVISORS

- A. *The Board of Aldermen shall create committees, commissions and boards as authorized by State Statutes as necessary to effectively carry out the business of the City.*
- B. *The following committees, commissions and boards have been created and are regulated by Parkville Municipal Code. These entities shall operate in accordance with the rules and regulations adopted therein.*
1. *Board of Housing Appeals*
 2. *Board of Zoning Adjustment*
 3. *Cemetery Board*
 4. *Community Land and Recreation Committee*
 5. *Ethics Commission*
 6. *Finance / Audit Committee*
 7. *Planning and Zoning Commission*
 8. *Tax Increment Financing Commission*
- C. *The Board of Aldermen may create by ordinance additional committees, commissions and boards as deemed necessary to advise the Board on specific or general matters. If not regulated by the Parkville Municipal Code, the Board of Aldermen shall specify the intent, authority, organization, and procedures for operation at the time of creation.*
- D. *The Mayor, with the consent and approval of the Board of Aldermen, is hereby authorized to appoint qualified persons to serve as advisors to the Board of Aldermen, committees, commissions or boards, or newly appointed advisory committees. The role, term and other details of services shall be determined by the Board at the time of appointment. When appointed to serve existing committees, commissions or boards, advisors shall not be bound by the procedures, rules and regulations governing said committees, commissions or boards and shall not be voting members of such.*

SECTION 142.020: ELECTED OFFICIALS ON COMMITTEES, COMMISSIONS OR BOARDS

To provide for separation of duties, checks and balances, and to avoid the appearance of impropriety, the Mayor or Aldermen may be appointed as liaisons to City committees, commissions or boards. but with the exception of the Finance/Audit Committee and Planning and Zoning Commission, the Mayor and Aldermen shall not serve as voting members. Any service on the Finance / Audit Committee and Planning and Zoning Commission shall be in accordance with the Missouri State Statutes, Parkville municipal codes and regulations governing said committee or commission, and adopted City policies, all as may be from time to time amended.

SECTION 142.030: OPEN MEETINGS

- A. All City committees, commissions, boards and advisors shall be subject to the Missouri Sunshine Law and other State Statutes, as may be applicable.
- B. All City committees, commissions and boards shall at a minimum post meeting notices and agendas, and prepare and adopt a record of attendance and actions/votes taken during meetings, all in accordance with the Missouri Sunshine Law.

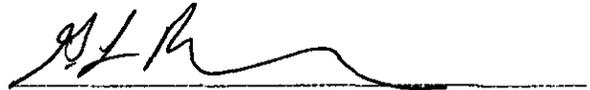
SECTION 3. Title I, Chapter 152, *The Channel 2 Committee*, of the Parkville Municipal Code is hereby repealed in its entirety.

SECTION 4. Title I, Chapter 153, *Economic Development Committee*, of the Parkville Municipal Code is hereby repealed in its entirety.

SECTION 5. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 16th day of November 2010.




Mayor Gerald L. Richardson

ATTESTED:


City Clerk Claudia Willhite

BILL NO. 2596

ORDINANCE NO. 2566

AN ORDINANCE REPEALING AND REPLACING CHAPTER 480, SECTIONS 480.010 and 480.020 OF THE PARKVILLE MUNICIPAL CODE TO CLARIFY THE FORMATION, ORGANIZATION, OPERATION AND POWERS OF THE BOARD OF ZONING ADJUSTMENT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Parkville Municipal Code, Title IV, Chapter 480, Sections 480.010 and 4480.020 are hereby repealed and replaced as follows:

CHAPTER 480: THE BOARD OF ZONING ADJUSTMENT

Section 480.005: Establishment and Continuation

The Board of Zoning Adjustment for the City of Parkville was created under the provisions of RSMo Chapter 89. Said Board is hereby continued in accordance with the provisions of RSMo Chapter 89, amendments thereto, and the following provisions of this Chapter.

Section 480.010: Membership, Compensation, Terms of Office, Vacancies, and Removal

- A. Membership: The Board of Zoning Adjustment shall consist of five (5) members who shall be residents of the City. Three (3) alternate members shall be appointed to serve in the absence, abstention or the disqualification of the regular members. Members and alternates shall be appointed by the Mayor and approved by the Board of Aldermen in accordance with the provisions of Chapter 110, Section 110.040 and Chapter 142.
- B. Compensation: All members and alternates shall serve without compensation.
- C. Terms of Office: Each Board of Zoning Adjustment member shall be appointed for a five (5) year term. Terms shall be staggered in accordance with Section 89.080 RSMo, as may from time to time be amended. Each alternate shall serve for a term designated by the Board of Aldermen. There shall be no limit to the number of terms that may be served.
- D. Vacancies: Vacancies shall be filled by appointment by the Mayor with approval by the Board of Aldermen for the unexpired term.
- E. Removal: Any member may be removed by the Board of Aldermen for cause stated in writing and after a public hearing.

Section 480.015: Officers

The Board of Zoning Adjustment shall elect a chairperson, vice chairperson and secretary from among its citizen members. The term of the chairperson, vice chairperson and secretary shall be for one (1) year with eligibility for re-election. Unless otherwise absent or disqualified, the chairperson shall preside over all meetings of the Board of Zoning Adjustment. In the absence or disqualification of the chairperson, the vice chairperson shall preside. In the absence or disqualification of both the chairperson and vice chairperson, the secretary shall preside.

Section 480.020: Procedures

- A. Quorum: Attendance by a quorum of three (3) Board of Zoning Adjustment members or alternates shall be required for a meeting to be held.
- B. Approvals: An affirmative vote of four (4) members of the Board shall be required to overrule any decision, ruling or determination of the official charged with enforcement of this Title or to approve any special exception or variance.
- C. Meetings: All meetings of the Board shall be open to the public. The Board of Zoning Adjustment shall hold regular meetings and special meetings, as necessary, in accordance with the provisions herein and RSMo Chapter 610, as may from time to time, be amended. Regular meetings shall be held on a regularly scheduled date as adopted by Board of Zoning Adjustment. Additional meetings may be held at the call of the chairperson and at such other times as the Board may deem appropriate. Any meeting of the Board of Zoning Adjustment may be omitted, if in the sole discretion of the chairperson there are too few items on the agenda, to justify the expense of holding the meeting. Any meeting of the Board of Zoning Adjustment may be rescheduled, as may be necessary.
- D. Hearings
 - 1. Prior to acting on any appeal, special use exception, special yard and height exception or variance, the Board of Zoning Adjustment shall hold a public hearing thereon. Such hearing and notice shall be consistent with the provisions of this Chapter and Sections 89.010 to 89.140, RSMo, as amended.
 - 2. Notice of public hearings before the Board of Zoning Adjustment shall be given by publishing the time, place and nature of the hearing not more than thirty (30) nor less than fifteen (15) days before the hearing at least once in one (1) or more newspapers in general circulation in the City.
 - 3. The applicant shall provide the names and addresses of all owners of record of all property within lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the subject property. At the expense of the applicant, the Community Development Director shall cause notice of the time, place and nature of the hearing to be sent by certified mail to the said property owners.
 - 4. The Community Development Director shall also cause a sign announcing the time, place and nature of the hearing to be placed on the subject property in view from the public right-of-way not less than fifteen (15) days before the hearing date.

- E. Rules and Bylaws: The Board of Zoning Adjustment shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to Sections 89.010 to 89.140, RSMo, as amended.
- F. Records: The Board of Zoning Adjustment shall keep a record of its proceedings in accordance with RSMo Chapter 610, as may from time to time be amended, and the following. At a minimum, the Board shall keep minutes of its proceedings, which shall show the vote of each member upon questions, or, if absent or failing to vote, indicating this fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the City Clerk, and shall be a public record. All testimony, objections thereto, and rulings thereon, shall be taken down by a reporter employed by the Board for that purpose.

Section 480.025: Powers, Duties and Functions

- A. The Board of Zoning Adjustment shall have and perform all powers, duties and functions: authorized by RSMo Chapter 89, as amended; of the Board of Adjustment provided for in RSMo Chapter 89; and other powers, duties and functions as may be designated by ordinance by the Board of Aldermen of the City of Parkville. Said powers, duties and functions shall include:
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Title.
 - 2. To hear and decide special exceptions to the terms of this Title or other matter upon which such Board is required to pass under this Title.
 - 3. To authorize upon appeal in specific cases such variance from the terms of this Title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Title will result in unnecessary hardship, and so that the spirit of the Zoning Code shall be observed and substantial justice done.
 - 4. To perform all other functions of the Board of Zoning Adjustment and Board of Adjustment pursuant to State law and the Parkville Municipal Code.

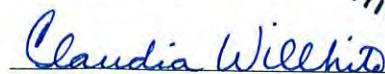
SECTION 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 4th day of January 2011.




Mayor Gerald L. Richardson

ATTESTED:


City Clerk Claudia Willhite

BILL NO. 2597

ORDINANCE NO. 2567

AN ORDINANCE REPEALING AND REPLACING CHAPTER 498 OF THE PARKVILLE MUNICIPAL CODE TO CLARIFY THE FORMATION, ORGANIZATION, OPERATION AND POWERS OF THE PLANNING AND ZONING COMMISSION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Parkville Municipal Code, Title IV, Chapter 498 is hereby repealed and replaced as follows:

CHAPTER 498: PLANNING AND ZONING COMMISSION

Section 498.010: Establishment and Continuation

The Planning and Zoning Commission for the City of Parkville was created under the provisions of RSMo Chapter 89. Said Commission is hereby continued in accordance with the provisions of RSMo Chapter 89, amendments thereto, and the following provisions of this Chapter.

Section 498.020: Membership, Compensation, Terms of Office, Vacancies, and Removal

- A. Membership: The Planning and Zoning Commission shall consist of nine (9) members, including:
1. the Mayor, if the Mayor chooses;
 2. a member of the Board of Aldermen selected by the Board of Aldermen, if the Board so chooses; and
 3. Parkville citizens appointed by the Mayor and approved by the Board of Aldermen.
- All appointments to the Planning and Zoning Commission shall be made in accordance with the provisions of Chapter 110, Section 110.040 and Chapter 142.
- B. Compensation: All members shall serve without compensation.
- C. Terms of Office: Each Commission member shall be appointed for a four (4) year term. Terms shall be staggered in accordance with Section 89.320 RSMo, as may from time to time be amended. There shall be no limit to the number of terms that may be served.
- D. Vacancies: Vacancies shall be filled by appointment by the Mayor with approval by the Board of Aldermen for the unexpired term.
- E. Removal: Any member may be removed by the Board of Aldermen for cause stated in writing and after a public hearing.

Section 498.030: Officers

The Planning and Zoning Commission shall elect a chairperson, vice chairperson and secretary from among its citizen members. The term of the chairperson, vice chairperson and secretary shall be for one (1) year with eligibility for re-election. Unless otherwise absent or disqualified, the chairperson shall preside over all meetings of the Planning and Zoning Commission. In the absence or disqualification of the chairperson, the vice chairperson shall preside. In the absence or disqualification of both the chairperson and vice chairperson the secretary shall preside.

Section 498.040: Procedures

- A. Quorum: Attendance by a quorum of five (5) Commissioners shall be required for a meeting to be held.
- B. Majority vote: Decisions on all issues brought before the Planning and Zoning Commission shall require a majority vote of those members present at the meeting.
- C. Meetings: The Planning and Zoning Commission shall hold regular meetings, special meetings, workshops and similar as necessary in accordance with the provisions herein and RSMo Chapter 610, as may from time to time be amended. Regular meetings shall be held on a regularly scheduled monthly date as adopted by Planning and Zoning Commission. Any meeting of the Planning and Zoning Commission may be omitted, if in the sole discretion of the chairperson there are too few items on the agenda, to justify the expense of holding the meeting. Any meeting of the Planning and Zoning Commission may be rescheduled, as may be necessary. Other meetings may be designated by the Planning and Zoning Commission or may be called by the chairperson.
- D. Rules and Bylaws: The Planning and Zoning Commission shall adopt rules and bylaws for the transaction of Commission business.
- E. Records: The Planning and Zoning Commission shall keep a record of its proceedings in accordance with RSMo Chapter 610, as may from time to time be amended. Accordingly, this record shall be a public record.

Section 498.050: Powers, Duties and Functions

- A. The Planning and Zoning Commission shall have and perform all powers, duties and functions: authorized by RSMo Chapter 89, as amended; of the Zoning Commission provided for in RSMo Chapter 89; and other powers, duties and functions as may be designated by ordinance by the Board of Aldermen of the City of Parkville. Said powers, duties and functions shall include, but not be limited to the following:
 - 1. Make recommendations to the Board of Aldermen on all proposed zoning text amendments, zoning map amendments, conditional use permits, and planned development permits, all in accordance with this Title.
 - 2. Make recommendations to the Board of Aldermen on proposed subdivisions of land.
 - 3. Make recommendations to the Board of Aldermen as necessary regarding plans, planning studies, general development and planning policies and infrastructure improvement programs, including the financing thereof.

4. Approve site plans as authorized by this Title.
5. Adopt and amend the City of Parkville's Comprehensive Plan or Comprehensive Master Plan, as shall be promulgated by the Planning and Zoning Commission under the rules, regulations and conditions authorized and provided for by RSMo Chapter 89, as the same are from time-to-time amended.
6. Perform all other functions of the Planning Commission, Zoning Commission and Planning and Zoning Commission pursuant to State law and the Parkville Municipal Code.

SECTION 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 4th day of January 2011.





Mayor Gerald L. Richardson

ATTESTED:



City Clerk Claudia Willhite

ITEM 8C

*For 2-15-11
Board of Aldermen Meeting*

BILL NO. 2601

ORDINANCE NO. 2571

AN PROPOSED ORDINANCE REVISION TO PARKVILLE MUNICIPAL CODE, TITLE VIII, CHAPTER 700, TITLED PUBLIC AND PRIVATE SEWERS, ARTICLE IV, PUBLIC SEWER DISPOSAL, ADDING A NEW SECTION AND LANGUAGE 700.230, MAINTENANCE AND REPAIR OF BUILDING DRAIN AND BUILDING SEWER AND TITLE VII, UTILITIES, ARTICLE 1, ADDED TO DEFINITIONS FOR BUILDING SEWER.

WHEREAS, Title VIII, Chapter 700 of the Municipal Code, titled "Public and Private Sewers" is in need of a few additions by text amendment. These modifications are required to determine the ownership and responsibility for maintenance and repair of sewer laterals as described herein;

WHEREAS, while public sewers (the "sewer mains") are owned and maintained by the City of Parkville, the sewer laterals are privately owned and should be maintained and repaired with private funds. This has been the informal operating policy of the Department of Public Works, but this policy needs to be formalized;

WHEREAS, the reasoning behind the proposed revisions is that the installation quality and causes of failure of private sewer laterals are outside the control of the City of Parkville. Installation of gravity sewer laterals is not done by City forces or as part of City projects, but instead is done by a variety of plumbers and builders who work for the builder or property owner. Furthermore, sewer laterals are used exclusively for private use -- not public use. Thus, the individual private property owner will be responsible for the maintenance and repair of each sewer lateral;

WHEREAS, the proposed revisions are necessary so in that they provide clarification of ownership and responsibility to public and private sewers as they relate to maintenance and future repair of sewer laterals and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Section 700.230: Maintenance and repair of the building drain and building sewer shall be added as follows:

The building drain and building sewer constitute a private sewer lateral and is and shall remain the property and responsibility of the property owner from the building to point of connection with the public sewer. The sewer lateral shall be maintained and kept in

ITEM 8C

For 2-15-11
Board of Aldermen Meeting

good repair by the property owner, so that the pipe conveys sewage to the public sewer and does not discharge sewage into or onto the ground, or to waterways.

Costs for maintenance and repair of the sewer lateral from the primary structure to point of connection with the public sewer shall be borne by the property owner. Costs for maintenance and repair of the public sewer main pipeline shall be borne by the City. For situations where repairs are required to both the main and the primary structure's sewer, the costs may be equitably divided with recommendation by the Director of Public Works and approval by the Board of Aldermen.

For repairs made within public right-of-way, the property owner shall obtain a Right-of-Way permit prior to commencing repair work, and shall follow City standards pertaining to backfill and pavement restoration. The City may at the discretion of the Director of Public Works with approval of the Board of Aldermen, assist with the repairs or cost of repairs to the streets (asphalt only), curbs, sidewalks (concrete only), etc., when the lateral/main connection is on the opposite side of the street as the source structure. Reimbursement will be as follows: the lesser of 50% or \$1,000.00 maximum of cost of the infrastructure repair.

If a sewer lateral is damaged during a City construction project, the City will pay only for the repair of the portion of the lateral damaged by the construction project.

Where any lateral located under any street, alley or public way is either out of repair or has caused damage to the surface or substructure of the street in any way, the Director of Public Works shall order the abutting private property owner to make the necessary repairs. If the owner refuses to comply with the order, or if the owner cannot be determined or found, the Public Works Department shall make the repairs, assess the cost against the property abutting the lateral and notify the property owner of the charges by certified letter.

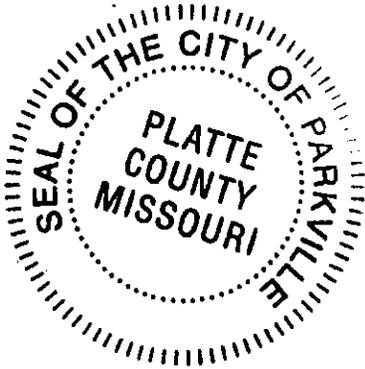
This section applies to sewer laterals that flow by gravity and connect to a public gravity sewer. For grinder pump and force main systems, maintenance and repair responsibility shall be as set forth in Article III of Section 700.

SECTION 2. Article I. Definitions, language shall be added to the Parkville Municipal Code as follows:

SEWER LATERAL: The privately-owned sewer pipeline that conveys sewage from a building to the public sewer pipe, consisting of the building sewer and the exterior portion of the building drain.

SECTION 3. This Ordinance shall become effective immediately upon passage.

PASSED and APPROVED this 15th day of February 2011.





Mayor Gerald L. Richardson

ATTESTED:



Assistant City Clerk Tracy Sisney

BILL NO. 2602

ORD. NO. 2572

AN ORDINANCE AUTHORIZING A TEMPORARY SUSPENSION OF THE RULE SET FORTH IN THE PARKVILLE MUNICIPAL CODE, SECTION 105.040 REGARDING DATES OF BOARD OF ALDERMEN MEETINGS.

WHEREAS, the Mayor and possibly others will be unavailable for the regularly scheduled board meeting date of March 15th, 2011 due to area spring vacation and school break schedules:

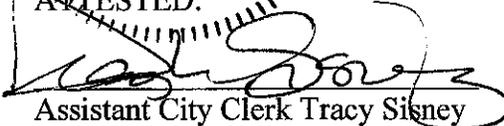
NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

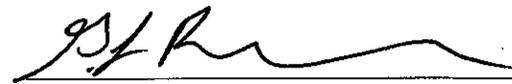
The requirement of Section 105.040 to hold a meeting on the third Tuesday of every month shall be temporarily suspended and the second regular meeting of March 2011 which would have been held on the 15th, shall be held on Tuesday, the 22nd day of March at 7:00 p.m.

PASSED and APPROVED this 1st day of March 2011.



ATTESTED:


Assistant City Clerk Tracy Sisney


Mayor Gerald L. Richardson

BILL NO. 2603

ORDINANCE NO. 2573

AN ORDINANCE REPEALING AND REPLACING SECTION 215.420, F, 1 OF THE PARKVILLE MUNICIPAL CODE, PERTAINING TO ZONING DISTRICTS WHERE FIREWORKS MAY BE SOLD.

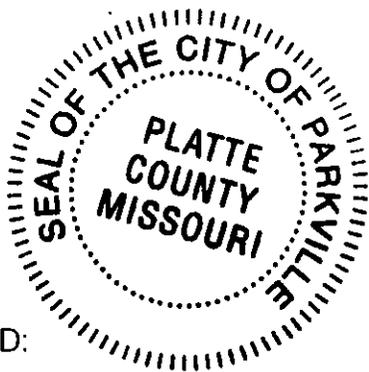
BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Title II, Chapter 215, Article IV, Section 215.420, Subsection F, 1 of the Parkville Municipal Code is hereby repealed and replaced as follows:

1. *The sale of fireworks and the erection of temporary stands for such purpose are permitted in the following Zoning Districts:*
 - a. *all non-residential districts subject to the Additional Regulations in Sections 2 through 9 below.*
 - b. *any residential districts with frontage and direct access to a state highway, subject to prior approval of a temporary use permit by the Board of Aldermen and subject to the Additional Regulations in Sections 2 through 9 below. The Board may apply additional conditions as necessary to ensure the stand is compatible with any surrounding development.*

SECTION 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 1st day of March 2011.





Mayor Gerald L. Richardson

ATTESTED:



Assistant City Clerk Tracy Sisney

AN ORDINANCE TO AMEND PARKVILLE MUNICIPAL CODE, TITLE IV, TO CREATE A NEW CHAPTER 429, "OTD-R" OLD TOWN DISTRICT-RESIDENTIAL ZONING DISTRICT AND ADOPT ASSOCIATED DESIGN GUIDELINES.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title IV of the Parkville Municipal Code is hereby amended to create a new Chapter 429: "OTD-R" Old Town District-Residential District as presented in Appendix A, attached hereto and incorporated herein by reference.

Section 2. "OTD-R" Old Town District—Residential Design Guidelines, attached hereto and incorporated herein by reference as Exhibit B, are hereby adopted as referenced in the new Chapter 429: "OTD-R" Old Town District-Residential District.

Section 3. All required public hearings on this matter have been published, posted, and held.

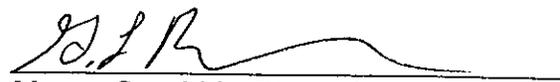
Section 4. The Planning and Zoning Commission has reviewed and considered the above-referenced amendment and associated guidelines. At its May 10, 2011 meeting, the Planning & Zoning Commission recommended approval of the same by a vote of 8 to 0.

Section 5. The outline and organization of Chapter 429, as adopted herein, are subject to change as necessary for codification.

Section 6. This ordinance shall be effective immediately upon its passage and approval.

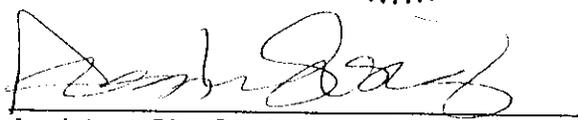
PASSED and APPROVED this 17th day of May 2011.





Mayor Gerald L. Richardson

ATTESTED:



Assistant City Clerk Tracy Sisney

CHAPTER 427: "OTD-R" OLD TOWN DISTRICT-RESIDENTIAL

427.010: Purpose.

The purpose of the "OTD-R" Old Town District-Residential is to stabilize and protect the identifiable visual residential characteristics of the Old Town Residential District of Parkville, and to promote and encourage a suitable environment for residential living. The OTD-R district is intended for residences and community services appurtenant thereto.

427.015: All Current Uses and Structures Grandfathered

All structures and uses lawfully in existence on the effective date of this ordinance as set forth herein are to be considered legal whether or not they conform to the requirements set forth in this ordinance or the adopted "OTD-R" Old Town District-Residential Design Guidelines adopted herein by reference. The provisions in this ordinance shall apply only to new construction, additions or exterior remodeling and changes uses occurring after the enactment of this ordinance.

427.020: Permitted Uses.

A building or premises shall be used only for the following purposes. All permitted and acceptable uses within the OTD-R district are subject to design review pursuant to Section 427.100.

- A. Single-family dwellings.
- B. Conditional uses permitted in accordance with Section 427.030.
- C. Accessory uses permitted in accordance with Section 427.040

427.030: Conditional uses.

The following conditional uses, subject to design review and approval pursuant to Section 427.100, may be permitted in the OTD-R district:

- A. Public and semi-public buildings and uses of a recreational, educational, cultural or public service type.
- B. Churches and other religious and eleemosynary institutions.
- C. Bed and Breakfasts.
- D. Nursery schools and day care centers.
- E. Group care homes.
- F. Duplexes.
- G. Multi-family.

- B. Fences and hedges in rear yards, or otherwise to the rear of a line that is halfway back from the front to the back of the primary structure shall not exceed a height of seventy-two (72) inches. This requirement shall apply to each street frontage for a corner lot.
- C. The Planning and Zoning Commission is hereby authorized to approved exceptions to Sections A and B above in instances where:
 - 1. a side-yard and rear-yard of abutting properties overlap; or
 - 2. the setback or depth of the primary structures on abutting lots are not uniform and would result in abutting fences or hedges at two separate setbacks or heights; or
 - 3. the yard of a residential use abuts the yard of a non-residential use and the exception is necessary to mitigate visual or physical impacts of the non-residential use.
- D. In no case, shall a fence or hedge forward of any portion of a primary structure's front façade be allowed to exceed forty-two (42) inches in height.

427.060: Height regulations.

- A. Principal buildings. The front elevation of any principal structure shall not exceed two and one-half stories or thirty-five (35) feet in height. However, exceptions for topographic considerations may be made subject to a design review per Section 427.100.
- B. Accessory buildings. No accessory building shall exceed in height fifteen (15) feet or seventy-five percent (75%) of the height of the primary building, whichever is greater, except for accessory dwelling units as specified in section 427.040, D.

427.070: Area, lot width and yard requirements.

The following minimum requirements shall be observed:

- A. Lot area. The minimum lot area for any single-family lot shall be thirty two hundred (3,200) square feet. All other residential uses shall have a minimum lot area of five thousand four-hundred and forty five (5,445) square feet. All non-residential uses shall have a minimum lot area of six thousand (6,000) square feet.
- B. Lot width. All lots shall be a minimum of forty (40) feet wide.
- C. Lot coverage. The total square foot of the primary structure footprint shall not exceed forty percent (40%) of the total lot area, except that an accessory structure may, in combination with the primary structure, exceed the otherwise applicable maximum lot coverage, up to a maximum of fifty percent (50%). Trellises and decks are exempt from lot coverage calculations.
- D. Rear Yard Coverage. No more than thirty percent (30%) of the square footage of the lot extending from the rear of the primary structure may be covered with impervious surfacing for parking and/or structures.
- E. Front yard setback.

requirement, so long as parking is directly accessible or accessible by sidewalk or similar to the accessory dwelling unit or guest house.

- C. For all non-residential and non-lodging uses parking shall be governed by Chapter 460.

427.090: Special Exceptions for existing legal non-conforming structures.

The provisions elsewhere in this Chapter and in Chapter 473 shall apply to all existing legal non-conforming uses and structures except as follows:

- A. Conversion of non-habitable accessory structures. The Planning and Zoning Commission may grant a conditional use permit, in accordance with section 427.030 of this Chapter, to allow a legal, non-conforming, non-habitable accessory structure to be converted to an accessory dwelling unit or guest house, providing findings as provided for in section 427.030, H, of this article are adopted and further that any changes to the structure are approved in accordance with this Chapter.
- B. Replacement of damaged or destroyed legal non-conforming structures resulting from an act of God. Notwithstanding Chapter 473, up to one hundred percent (100%) of a legal non-conforming structure damaged or destroyed by an act of God may be restored or rebuilt as it was before the damage, provided that substantial construction shall commence within eighteen (18) months of the damage or destruction. Such rebuilding must be done in conformity to applicable building and life/safety codes and it is encouraged that, when feasible, the reconstruction be done in conformity with this Chapter.

427.100: Design Guidelines, Plans, Review and Approval.

- A. Design guidelines. The "OTD-R" Old Town District-Residential Design Guidelines are hereby adopted and included by reference herein.
- B. Plan submittal. Before a building permit is issued for any new construction, addition or exterior remodeling on property zoned "OTD-R", the owner of the property shall submit to the Community Development Director building plans, diagrams and text as necessary to demonstrate the ability to meet the intent of the adopted "OTD-R" Old Town District-Residential Design Guidelines.
- C. Plan review and approval. No permit shall be issued without prior approval of plans in accordance with this section.
 - 1. Plan review. Following receipt of plans, the Community Development Director or their designee shall review plans for conformance with the adopted "OTD-R" Old Town District-Residential Design Guidelines. Following review the Community Development Director shall approve said plans or forward said plans onto the Planning Commission with a recommendation in accordance with the following sections.
 - 2. Approval by the Community Development Director. The Community Development Director is authorized to approve plans for single-family structures and accessory uses where the plans are found to meet the requirements of this Chapter and the intent of the design guidelines and where the improvements are found to "preferred" or "acceptable" in accordance with the design guidelines.
 - 3. Approval by the Planning and Zoning Commission. The Planning and Zoning Commission is authorized to approve plans for single-family structures and accessory

“OTD-R” Old Town District—Residential Design Guidelines



Parkville Old Town District—Residential Guidelines

Introduction



Properties in Parkville’s Old Town Residential District are characterized by variations in lot layout, topography, streetscape design and architecture. This variation is one of the contributing factors to the area’s charm and historic character.

Identifying a neighborhood as part of a special district recognizes that there is an identifiable visual and emotional character to an area that should be respected. These guidelines attempt to identify the basic fundamental characteristics of the Old Town Residential District and provide guidance with respect to neighborhood context and basic design elements. Characteristics upon which to draw include the way in which a building is located on its site, the manner in which it relates to the street, and its basic mass, form and materials. When these design variables are arranged in a new building or building renovation or addition to be complementary to those seen traditionally in the area, visual compatibility results.

Site Design:

Open Space

1. Maintain the established progression of public to private spaces.

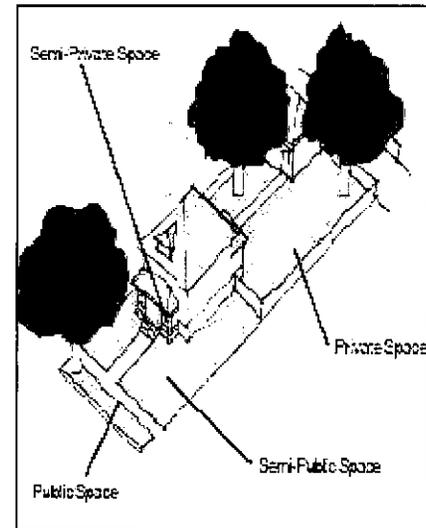
The hierarchy of public and private spaces is a progression that: begins at the street, which is the most "public" space; proceeds through the front yard, which appears "semi-public"; continues to a porch which is "semi-private"; and ends at the front door, which leads to the "private" space. This sequence enhances the pedestrian environment and contributes to the character of the neighborhoods; it should be maintained.

A. Provide a front yard that is similar in character to neighboring properties.

- The front yard is defined as that area in front of a line half back on the primary structure from the fronting street or streets.
- A pathway should be provided leading from the sidewalk to the entry.
- The front yard shall be predominantly landscaped with plants. Hard surface paving for patios, terraces or drives shall be minimized.
- Multi-unit housing (when allowed by conditional use permit) shall be oriented to the street in a manner similar to that of traditional single-family residences.

B. Fences or hedges may be used to help define the yard.

- A front yard fence should be short and/or transparent. A maximum height of 42 inches is appropriate in the area between the street and the house. Masonry and solid fences are discouraged.
- Chain link fences are prohibited in front yards.
- Contemporary interpretations of traditional fences should be compatible within the neighborhood context.
- Landscaping along side and rear fences can soften edges as well as protect privacy.

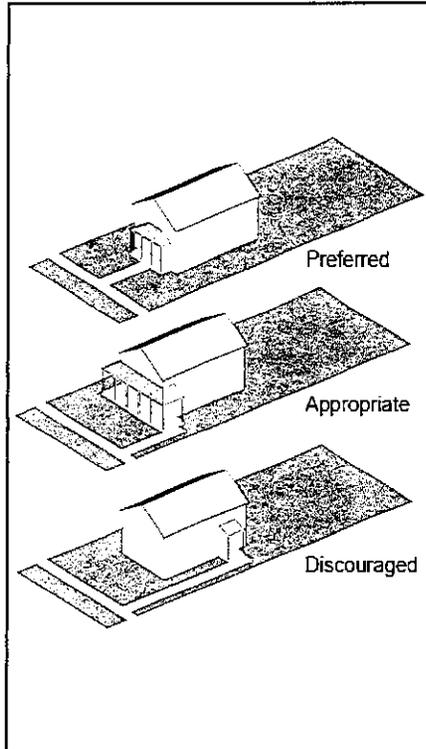


Respect the established hierarchy of public and private spaces.



Site Design:

Building Location



Alternative approaches for primary entrances

1. Orient the front of a primary structure to the street.

Traditionally the front entry of a building faced the street and was sheltered by a one-story porch. This helped establish a sense of scale and “animate” the street. The front porch serves as a transition area from the street to house and is an essential element of the streetscape; it provides human scale to the house; it offers interest to pedestrians; it is a catalyst for personal interaction.

A. Orient the primary entry of a primary building to the street.

- All structures should have one primary entry that faces the street.
- Additional entrances may be located to the side or rear.
- Multi-unit structures (where allowed by conditional use permit) should be street oriented.



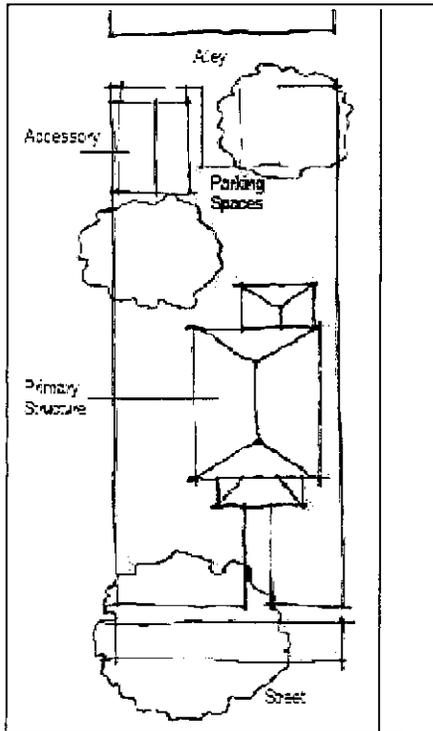
B. Clearly define the primary entrance by using a raised front porch or stoop.

- Orient the front porch to the street.
- The front porch should be functional, used as a means of access to the entry.
- The minimum depth for a usable front porch is typically 6 to 8 feet.
- Stoops should be covered and generously sized to provide a transition area.



Site Design:

Driveways & Parking



For a lot located on an alley, locate parking in a detached garage or carport located near the alley edge and accessed from the alley.

1. Driveways and parking areas shall be subordinate to adjacent residential buildings and shall be accessed from an alley whenever feasible.

In many parts of the traditional residential neighborhoods, parking is a concern. Traditionally, automobile storage and parking areas were subordinate to residential character and accessed from the rear of a lot. Parking patterns in the rear of lots should be maintained whenever feasible.

A. Access parking from an alley where feasible, and maintain traditional parking patterns. Three types of on-site parking locations are permitted.

- When an alley is present parking should be accessed from the alley.
- For a lot not accessible from an alley, locate parking to the rear of the lot with a driveway accessed from the street. A detached garage is preferred. Tandem (front to back) parking in a driveway is acceptable.

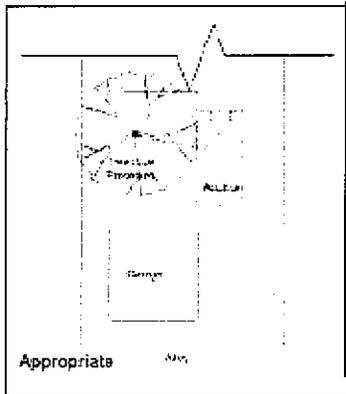
B. Required parking in a front yard is inappropriate.

- Required parking spaces should be located in the rear half of a building lot.
- Parking should not be located in the front setback. Required parking spaces should not extend beyond the front plane of the primary building.

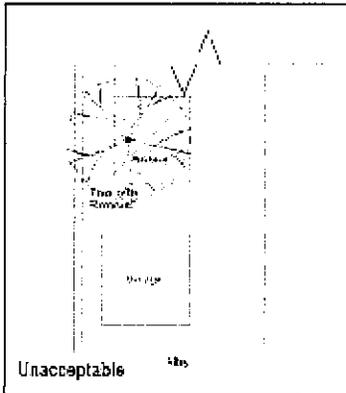
C An exception in the required number of parking spaces may be considered in order to preserve a feature of public significance.

- Parking for the primary residence shall comply with existing code requirements.
- Consideration may be given toward allowing an exception to parking requirements for second units in order to preserve a feature of public significance, such as a landmark tree or tree of significance, a historic structure or a substantial mature hedge.

Site Design: Landscaping



A significant tree is preserved by positioning an addition along one side of the yard.



A significant tree is lost by positioning an addition in the center of the yard.

1. Preserve, to the extent feasible, existing mature trees and in some cases shrubs.

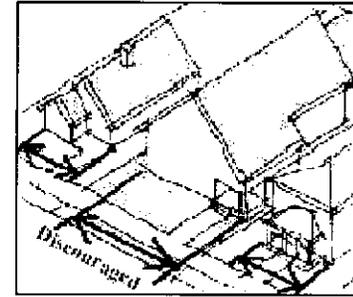
One of the most character defining features of the traditional Old Town Residential District is the presence of significant, mature trees and lush landscaping. Effort should be made to the extent possible to preserve existing significant vegetation.

A. The design and siting of a building, impervious surfacing, and related construction activity should take into consideration all existing trees.

- Property owners and city regulatory bodies and staff shall comply with the stipulations in this section encourage the preservation of trees. City permit is required for removal or substantial trimming on private property or in the city right-of-way.
- Protect root systems of existing trees by fencing prior to construction and avoiding trenching or soil compaction within the drip line.
- When feasible, locate a new structure outside the drip line of an existing tree.
- Preserve existing mature trees to the extent feasible when considering a lot merger, construction of an accessory structure or major addition.

C. The primary building face should not exceed the width of a typical single-family building in a similar context.

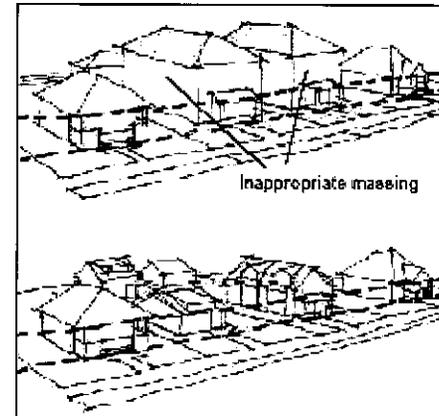
- A single wall plane should not exceed the maximum façade width of a typical residence. If a building is wider overall than those seen typically, divide the large façade into subordinate wall planes that have dimensions similar to those of traditional single family buildings in the neighborhood.



The primary face of a structure should not exceed the width of a typical residence.

D. Break up the perceived mass of a building by dividing the building front into “modules” or into separate structures that are similar in size to buildings seen traditionally in the immediate neighborhood.

- Use a ratio of solid to void (wall to window) as seen from the public way that is similar to that found on traditional single-family structures.
- Dividing the total building mass into separate structures is encouraged.
- Include landscape elements, such as fences and walkways, similar in scale to those seen traditionally.



Dividing total building mass into separate structures is encouraged. The top illustration shows inappropriate massing while the bottom shows how building mass can be broken into separate elements.

Primary Building Scale and Form:

Building Materials

1. The main building material should appear similar to that used traditionally on single-family houses.

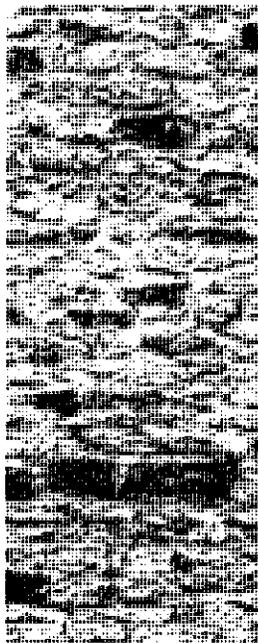
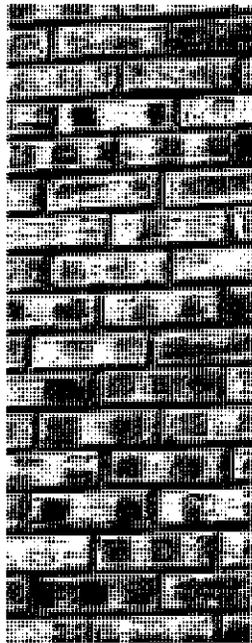
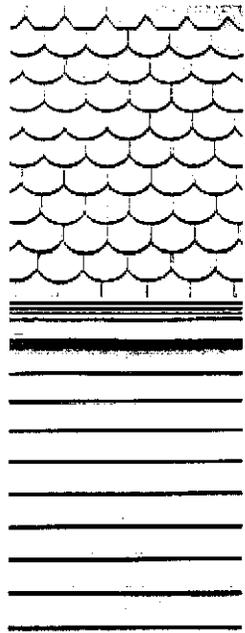
Building materials of new structures and additions should contribute to the visual continuity of the neighborhood. While new materials may be considered, they should not vary extensively from those seen traditionally so as to create a jarring juxtaposition.

A. Brick, stone and painted wood are suggested primary building materials.

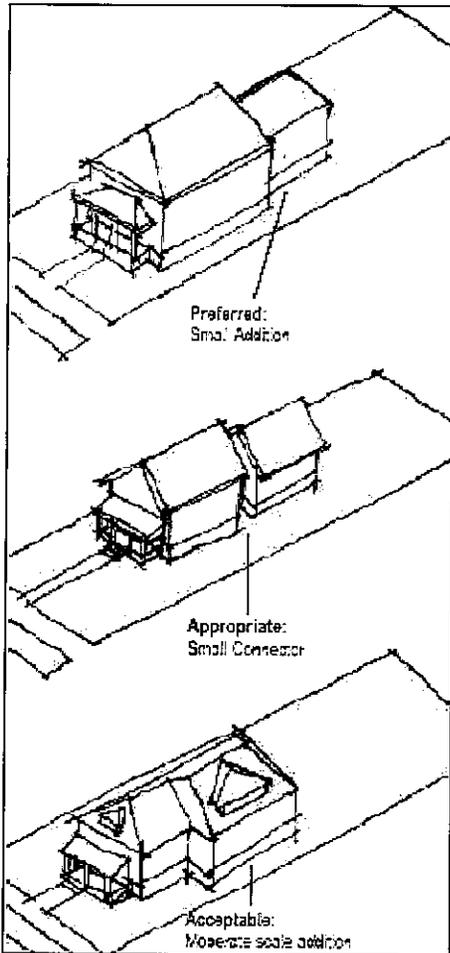
- Painted wood lap siding, painted hardy board, and shingles are appropriate.
- A much wider range of secondary and trim materials can occur (wood, glass, metal, synthetics, etc.)
- Innovative or "green" materials are encouraged provided that they contribute to the visual continuity of the neighborhood.

B. Roof materials should appear similar in scale and texture to those found traditionally.

- High-quality composition shakes and tile are appropriate roofing materials.



Primary Building Scale and Form: Additions: Mass and Scale



Alternative approaches to building additions.

1. A new addition should be compatible in size and scale with the main building and of the immediate neighborhood.

Additions should be designed to preserve the perceived scale and proportion of existing structures to the extent possible. Also, effect of the new addition on the character and rhythm of the street as seen from the public right-of-way should similarly be considered.

A. A new addition should respect the mass and scale of the main building.

- Keep the mass visually subordinate to the original building.
- If it is necessary to design an addition that is taller than the original structure, set it apart from significant facades and use a “connector” to link it.
- In some cases, adding a combination of spaces vertically and horizontally will minimize the visual impacts and preserve more of the rear yard. An example would be to add dormers to the rear, providing additional floor area while maintaining the original scale at the front.

B. Site the addition to minimize visual impacts on the street and on adjacent properties.

- Place an addition at the rear of a building or set it back from the front to minimize the visual impacts.
- Locate a rooftop addition back from the building front when feasible.
- Consideration of the existing rhythm of setbacks and spaces (front, side, rear) should be evaluated with any new addition.

Accessory Structures: Mass and Scale

1. An accessory structure should be similar in mass, scale and height to those seen traditionally in the immediate neighborhood.

In general, an accessory structure should be unobtrusive and not compete visually with the main house.

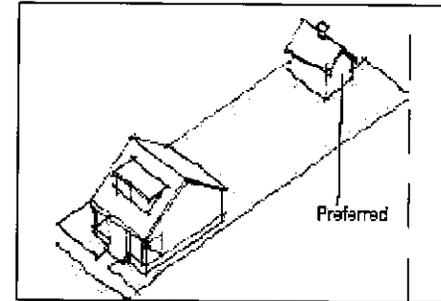
A. Adaptive reuse of existing accessory structures is encouraged, when feasible.

B. A new accessory structure should respect the mass and scale of the primary structure.

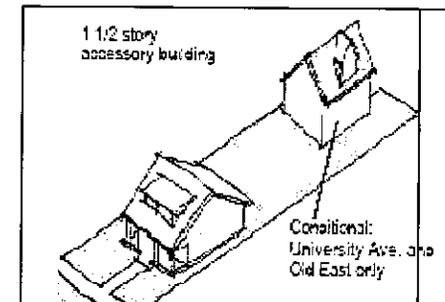
- Accessory structures no more than 15 feet in height are preferred. Accessory structures are limited to a maximum of 15 feet in height and 480 sq. in in total area.
- Accessory structures taller than 15 feet require special discretionary approval. Impact to alley character and/or to adjacent properties will be considered.
- An accessory structure should have a one-story element where visible to public view.

C. An accessory structure should relate to the general architectural character of the primary building in mass, scale, form and material.

- Basic rectangular forms with hip, gable or shed roofs are generally appropriate.
- Contemporary interpretations of traditional accessory structures are appropriate when they are compatible within the general context of the area.
- While the roofline does not have to match that of the main house, it is best that it not vary significantly.



Locating a one-story secondary structure near the rear of the lot is encouraged.



New secondary structures should be subordinate to the primary structure and should be located at the rear property line. Structures over 15' in height may be considered in Old East and University Avenue neighborhoods.

Applying the Guidelines

1. The guidelines are meant as an expression of what is meant when the City and the Old Town Residential District says they want to preserve the character and charm of the district.

It is a guide for property owners, developers and redevelopers, city staff, the Parkville Planning and Zoning Commission and the Parkville Board of Aldermen. Any variance from the guideline should be carefully considered and only undertaken or approved if there is ample justification for such a variance.

- A. **Property owners, developers and redevelopers** should apply the guidelines as they develop plans for property improvements or the development of new structures or additions. If they have questions concerning the guidelines and their applicability to a particular situation or development they should consult with the City of Parkville Community Development Department. If they feel they need to deviate from the guidelines they should discuss this with department staff and provide a justification for the deviation and why such a deviation will not adversely affect the character of the Old Town Residential District.
- B. **City staff** will apply the guidelines to all renovations, additions, property modifications, construction of accessory structures, and new construction within the Old Town Residential District. If deviations from the guidelines are requested they should only be granted if there is a justification for the deviation and such a deviation will not adversely affect the character of the Old Town Residential District.
- C. **The Parkville Planning and Zoning Commission and Board of Aldermen** will apply the guidelines in considering design reviews and conditional use permits as set out in Chapter 427 of the Parkville Municipal Code. If deviations from the guidelines are requested they should only be granted if there is a justification for the deviation and such a deviation will not adversely affect the character of the Old Town Residential District or the abutting properties.

BILL NO. 2617

ORDINANCE NO. 2587

AN ORDINANCE TO AMEND PARKVILLE MUNICIPAL CODE, TITLE IV, CHAPTER 470, SUPPLEMENTARY USE REGULATIONS -- CONDITIONAL USES, SECTION 470.040, CONDITIONAL USES ENUMERATED, TO ALLOW PETROLEUM PRODUCT STORAGE AND DISTRIBUTION FACILITIES AS A CONDITIONAL USE PERMIT.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title IV, Chapter 470, Section 470.040 of the Parkville Municipal Code is hereby amended to include a new Section 24 as follows:

24. Refined fuel storage, distribution and accessory uses on sites: previously used for the same; zoned "I-3" Heavy Industrial District; containing at least ten (10) and not more than forty (40) contiguous acres; abutting the Missouri River; abutting a state highway; abutting rail; and utilizing pipeline distribution as a primary source of intake delivery, all subject to conditions as necessary to mitigate impacts, if any, to surrounding uses. Said use may not include on-site refinement of petroleum products.

Section 2. All required notifications have been published and posted, and all required public hearings on this matter have been held.

Section 3. The Planning & Zoning Commission has reviewed and considered the above-referenced amendments. At its December 14, 2010 meeting, the Planning & Zoning Commission recommended approval of the same by a vote of 7 to 0.

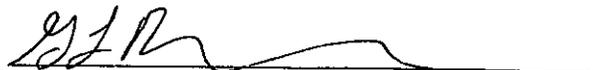
Section 4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 17th day of May 2011.



ATTESTED:


Assistant City Clerk Tracy Sisney


Gerald L. Richardson Mayor

BILL NO. 2643

ORDINANCE NO. 2613

AN ORDINANCE TO AMEND PARKVILLE MUNICIPAL CODE, TITLE IV, CHAPTER 457, "U-I-1" UNDERGROUND LIGHT INDUSTRIAL DISTRICT, TO REDEFINE THE DISTRICT PURPOSE, USE REGULATIONS, DEVELOPMENT PLAN REQUIREMENTS AND REQUIRED IMPROVEMENTS.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title IV, Chapter 457 of the Parkville Municipal Code is hereby repealed and replaced as follows:

CHAPTER 457: "U-1" UNDERGROUND DISTRICT REGULATIONS

SECTION 457.010: DEFINITION

For the purposes intended within this Chapter, or elsewhere in this Title, the word "underground" shall be defined as any area to be occupied below ground level, with a minimum of thirty-five (35) feet overburden, the highest elevation of said area shall be below the datum plane level of eight hundred seventy-nine (879) feet above mean sea level and shall lie within or beneath the Argentine Ledge.

SECTION 457.020: PURPOSE

The regulations set forth in this Chapter, or set forth elsewhere in this Title when referred to in this Chapter are the regulations in the "U-1" Underground District. The purpose of this district is to accommodate and permit the reasonable utilization of underground space for post-mining, subsurface land uses whose traffic and other surface impacts are compatible with the surrounding surface uses and are safe for human occupation of the underground or surface above or surrounding the underground use.

SECTION 457.030: USE REGULATIONS

Educational, institutional, commercial, light industrial, warehousing and similar uses whose traffic and other impacts are compatible with the surrounding surface uses and are safe for human occupation of the underground or surface above or surrounding the underground use.

SECTION 457.040: PROHIBITED USES

- A. Manufacturing, assembly, or storage of pyrotechnics and fireworks; unstable organic compounds; nuclear fuels; fissionable materials and products and reactor elements. Storage of flammable liquids shall be strictly limited as to quantities, storage methods, and fire suppression methods as prescribed by the National Fire Code's most recent publication as well as the regulations of the U.S. Occupational Safety and Health Administration Code. The storage of all primary explosives is allowed if such explosives are being used in conjunction with the on-site mining operations. The storage and use of explosives shall be in accordance with the current edition of the Mine Safety Health Act (MSHA) Standards.

- B. Manufacturing, assembly or storage of any hazardous materials which are listed in the current issue of the United States Environmental Protection Agency's publication entitled Technical Guidance for Hazardous Analysis, or other applicable Federal publication.
- C. No use shall be permitted or so operated as to produce or emit:
 - 1. Smoke or particulate matter that is harmful or a nuisance to humans in the underground or surface surrounding the underground use.
 - 2. Dust, fly ash, radiation, gases, heat, or other effects which are injurious or dangerous to humans.
 - 3. Noise that exceeds 80db(A), except for the noise associated with the mining operations and construction.
 - 4. Any other product, byproduct or impact that would be harmful to or unsafe for humans in the underground or on surface above or surrounding the underground use.

SECTION 457.050: CONCEPTUAL PLAN OF PROPOSED DEVELOPMENT REQUIRED

Prior to consideration of any development or building plans in property zoned "U-1" Underground District, a conceptual plan shall be prepared and approved as follows. The intent of said plan is to plan for air-exchange, infrastructure, structural and other improvements as may be necessary to service potential development and to plan for public safety.

- A. Pre-application conference. Prior to the formal submission of any conceptual plan, a pre-application conference shall be held between the applicant and City staff to discuss the procedure, review requirements and other site or application specific issues. The applicant is strongly encouraged to provide conceptual plans at the conference.
- B. Application. The owner or its authorized representative shall file an application and accompanying plan on forms to be provided by the City. Such application shall be accompanied by all required data and supporting documentation as required herein. Copies of the concept plan shall be prepared and submitted in accordance with the City's adopted application and review schedule.
- C. Concept plan content. The concept plan must show the following information, unless particular requirements have been waived or modified in accordance with this Chapter.
 - 1. The geographical area and physical references for the area being planned and the area immediately surrounding the zoned area, including the all underground areas and surface uses over or abutting the underground uses.
 - 2. A summary and assessment of underground space, conditions, access, circulation, air exchange, utilities and other influencing factors.
 - 3. A written and graphic summary of the projected physical development of the underground, including anticipated land uses, access, infrastructure and other relevant services, and structural improvements necessary to serve the development of the underground.
 - 4. A summary of planned public safety features and restrictions necessary to ensure the safety of occupants, employees, patrons and visitors to the underground.

- D. Approval process. Upon approval of a rezoning request to "U-1" Underground District, a conceptual plan shall be submitted for approval by the Board of Aldermen, after the Planning and Zoning Commission has made its recommendation. At the applicant's discretion, the concept plan may be submitted for approval in conjunction with the rezoning request. Before the Board of Aldermen take any action on the plan, the Planning and Zoning Commission shall review it and make a recommendation for approval, approval with conditions or denial. Although the Conceptual Plan is not binding and may change in time, consideration will be given as to the impact that the proposed development will have on the existing sanitary sewer system, water distribution, street system, public safety, traffic volume generated to determine if improvements will be needed prior to or in conjunction with proposed development.
- E. Binding effect and intent of plan. The Conceptual Plan is not a binding document. Rather the plan is required for preliminary planning purposes as necessary to determine the potential impact the proposed development could have on the existing sanitary sewer system, water distribution, street system, and public safety and to determine those improvements needed prior to or in conjunction with proposed development of the underground. As the plan may change from time to time, improvements shall be reevaluated at the time any building permit is issued, and improvements beyond those initially identified may be required in conjunction with or prior to building permit approval or issuance of any occupancy permit.

SECTION 457.060: TRAFFIC AND STREET IMPROVEMENTS

- A. A traffic study may be submitted at the time of conceptual plan approval. If not, traffic will be evaluated at the time of building permit submittal. Whenever a building permit application within the "U-1" District is submitted, the applicant shall attach, along with the building plans, an estimate of the number of vehicles per day that will be generated by the business at capacity.
- B. If it is determined by the Public Works Director or their designee that the increase of traffic volume that would be generated by the proposed use will necessitate street improvements, traffic control devices, street widening, additional turning lanes, or any other street improvements, the owner will be responsible to make said improvements at their expense before a Certificate of Occupancy is issued.

SECTION 457.70: SANITARY SEWER IMPROVEMENTS

- A. Whenever a building permit application within the "U-1" District is submitted, the applicant shall attach, along with the building plans, an estimate of the number of gallons per day of sanitary sewage that would be used created by the proposed development to determine the impact of the proposed use, and the cumulative effect of all previous phases, will have on the existing sanitary sewer system.
- B. If it is determined by the Public Works Director or their designee that the increase in sewage generated by the proposed use will necessitate sewer improvements, the owner will be responsible to make said improvements at their expense before a Certificate of Occupancy is issued.

SECTION 457.080: OTHER IMPROVEMENTS

- A. Following review of a proposed building permit, the Public Works Director or Building Official may require additional improvements as necessary to address site specific conditions. Said improvements may be required prior to the issuance of a building permit or certificate of occupancy.

SECTION 457.090: STANDARDS AND REQUIREMENTS

The Underground District is authorized to develop in accordance with the provisions herein, subject to the following standards and requirements:

- A. Access. The entrances shall be through property owned or controlled by the owners or operators of the underground space.
- B. Safety. Prior to the issuance of any building permit or Certificate of Occupancy, there shall be on file with the City, a certificate from a registered professional engineer with geotechnical experience which states that the area to be occupied is structurally sound and safe for human occupancy. Such certificate must have been dated within the previous five (5) years to be valid for current application. Every ten (10) years there shall be an updated certification filed with the City which certifies that the entire underground area being occupied is structurally safe for human occupancy.
- C. Surface zoning exclusion. Penetrations to the surface property above it are permitted without regard to conforming to the provisions of such surface zoning district, provided that such penetrations are for the purpose of connecting utilities or contain safety, relief or life-support systems to the underground. All penetrations must be contained within a special easement.

SECTION 457.100: MINING REGULATIONS

The mining underground of mineral resources is subject to the regulations set forth in Ordinances 826 and 834, as may be amended.

SECTION 457.110: APPEALS

In the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Planning and Zoning Commission in the enforcement of this Chapter, the applicant may appeal such to the Board of Aldermen for reversal of such decision. In the case of administrative approvals by Public Works Director, Community Development Director, Building Official or their designees, appeals shall be made to the Planning and Zoning Commission. In all cases the request for appeal review shall be accompanied by a complete description of the reasons for the requested reversal. No determination shall be overturned without a two-thirds (2/3) majority vote of the Board of Aldermen. In the case of administrative approvals, no determination shall be overturned without a two-thirds (2/3) majority vote of the Planning and Zoning Commission.

Section 2. All required notifications have been published and posted, and all required public hearings on this matter have been held.

Section 3. The Planning & Zoning Commission has reviewed and considered the above-referenced amendment. At its September 13, 2011 meeting, the Planning & Zoning Commission recommended approval of the same unanimously (6 to 0).

Section 4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 20th day of September 2011.



A handwritten signature in black ink, appearing to read "G. L. Richardson", written over a horizontal line.

Mayor Gerald L. Richardson

ATTESTED:

Claudia Willhite
City Clerk Claudia Willhite

BILL NO. 2644

ORDINANCE NO. 2614

AN ORDINANCE TO AMEND PARKVILLE MUNICIPAL CODE, TITLE IV, CHAPTER 428, "P-EC" PLANNED EDUCATIONAL CAMPUS DISTRICT, TO CLARIFY THE PROCEDURE FOR AMENDING APPROVED CAMPUS MASTER PLANS.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title IV, Chapter 428, Section 428.030, subsection 6 of the Parkville Municipal Code is hereby repealed and replaced with new subsections 6 and 7 as follows:

6. Plan amendments. The Community Development Director shall review proposed changes to a previously approved master plan to determine conformance with the approved master plan and any conditions thereof. If the changes are minor as described below, they may be approved by the Community Development Director. If the changes are substantial as described below, it shall be forwarded to the Planning and Zoning Commission for review and recommendation, and then forwarded to the Board of Aldermen for final approval. Approval of substantial changes shall follow the process identified in subsections 2 through 5 above.
 - a. Minor changes. Minor changes shall be considered any changes that do not alter the intent of an approved campus master plan or any conditions of approval thereof. Examples of minor changes include updates to reflect implementation since prior approval, revisions to reflect current conditions, updating growth benchmarks, corrections to typographical errors, redistributing or substituting similar existing and projected uses, minor updates to sign codes, and similar changes which do not change the intent or overall impact of the prior plan. In no case shall any change to a condition of a prior master plan approval be permitted without first being approved by the Board of Aldermen.
 - b. Substantial changes. Substantial changes shall be considered any changes that would alter the intent of the approved campus master plan or conditions of approval thereof.

7. Filing and recording of an approved campus master plan or amendment thereto.

- a. The campus master plan reflecting all conditions of approval shall be submitted to the Community Development Director within one (1) month of approval. Upon a finding by the Community Development Director that the campus master plan, as submitted, accurately reflects the terms and conditions of approval, the owner or its authorized representative shall file the campus master plan with the City Clerk and shall file a declaration of master plan approval with the Platte County Recorder of Deeds office, along with notice that a copy of such is available for viewing at the Parkville City Clerk's office.
- b. Amendments to an adopted campus master plan reflecting all conditions of approval shall be submitted to the Community Development Director within one (1) month of approval. Upon a finding by the Community Development Director that the amendment, as submitted, accurately reflects the terms and conditions of approval, the owner or its authorized representative shall file the campus master plan, including all amendments, with the City Clerk, but is not required to file any amended declaration of master plan approval with the Platte County Recorder of Deeds office.
- c. The City shall reference the campus master plan approval and amendments thereto on the City's official Zoning Map.

Section 2. Title IV, Chapter 428, Section 428.040, subsection 7 is hereby repealed.

Section 3. Title IV, Chapter 428, Section 428.120 is hereby created as follows:

SECTION 428.120: APPEALS

In the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Planning and Zoning Commission in the enforcement of this Chapter, the applicant may appeal such to the Board of Aldermen for reversal of such decision. In the case of administrative approvals by the Community Development Director or their designee, appeals shall be made to the Planning and Zoning Commission. In all cases the request for appeal review shall be accompanied by a complete description of the reasons for the requested reversal. No determination of the Planning and Zoning Commission shall be overturned without a two-thirds (2/3) majority vote of the Board of Aldermen. In the case of administrative approvals, no determination shall be overturned without a two-thirds (2/3) majority vote of the Planning and Zoning Commission.

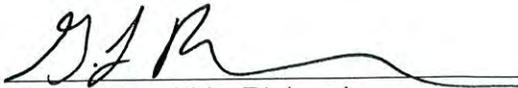
Section 4. All required notifications have been published and posted, and all required public hearings on this matter have been held.

Section 5. The Planning & Zoning Commission has reviewed and considered the above-referenced amendment. At its September 13, 2011 meeting, the Planning & Zoning Commission recommended approval of the same unanimously (6 to 0).

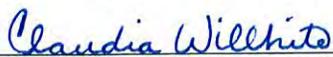
Section 6. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 20th day of September 2011.




Mayor Gerald L. Richardson

ATTESTED:


City Clerk Claudia Willhite

ORDINANCE NO 2620

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING TITLE III (TRAFFIC CODE)
OF THE CITY OF PARKVILLE CODE OF ORDINANCES
TO (1) MODIFY SECTION 300.010 (DEFINITIONS), AND
(2) TO CREATE A NEW CHAPTER 362, ALL IN ORDER
TO PERMIT THE OPERATION OF GOLF CARTS AND
LOW SPEED VEHICLES ON PUBLIC STREETS

WHEREAS, the Missouri Revised Statutes Chapter 304 Traffic Regulations Section 304.034 and Chapter 304 Section 304.029 authorizes cities to permit the operation of Golf Carts and Low Speed Vehicles (LSVs) on public streets by the adoption of an appropriate ordinance; and,

WHEREAS, it is in the best interests of the City to adopt the authorized ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City of Parkville, Missouri as follows:

Section 1. Title III (Traffic Code), Section 300.010 of the Parkville Code of Ordinances is hereby modified to include the following definitions in the appropriate alphabetical order:

“GOLF CART” shall mean a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds in excess of twenty miles per hour, , and otherwise satisfies the definition of “golf cart” as provided in Missouri Revised Statutes Chapter 304 Section 304.034.

“LOW SPEED VEHICLE” or “LSV” means a 4-wheeled motor vehicle capable of a top speed greater than twenty miles per hour, but not greater than twenty-five miles per hour, and otherwise satisfies the definition of “low-speed vehicle” as provided in Missouri Revised Statutes Chapter 304 Section 304.029.

“NEIGHBORHOOD VEHICLE” means a Low Speed Vehicle or a Golf Cart.

Section 2. Title III (Traffic Code) of the Parkville Code of Ordinances is hereby modified to include a new Chapter 362 entitled "OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES ON PUBLIC STREETS".

Section 3. Pursuant to Missouri Revised Statutes Chapter 304 Traffic Regulations Sections 304.029 and 304.034, municipalities may regulate Golf Cart and Low-Speed Vehicle usage on public streets within the jurisdiction of such municipality. The body of new Chapter 362 shall read as follows:

"SECTION 362.010: MUNICIPALITIES AUTHORIZED

Notwithstanding any other law to the contrary, the governing body of any municipality may by resolution or ordinance allow persons to operate Neighborhood Vehicles upon any street or highway under the governing body's jurisdiction subject to the following limitations. Golf Carts shall not be operated at any time on any state or federal highway. No Neighborhood Vehicle shall operate on a street or a highway with a posted speed in excess of thirty-five miles per hour. Notwithstanding the foregoing, Neighborhood Vehicles may be operated on public streets and/or state highways with posted speed limits in excess of thirty-five miles per hour, but not more than forty-five miles per hour, for sole purpose of crossing a portion of such street or state highway. No Neighborhood Vehicle shall cross any street or highway at an intersection where the street or highway being crossed has a posted speed limit of more than forty-five miles per hour.

SECTION 362.020: GOLF CART EQUIPMENT AND REGISTRATION.

A. Golf Carts operated on public streets shall be equipped in accordance with the requirements of Missouri Revised Statutes Chapter 304 Section 304.034, and in any case, will minimally be equipped with adequate brakes.

B. Unless otherwise required by the laws of the State of Missouri, and except as expressly provided in this Ordinance, Golf Carts are not subject to title or registration provisions, and are specifically not subject to Chapter 365, Title III (Traffic Code) of the City of Parkville Code of Ordinances, other than Section 365.100 (DRIVER'S LICENSE REQUIRED), which shall remain applicable to Golf Carts, but only as to operation of same on public streets.

SECTION 362.030: LOW-SPEED VEHICLE EQUIPMENT AND REGISTRATION.

A. LSVs operated on public streets shall be manufactured and equipped in accordance with the requirements of Missouri Revised Statutes Chapter 304 Section 304.029, and in any case, will minimally be equipped with the following:

1. Headlamps,
2. Front and rear turn signal lamps,
3. Taillamps,
4. Stop lamps,
5. Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear, and
6. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror,

B. Unless otherwise required by the laws of the State of Missouri, and except as expressly provided in this Ordinance, LSVs are not subject to title or registration provisions, and are specifically not subject to Chapter 365, Title III (Traffic Code) of the City of Parkville Code of Ordinances, other than Section 365.100 (DRIVER'S LICENSE REQUIRED), which shall remain applicable to LSVs, but only as to operation of same on public streets.

SECTION 362.040: OPERATION OF NEIGHBORHOOD VEHICLES ON PUBLIC CITY STREETS, PERMITTED WHEN – EXEMPTIONS.

A. A Neighborhood Vehicle may be operated upon the public city streets of Parkville (but not state or federal highways, other than for purposes of crossing same pursuant to the provisions of Section 362.040(B) below) if it meets the requirements of this Chapter. Every person operating a Neighborhood Vehicle shall be granted all the rights and shall be subject to all the duties applicable to the driver of any other motor vehicle except as to the special regulations in this Chapter and except as to those provisions which by their nature can have no application.

B. The operator of a Neighborhood Vehicle shall observe all traffic laws and local ordinances regarding the rules of the road. A Neighborhood Vehicle may be operated on all public city streets with posted speeds of thirty-five miles per hour or less. The provisions of this subsection shall not prohibit a Neighborhood Vehicle from crossing a street or highway with a posted speed limit of up to forty-five miles per hour at an intersection or roundabout.

C. Neighborhood Vehicles shall be exempt from the requirements of RSMO Sections 307.350 to 307.402 for purposes of titling and registration. Low-Speed Vehicles shall comply with the standards in 49 CFR 571.500, as amended.

D. Every operator of a Low-Speed Vehicle shall maintain financial responsibility on such Low-Speed Vehicle as required by RSMO Chapter 303 if the Low-Speed Vehicle is to be operated upon public streets.

E. Each person operating a Neighborhood Vehicle on public streets shall possess a valid driver's license issued pursuant to RSMO Chapter 302.

F. All Low-Speed Vehicles shall be manufactured in compliance with the National Highway Traffic Safety Administration standards for low-speed vehicles in 49 CFR 571.500, as amended.

SECTION 362.050: REGISTRATION

A. Neighborhood Vehicles operating on public streets under the jurisdiction of the City of Parkville shall be registered with the City Clerk for the City of Parkville.

B. Each application for registration shall include (i) basic identifying information for the Neighborhood Vehicle (make, model, color and such other identifying information as the City Clerk deems advisable), (ii) the name and address of the Owner of the Neighborhood Vehicle, (iii) a copy of proof of financial responsibility if the Neighborhood Vehicle being registered is a Low Speed Vehicle, and (iv) a certification by the owner that the Neighborhood Vehicle meets all requirements of this Ordinance applicable to it as either an LSV or a Golf Cart (and identifying which class of Neighborhood Vehicle is being registered). A proof of registration issued by the City of Parkville in the form of a receipt for registration and an identification sticker shall constitute all permits required from the City of Parkville. The proof of registration shall be kept in the Neighborhood Vehicle at all times of operation on a public street, and the current registration sticker shall be conspicuously displayed on the exterior of the Neighborhood Vehicle. Registrations must be renewed annually, and will be deemed revoked and invalid if modifications have been made to such Neighborhood Vehicle which would make the owner's certification of the class of neighborhood vehicle untrue.

C. The City of Parkville may charge a fee of \$50 for each Neighborhood Vehicle registration and/or renewal.

SECTION 362.060: ADDITIONAL REGULATIONS AND EXEMPTIONS

A. Any Neighborhood Vehicle without operating front and rear lights shall only be operated on public streets between sunrise and sunset.

B. Any person operating a Neighborhood Vehicle on a public street shall be subject to the traffic regulations of RSMO Chapter 304 Section 304.029.

C. Neighborhood Vehicles permitted by this Chapter are not considered to be a motor vehicle and are exempt from title requirements, state vehicle registration requirements and emissions compliance certificates, all pursuant to RSMO Chapter 301.

Section 4. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

Section 5. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

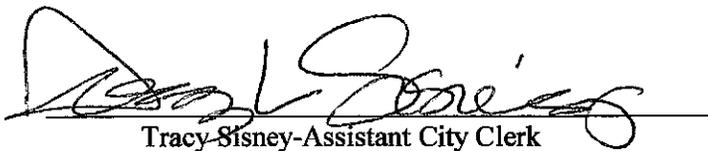
Section 6. This ordinance shall be effective March 15th, 2012.

PASSED and APPROVED this 20th day of December 2011.



Mayor Gerald L. Richardson

ATTESTED:



Tracy Sisney-Assistant City Clerk



AN ORDINANCE TO AMEND PARKVILLE MUNICIPAL CODE, TITLE IV, CHAPTER 467, HEIGHT, AREA AND BULK REQUIREMENTS, TO DEFINE SIDE-YARD SETBACKS FOR NON-RESIDENTIAL USES IN THE "R-4" MULTIPLE-FAMILY RESIDENTIAL DISTRICT.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. That portion of the table in Title IV, Chapter 467, Section 467.010 of the Parkville Municipal Code which regulates the minimum width of side yards in feet, number of side yards, and minimum aggregate width of side yards in feet for the "R-4" Multiple-Family Residential District is hereby amended to establish a minimum requirement for two, 10-foot side-yard setbacks for all non-residential uses aka "all others" as follows (new text in bold italics):

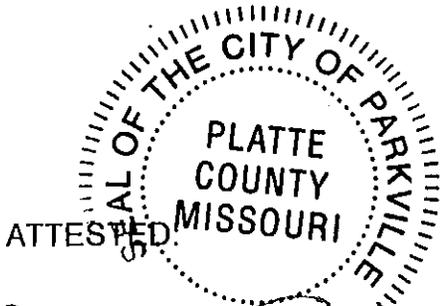
| Chapter | District | Maximum Height | | Minimum Depth of Front Yard In Feet | Minimum Width of Side Yards In Feet | Number of Side Yards | Minimum Aggregate Width of Side Yards in Feet |
|---------|-----------------------------------|----------------|---------|-------------------------------------|-------------------------------------|----------------------|---|
| | | Feet | Stories | | | | |
| 425 | "R-4" Multiple-Family Residential | 45 | 3 | 15 | 1 & 2 fam: 5 | 2 | 1 & 2 fam: 10 |
| | | | | | 3+ family: 10 | | 3+ family: 20 |
| | | | | | <i>All others: 10</i> | | <i>All others: 10</i> |

Section 2. All required notifications have been published and posted, and all required public hearings on this matter have been held.

Section 3. The Planning & Zoning Commission has reviewed and considered the above-referenced amendment. At its December 13, 2011 meeting, the Planning & Zoning Commission recommended approval of the same unanimously (6 to 0).

Section 4. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 20th day of December 2011.




 Gerald L. Richardson Mayor


 Assistant City Clerk, Tracy Sisney

BILL NO. 2656

ORDINANCE NO. 2626

AMENDMENT TO PARKVILLE MUNICIPAL CODE, TITLE VI, CHAPTER 600, SECTION 600.310 TO ALLOW THE BOARD OF ALDERMEN TO CONSENT TO A LIQUOR LICENSE CLOSER THAN 300 FEET TO A CHURCH OR OTHER BUILDING REGULARLY USED AS A PLACE OF RELIGIOUS WORSHIP.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title VI, Chapter 600, Section 600.310 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 600.310: NOTICE AND CONSENT

- A. No license shall be granted for the sale of alcoholic beverages within three hundred (300) feet of any school.
- B. No license shall be granted for the sale of alcoholic beverages within three hundred (300) feet of any church or other building regularly used as a place of religious worship for any use where fifty percent (50%) or more of the gross income would be derived from the sale of alcoholic beverages.
- C. No license shall be granted for the sale of alcoholic beverages within three hundred (300) feet of any church or other building regularly used as a place of religious worship for any use where less than fifty percent (50%) of the gross income would be derived from the sale of alcoholic beverages, unless the applicant for the license shall first obtain the written consent of the Board of Aldermen. When granted, consent may be conditioned by the Board of Aldermen as deemed necessary.
- D. Prior to Board of Aldermen granting consent for any license for sale of alcoholic beverages within three hundred (300) feet of any church or other building regularly used as a place of religious worship, at least ten days written notice shall be provided, at the applicant's expense, to all owners of property within three hundred (300) feet of the proposed licensed premises.
- E. In no case, shall any license be granted for the sale of alcoholic beverages within one-hundred fifty (150) feet of any church or other building regularly used as a place of religious worship.
- F. When a school, church or other building regularly used as a place of religious worship is established within three hundred (300) feet of any licensed premises, a renewal of the liquor license shall not be denied the licensee for this reason.

- G. The distance from the premises of a liquor establishment and a school, church or other building regularly used as a place of religious worship shall be measured between the point of the premises located nearest to the exterior of the school, church or other building regularly used as a place of religious worship.

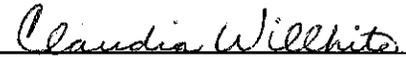
Section 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 3rd day of January 2012.




Gerald L. Richardson Mayor

ATTESTED:


City Clerk Claudia Willhite

BILL NO. 2666

ORDINANCE NO. 2636

AN ORDINANCE AMENDING CHAPTER 143, SECTION 6, PREVIOUSLY ESTABLISHED BY ORDINANCE 2505, IN ORDER TO CHANGE THE FINANCE/AUDIT COMMITTEE MEETING DATE FROM "WEDNESDAY PRECEDING EACH BOARD OF ALDERMEN MEETING" TO "SECOND MONDAY PRECEDING EACH BOARD OF ALDERMEN MEETING".

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Chapter 143, Section 6 of the Municipal Code, previously established by Ordinance 2505, is hereby amended in order to change the Finance/Audit Committee meeting date from "Wednesday preceding each Board of Aldermen meeting" to "second Monday preceding each Board of Aldermen meeting".

Section 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 1st day of May 2012.





Mayor James C. Brooks

ATTESTED:



City Clerk Claudia Willhite

BILL NO. 2683

ORDINANCE NO. 2653

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE CHAPTER 500, *BUILDING CODE* AND ORDINANCE 2464 ADOPTING SAID CODE, TO ADD A NEW SECTION 500.010, C, ADDRESSING STRUCTURES LOCATED IN TWO OR MORE JURISDICTIONS.

WHEREAS, on January 20, 2009 the City of Parkville adopted the 2006 International Family of Building Codes subject to specified amendments via Ordinance 2464; and

WHEREAS, these adopted Codes clearly address conflicts within the adopted Codes, or conflicts with other City, state and federal law, but do not clearly address conflicts between Parkville's Codes and those of abutting and overlapping jurisdictions (authorities having jurisdiction); and

WHEREAS, since adoption of these Codes the City has discovered that in some cases structures located in Parkville are also partially located in other jurisdictions.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

SECTION 1. Parkville Municipal Code Section 500.010, *Codes Adopted*, and Ordinance 2464 are hereby amended to add a new subsection 500.010, C as follows:

C. Where, in any specific case, a structure or construction shall be located in more than one jurisdiction with authority, the most restrictive Building Code shall apply.

SECTION 2. The amendment herein shall be incorporated into the adopted Building Code and kept on file at Parkville City Hall for public use, inspection and examination.

SECTION 3. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 2nd day of October 2012.



Mayor James C. Brooks

ATTESTED:

Claudia Willhite
City Clerk Claudia Willhite

BILL NO. : 2684

ORD. NO. : 2654

AN ORDINANCE TO AMEND THE PARKVILLE MUNICIPAL CODE TITLE I, CHAPTER 140, SECTION 140.350 PARKS FACILITY USAGE AND PERMIT FEE SCHEDULE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title I, Chapter 140, Section 140.350 of the City of Parkville Municipal Code is hereby amended to change subsections 1., 2., 3., and 6.b. to:

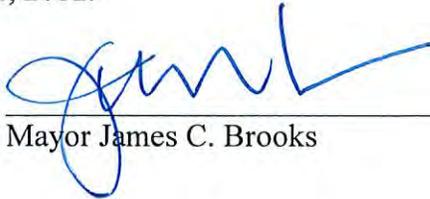
Reserved Use of Park Facilities. The two (2) large shelters, and the McKeon Stage/Patio, in English Landing Park may be reserved for use by groups, as follows:

- 1. No more than two (2) reservations will be made per shelter or stage per day. Periods of reservation will be 9:00 A.M. to 3:00 P.M. and 4:00 P.M. to 10:00 P.M.
- 2. Shelter use shall be limited to groups of not more than seventy-five (75) people each. Groups of more than seventy-five (75) people will need reservations for more than one (1) facility.
- 3. McKeon Stage/Patio: groups may reserve exclusive use for pre-approved events through approval by the Community Land and Recreation Board (CLARB).
- 6. b. McKeon Stage/Patio
Daily Event fee of \$400 (\$300 Event Fee and \$100 Stage/Patio Fee)

Section 2. The above changes have been reviewed and approved by the CLARB Board unanimously. Additional changes are anticipated within the next 90 days.

Section 3. The ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 2nd day of October, 2012.



Mayor James C. Brooks

ATTESTED:



City Clerk Claudia Willhite



ORD. NO. : 2654

AN ORDINANCE AMENDING AND REPEALING EXISTING TITLE VI, CHAPTER 650 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE AND ENACTING NEW PROVISIONS FOR THE LICENSING AND REGULATION OF ADULT BUSINESSES, ESTABLISHING FEES, AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, based on secondary effects studies, case law, testimony previously received in connection with earlier adult business ordinances adopted by the City, information contained within the report from City Staff dated October 16, 2012 and other information before it, the Board of Aldermen of the City of Parkville, Missouri, has made the following legislative findings of fact:

1. That the Board of Aldermen, as elected representatives of the citizens of the City, have a duty to investigate the feasibility of adopting reasonable regulations to protect the citizens of the City from activities that have adverse effects that are harmful to the health, safety and general welfare of the citizenry; and
2. That the Board of Aldermen and staff have conducted an extensive review of the available studies concerning the detrimental secondary effects associated with the location of adult businesses within a city. The secondary effects studies previously reviewed by the Board of Aldermen include studies conducted by Eric Damian Kelly, Ph.D., AICP, and Connie B. Cooper, AICP, entitled "Adult Use Study" prepared for the City of Kansas City, Missouri, (April 1998) (the "Kelly & Cooper Study"), and Richard McCleary, Ph.D., entitled "Crime-Related Secondary Effects of Sexually-Oriented Business" prepared Jackson, County, Missouri (May 9, 2008), as well as a study prepared by Dr. McCleary for Hillsborough County, FL (August 26, 2006); reports by the Sexually Oriented Business Ordinance Revision Committee of the Houston City Council (January 7, 1997), and the Minnesota Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989); a Survey of Real Estate Appraisers by the City of Oklahoma City, Oklahoma, regarding Adult Businesses in Oklahoma City (March 3, 1986); and testimony before the Ohio Senate Judiciary Committee on Civil Justice by David Sherman, former owner of an adult business (December 3, 2002); and

3. The Kelly & Cooper Study is reasonably believed to be of particular relevance to the City both due to its geographical focus on adult businesses in the metropolitan area of which the City is a part and due to its particularized analysis of businesses it refers to as "sex shops" and "video viewing booths"; and
4. That the Board of Aldermen has heard testimony from Chief Kevin Chrisman, Chief of Police of Parkville, and Detective Chris Onik with the Kansas City, Missouri Police Department, Vice Division, concerning the negative secondary effects associated with adult businesses; and
5. That based on all of the secondary effects studies listed in paragraph 2 above, case law, information from staff and other information, the Board of Aldermen has determined that businesses that provide adult businesses are historically and regularly associated with and promote personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, litter, and other criminal activity that constitute an immediate threat to the public peace, health, morals and safety; and
6. That adult businesses are frequently used for unlawful sexual activities, including prostitution, which create a legitimate health concern of the City that this activity will spread sexually transmitted diseases and create other health related issues, and thus demand reasonable regulation of adult businesses to protect the health, safety and welfare of the citizens; and
7. That adult businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values, which create a legitimate concern of the City to protect property values, business interests and generally protect the City from urban blight associated with adult businesses; and
8. That it is recognized that adult businesses have negative secondary effects, particularly when they are located in the same building or in close proximity to each other, thereby contributing to increased crime, urban blight and deteriorating property values; and
9. That it is recognized that the live entertainment presented by some adult businesses involves bodily contact between patrons and performers, including physical contact while giving and receiving gratuities, including hugging, kissing and fondling of performers and patrons, and that activity is not restricted to those businesses where the entertainers appear nude

but also occurs in businesses known as adult cabarets where the entertainers are not nude, that this contact titillation promotes prostitution and the spread of sexually transmitted diseases, and that a reasonable and effective means of preventing this type of physical contact is achieved by requiring entertainers to dance or perform only on a stage with a buffer zone surrounding the stage from which patrons are prohibited from entering while entertainment is taking place, prohibiting customers from touching the performers on the stage and prohibiting customers from providing gratuities to the performers on stage, except for in a container placed on the stage; and

10. That police records establish that businesses allowing the sale and consumption of alcoholic liquor or cereal malt beverages on the premises frequently are the scene of disturbances, disorderly conduct and other criminal activity, and case law and studies have established that the sale and consumption of alcoholic liquor or cereal malt beverages on the premises of an adult business will increase criminal behavior on the premises and create undesirable community conditions, including depression of property values in the surrounding neighborhood, increased expenditure for the allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior and acceleration of community blight, thereby exacerbating the adverse secondary effects associated with these businesses; and
11. That the Kelly & Cooper Study found that the types of media viewed in adult media viewing booths are available for viewing or reading, purchase or rental in other types of adult businesses that are less harmful to the public health, safety and welfare of the community, and therefore adult media viewing booths should be prohibited in favor of other venues; and
12. That adult retail establishments (the businesses referred to in the Kelly & Cooper Study as "sex shops") have documented secondary effects within nearby residential neighborhoods notwithstanding the retail nature of the business and the fact that the goods sold are ultimately consumed off-premises; and
13. In an effort to minimize the adverse secondary effects of adult businesses, it is necessary to disqualify from obtaining licenses those persons that are most likely to engage in certain criminal behavior, and therefore, applicants should be required to make those disclosures necessary to facilitate police investigation into the applicant's criminal background to assure that the persons posing the greatest risks are not granted licenses; and

WHEREAS, in 2010 the Missouri General Assembly adopted R.S.Mo. Sections 573.525 – 573.537 regulating sexually oriented businesses in Missouri, and providing that any political subdivision may maintain, enact or enforce any local ordinance, rule, regulation, resolution or similar law concerning the regulation of sexually oriented businesses or similar adult oriented businesses, which is stricter than, but not inconsistent with, the provisions of Sections 573.525 to 573.537; and

WHEREAS, the Missouri General Assembly in R.S.Mo. Section 573.525.2. found that:

(1) Sexually oriented businesses, as a category of commercial enterprises, are associated with a wide variety of adverse secondary effects, including but not limited to personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation;

(2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area;

(3) Each of the foregoing negative secondary effects constitutes a harm which the state has a substantial interest in preventing or abating, or both. Such substantial government interest in preventing secondary effects, which is the state's rationale for sections 573.525 to 573.537, exists independent of any comparative analysis between sexually oriented and nonsexually oriented businesses. Additionally, the state's interest in regulating sexually oriented businesses extends to preventing future secondary effects of current or future sexually oriented businesses that may locate in the state.

and

WHEREAS, the Missouri Supreme Court in *Ocello v. Koster*, 354 S.W.3d 187 (Mo. banc 2011) upheld the provisions of Sections 573.525 to 573.537; and

WHEREAS, the Board of Aldermen of the City of Parkville, Missouri, pursuant to the City's police powers, desires to minimize and control the adverse secondary effects associated with adult businesses and thereby protect the health, safety, and welfare of the neighborhoods and to deter the spread of urban blight; and

WHEREAS, it is not the intent of the this Ordinance or any previously enacted Ordinance to suppress or limit any speech activities protected by the First Amendment

to the United States Constitution, but to enact a content neutral, reasonable time, place and manner regulation that effectively addresses the harmful secondary effects associated with adult businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. That Title VI, Chapter 650, Section 650.005 of the Parkville Municipal Code is hereby repealed and replaced as follows:

Section 650.005. DEFINITIONS

For the purposes of this Chapter and unless the context plainly requires otherwise, the following definitions are adopted:

- A. "Adult Business" means any business:
 - 1. that has as a substantial or significant purpose the sale or rental of merchandise that is intended for use in connection with "Specified Sexual Activities," or that emphasizes matters depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas"; or
 - 2. that has as one of its regular and substantial business purposes:
 - a. the providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display "Specified Anatomical Areas" or "Specified Sexual Activities"; or
 - b. the providing of services that are intended to cause or facilitate sexual arousal or excitement or that allow observation of "Specified Sexual Activities" or "Specified Anatomical Areas" ancillary to other pursuits, or allow participation in "Specified Sexual Activities" ancillary to other pursuits.
 - 3. The definition of "Adult Business" also includes, but is not limited to any and all of the following specific Adult Businesses, as defined herein:
 - a. The following businesses that offer merchandise for exchange, rental or sale.

- 1) "Adult Media Outlet" means a business engaging in the exchange, rental or sale of "Adult Media," if that business is not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of the retail sales business is devoted to the exchange, rental or sale of "Adult Media." For purposes of this subsection, it shall be presumed that a "substantial or significant" portion of a business is devoted to the exchange, rental or sale of "Adult Media" if any one or more of the following criteria is satisfied:
 - a) thirty-three percent (33%) or more of the exchanges, rentals or sales, measured in dollars over any consecutive ninety-day period, is derived from these items;
 - b) thirty-three percent (33%) or more of the number of transactions, measured over any consecutive ninety-day period, relate to these items;
 - c) thirty-three percent (33%) or more of the wholesale value of all merchandise displayed at any time is attributable to these items;
 - d) thirty-three percent (33%) or more of the retail value (defined as the price charged to customers) of all merchandise displayed at any time is attributable to these items;
 - e) thirty-three percent (33%) or more of all inventory consists of these items at any time;
 - f) thirty-three percent (33%) or more of the merchandise displayed for sale at retail consists of these items at any time;
 - g) thirty-three percent (33%) or more of the floor area of the retail sales business (not including storerooms, stock areas, restrooms, basements or any portion of the business not

open to the public) is devoted to these items at any time;

- h) five hundred square feet (500 sq. ft.) or more of the floor area of the business for display, sale, and/or rental is devoted to these items at any time;
- i) two thousand (2,000) or more of these items are regularly offered for sale or rental.

This presumption shall be rebuttable.

- 2) "Adult Newsrack" means any coin- or card-operated device that offers for sale by dispensing printed material that is distinguished or characterized by its emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."
- 3) "Adult Retail Establishment" means a business that displays or offers goods for sale, rental or exchange that meets any of the following tests:
 - a) displays or offers for sale, rental or exchange items from any two (2) of the following categories: "Sexually-Oriented Toys or Novelties"; clothing that graphically depicts any "Specified Anatomical Area"; or leather or other goods designed or marketed for use for sexual bondage or sadomasochistic practices; and the combination of these items constitutes:
 - (1) ten percent (10%) or more of the sales, rentals or exchanges of merchandise, measured in dollars over any consecutive ninety-day period; or
 - (2) ten percent (10%) or more of the number of sale, rental or exchange transactions of merchandise, measured over any consecutive ninety-day period; or

- (3) ten percent (10%) or more of the dollar value of all merchandise displayed at any time; or
 - (4) ten percent (10%) or more of all merchandise inventory at any time, measured by the number of items; or
 - (5) ten percent (10%) or more of the merchandise displayed at any time, measured by the number of items; or
 - (6) ten percent (10%) or more of the sales floor area of the business (not including storerooms, stock areas, restrooms, or any portion of the business not open to the public) at any time;
- b) five percent (5%) or more of the sales, rentals or exchanges of merchandise, measured in dollars over any consecutive ninety-day period, is derived from "Sexually-Oriented Toys or Novelties"; or
 - c) five percent (5%) or more of the number of sale, rental or exchange transactions of merchandise, measured over any consecutive ninety-day period, involve "Sexually-Oriented Toys or Novelties"; or
 - d) five percent (5%) or more of the dollar value of all merchandise displayed at any time is attributable to "Sexually-Oriented Toys or Novelties"; or
 - e) five percent (5%) or more of all merchandise inventory, measured by the number of items, consists of "Sexually-Oriented Toys or Novelties" at any time; or
 - f) five percent (5%) or more of all merchandise displayed, measured by the number of items, consists of "Sexually-Oriented Toys or Novelties" at any time; or

g) five percent (5%) or more of the sales floor area of the business (not including storerooms, stock areas, restrooms, or any portion of the business not open to the public) is devoted to "Sexually-Oriented Toys or Novelties" at any time.

4) "Sexual Device Shop" means a commercial establishment that regularly features or provides sexual devices for their use on or off the premises. This definition shall not be construed to include any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services, or any establishment that does not regularly advertise itself or hold itself out, by using "adult," "adults-only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that primarily caters to adult sexual interests.

b. The following businesses that provide entertainment.

1) "Adult Entertainment Business" means any business to which the public, Patrons or members are invited or admitted, and where providing "Adult Entertainment" is a regular and substantial portion of its business.

2) The definition of "Adult Entertainment Business" also includes, but is not limited to, any and all of the following specific Adult Entertainment Businesses, as defined herein:

a) "Adult Motion Picture Theater" means an establishment with a screen or projection area, where a regular and substantial portion of its business is the exhibition to Patrons of films, video cassettes, slides, or similar photographic reproductions, videotapes or motion pictures that are intended to provide sexual stimulation or sexual gratification to the Patrons or that are distinguished by or characterized by an emphasis on matter depicting, describing or

relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

- b) "Adult Theater" means an establishment where a regular and substantial portion of its business is providing live performances that are distinguished by or characterized by an emphasis on the exposure, depiction or description of "Specified Anatomical Areas" or the conduct or simulation of "Specified Sexual Activities."
- c) "Adult Entertainment Cabaret" means (1) an establishment where a regular and substantial portion of its business is providing live entertainment that (i) is intended to provide sexual stimulation or sexual gratification to the Entertainer or the Patrons, and (ii) is distinguished by or characterized by an emphasis on matter depicting, simulating, describing or relating to "Specified Anatomical Areas" or the conduct or simulation of "Specified Sexual Activities"; or (2) an establishment which regularly features entertainment of an erotic nature, including exotic dancers, strippers, moving or still photography of erotic dancers, strippers or similar Entertainers.
- d) "Adult Entertainment Studio" (includes the terms "rap studio," "exotic dance studio," "sensitivity studio," "body painting studio," or "encounter studio") means an establishment whose premises are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment that features materials or live performances characterized by an emphasis on or features materials relating to "Specified Sexual Activities" or the exhibition of "Specified Anatomical Areas."

c. The following businesses that provide services.

- 1) "Bath House" means an enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are "Nude" or displaying "Specified Anatomical Areas."
- 2) "Adult Motel" means an enterprise where a regular and substantial portion of its business is offering public accommodations for the purpose of viewing closed-circuit television transmissions, films, movies, motion pictures, video cassettes, video tapes, slides or other photographic reproductions that are distinguished or characterized by an emphasis on the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" and that rents room accommodations for less than six hours at a time.
- 3) "Sexual Encounter Establishment" means a business or commercial establishment, that as a substantial or significant business purpose, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "Specified Sexual Activities" or the exposure of "Specified Anatomical Areas" or offers for exchange, rental, sale or otherwise provides or facilitates the use of Sexually-Oriented Toys or Novelties on the premises. For purposes of determining whether a business or commercial establishment is a Sexual Encounter Establishment, the fact that the business advertises or permits others to portray the establishment in advertising or other materials about the business as an establishment that affords opportunities for two or more persons to engage in Specified Sexual Activities and/or makes available for use Sexually-Oriented Toys or Novelties in the establishment may be considered. The mere fact that an establishment provides overnight accommodations will not cause it to be classified as a Sexual Encounter Establishment; provided, however, that offering overnight accommodations in conjunction with making available, providing, offering, or

facilitating the use of Sexually-Oriented Toys or Novelties may be a critical factor in determining that the establishment is a Sexual Encounter Establishment.

4. The definition of "Adult Business" does not include, and this Chapter shall not apply to, a theater, concert hall, art center, museum, or similar establishment that is primarily devoted to arts exhibits or theatrical performances and in which any of the circumstances covered by the definition of "Adult Business" were permitted or allowed as part of art exhibits or performances.
 5. For purposes of determining whether a business is an Adult Business, the fact that the business advertises or permits others to portray the establishment in advertising or other materials about the business as such may be considered.
- B. "Adult Entertainment" means any exhibition, performance, display or dance of any type, including, but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where that exhibition, performance, display or dance is intended to arouse or excite the sexual desires of the Entertainer, other Entertainers or Patrons, or if the entertainment is characterized by an emphasis on the exposure, depiction or description of "Specified Anatomical Areas" or the conduct or simulation of "Specified Sexual Activities."
- C. "Adult Media" means books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, DVDs, motion pictures, photographs, films, video cassettes, slides, CD-ROMs or other devices used to record computer images, or other similar media that are distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specified Anatomical Areas" or "Specified Sexual Activities."
- D. "Adult Media Viewing Booth" means any booth, cubicle, stall or compartment that is designed, constructed or used to hold or seat a Patron or Patrons and is used for viewing or reading "Adult Media." "Adult Media Viewing Booths" are sometimes also known as adult video viewing booths, peep shows, adult video arcades, panoramas and adult mini-motion picture theaters. For purposes of this definition, an "Adult Media Viewing Booth" shall refer to all these booths, cubicles, stalls or

compartments containing less than one hundred fifty (150) square feet of gross floor area.

- E. "Contagious and Communicable Diseases" means those diseases that are set out in the Code of State Regulations established by the State of Missouri.
- F. "Employee" means any and all Persons, including Managers, Entertainers and independent contractors, who performs any service on the premises of an Adult Business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.
- G. "Entertainer" means any Person who provides "Adult Entertainment" within an "Adult Entertainment Business," whether or not a fee is charged or accepted for entertainment.
- H. "Health Inspector" means an authorized representative of the Platte County Health Department, the City's Code Enforcement Officer, or the Chief of Police or their respective designee.
- I. "Manager" means any Person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity at any "Adult Business."
- J. "Minor" means any Person less than eighteen (18) years of age.
- K. "Nude" or "Nudity" means the appearance of a human bare buttock, anus, genitals, or female breast, or a state of dress that fails to completely and opaquely cover a human buttock, anus, genitals, or any part of the female breast or breasts that is situated below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.
- L. "Operate" means to own, conduct or maintain the affairs of an "Adult Business."
- M. "Operator" means any Person on the premises of an Adult Business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A Person may be found to

be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business

- N. "Patron" means any Person who enters an "Adult Business" without regard to whether a purchase is made from the "Adult Business" or compensation is paid to the "Adult Business" or any Employee of the "Adult Business" for merchandise, entertainment or service; provided that the term "Patron" shall not include Persons who enter an "Adult Business", for the sole purpose of providing service or merchandise to the "Adult Business" and who do not remain in the "Adult Business" after the purpose has been accomplished including, but not limited to, Persons performing construction, repair or maintenance on the premises or delivering goods or merchandise to the "Adult Business" and any similar activity.
- O. "Person" means any individual, partnership, corporation, limited liability company, trust, unincorporated association, joint venture, governmental entity, or other entity or group of Persons, however organized.
- P. "Server" means any person who serves food or drink at an "Adult Business."
- Q. "Sexually-Oriented Toys or Novelties" means instruments, devices or paraphernalia that either depict representations of "Specified Anatomical Areas" or are designed or marketed for use in connection with "Specified Sexual Activities." In determining whether an item is "designed or marketed for use" in connection with "Specified Sexual Activities," the following guidelines may be considered:
1. expert testimony as to the principle use of the item;
 2. evidence concerning the total business of a Person or business establishment and the type of merchandise involved in the business;
 3. national and local advertising concerning the use of the item;
 4. evidence of advertising concerning the nature of the business establishment or design or use of an item;
 5. instructions, graphics or other material contained on the item itself, on the packaging materials for the item, or in the manufacture's,

distributor's or retailer's instructions, graphics, publications or description of the item;

6. the physical or structural characteristics of the item;
7. the manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area;
8. evidence from an internet search of the item concerning the use of the item;
9. the fact that filtering software prohibits or blocks the viewing of the item as sexual in nature upon an internet search of the item.

Any Person may request an interpretive ruling from the Chief of Police, or his or her designee, as to whether a particular item is considered by the City to be "designed or marketed for use" in connection with "Specified Sexual Activities." An application for an interpretive ruling shall be made in writing on a form provided by the Chief of Police, and shall be accompanied by other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The Chief of Police shall issue a written interpretive ruling within ten business days following submission of a completed application. The decision of the Chief of Police may be appealed to the Governing Body within fifteen days following the interpretive ruling by submitting a written notice of appeal to the City Clerk.

R. "Specified Anatomical Areas" means:

1. any of the following, or any combination of the following, when less than completely and opaquely covered: any human genitals, pubic region, any buttock, or any portion of the female breast or breasts that is situated below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or
2. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

S. "Specified Criminal Act" means any of the following crimes for which less than eight years has elapsed since the date of conviction or the date of release from confinement with respect to a felony, or for which less than

two years has elapsed since the date of conviction with respect to a misdemeanor, whichever is the later date:

1. sexual offenses set forth in Chapter 566 of the Revised Statutes of Missouri, and amendments thereto;
2. prostitution offenses set forth in Chapter 567 of the Revised Statutes of Missouri, and amendments thereto;
3. offenses involving a child and sex set forth in Chapter 568 of the Revised Statutes of Missouri, and amendments thereto;
4. pornography and related offenses set forth in Chapter 573 of the Revised Statutes of Missouri, and amendments thereto;
5. controlled substance, illegal drug, or narcotics offenses as set forth in the state comprehensive drug control act set forth in Chapter 196 of the Revised Statutes of Missouri, and amendments thereto;
6. offenses involving money laundering;
7. offenses involving tax evasion;
8. offenses similar to the foregoing offenses that are set forth in other portions of state statutes;
9. any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
10. any offense in another jurisdiction that, had the predicate act(s) been committed in Missouri, would have constituted any of the foregoing offenses. If necessary, the City Attorney shall issue an interpretive ruling determining whether a crime from another jurisdiction corresponds to the crimes set forth above in subparagraphs 1 through 7, inclusive.

T. "Specified Sexual Activities" mean any of the following:

1. sexual conduct including, but not limited to, actual or simulated acts of sexual intercourse, masturbation, oral copulation or sodomy;
2. fondling or other erotic touching of a Person's clothed or unclothed genitals, pubic region, buttock, anus or female breast;

3. sadomasochistic acts; or
4. human genitals in a state of sexual stimulation or arousal;
5. excretory functions as a part of or in connection with any of the activities described in paragraph 1. of this subsection S.;

Section 2. That Title VI, Chapter 650, Section 650.010 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.010. LICENSE REQUIRED FOR ADULT BUSINESS.

- A. It shall be unlawful for any Person to Operate or maintain an Adult Business in the City unless the owner, Operator or lessee thereof has obtained an Adult Business license from the City, or to Operate that business after that license has expired or been revoked or suspended by the City.
- B. It is unlawful for any Entertainer, Server, Employee, Manager, Operator or owner to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed Adult Business.
- C. The failure to post an Adult Business license in the manner required herein shall be prima facie evidence that an Adult Business has not obtained such a license. In addition, it shall be prima facie evidence that any Entertainer, Employee, Manager or owner who performs any business, service or entertainment in an Adult Business in which an Adult Business license is not posted in the manner required herein had knowledge that the business is not licensed.
- D. Any business that engages in the exchange, rental, or sale of Adult Media, if the business is not open to the public in general, but only to one or more classes of the public, excluding any Minor by reason of age, or if a substantial or significant portion of the items are distinguished or characterized by an emphasis on the depiction or description of Specified Sexual Activities or Specified Anatomical Areas shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate City officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether that business enterprise is in compliance with this Chapter. This entry and inspection shall take place during hours when the business is open to the public, unless otherwise requested by the business, and shall not unreasonably interfere with the conduct of the business.

Section 3. That Title VI, Chapter 650, Section 650.011 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.011 LICENSE REQUIRED FOR MANAGERS, SERVERS AND ENTERTAINERS.

It is unlawful for any Person to work as an Entertainer, Server or Manager at an Adult Business without first obtaining a license to do so from the City, or to work as an Entertainer, Server or Manager at an Adult Business after such Person's license to do so has expired or been revoked or suspended.

Section 4. That Title VI, Chapter 650, Section 650.012 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.012. LICENSE, CLASSIFICATION AND FEES.

- A. The license year for all fees required herein shall be from each June 1 through May 30. The application for a license shall be accompanied by payment in full of the fee stated herein by certified or cashier's check or money order, and no application shall be considered complete until this fee is paid.
- B. All licenses shall be issued for a specific location and shall be nontransferable, and license fees shall be nonrefundable.
- C. The classification of licenses and fees for each shall be as follows:
 - 1. Adult Business license fee is \$750.00 per year;
 - 2. Manager's license fee is \$75.00 per year;
 - 3. Entertainer's license fee is \$75.00 per year;
 - 4. Server's license fee is \$75.00 per year.

Section 5. That Title VI, Chapter 650, Section 650.013 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.013. LICENSE LIMITED TO ONE IDENTIFIABLE TYPE OF ADULT USE

All Adult Business licenses shall be issued only for the one Adult Business use listed on the application. Any change in the type of adult use shall invalidate the Adult Business license and require the licensee to obtain a new license for the

change in use. A separate license is required for each adult use. The establishment or maintenance of more than one Adult Business in the same building, structure or portion thereof is prohibited.

Section 6. That Title VI, Chapter 650, Section 650.014 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.014. LICENSE APPLICATION

A. Adult Business License.

All Persons desiring to secure a license to Operate an Adult Business as required herein shall make a verified application with the City Clerk. All applications shall be submitted in the name of the Person who owns the Adult Business. The application shall be signed by the applicant. If the applicant is a corporation, the application shall be signed by its President. If the applicant is a partnership, the application shall be signed by a partner. If the applicant is a limited liability company, the application shall be signed by a member. In all other instances where the owner is not an individual, the application shall be signed by an authorized representative of the owner. The City Clerk may require proof of authorization before accepting an application. All applications shall be submitted on a form supplied by the City Clerk and shall require all of the following information:

1. the name, any aliases, mailing address for receipt of notices, home telephone number, occupation, date and place of birth and social security number of the applicant;
2. the tax identification number and registered agent, if the owner is required to have a tax identification number or registered agent;
3. the name of the Adult Business, a description of the type of Adult Business to be performed on the licensed premises, and the name of the owner of the premises where the Adult Business will be located;
4. the names, social security numbers and dates of birth of all partners, if the applicant is a partnership or limited liability partnership; and if the applicant is a corporation or limited liability company, the same information for all stockholders or members who own more than a ten percent (10%) interest in the company;
5. a statement from the applicant whether the applicant and each Person required to be identified in the application, pursuant to

subparagraph 4 above, in previously operating in this or another city, county or state, has had an Adult Business license of any type revoked or suspended, and if so, the reason for the suspension or revocation and the business activity subjected to the suspension or revocation;

6. a statement from the applicant and each Person required to be identified in the application, pursuant to subparagraph 4 above, that each Person has not been convicted of, or released from confinement for conviction of, or diverted from prosecution on, any felony, whichever event is later, within five (5) years immediately preceding the application, or has not been convicted of, or diverted from prosecution on, a misdemeanor or municipal ordinance violation, or released from confinement for conviction of a misdemeanor or municipal ordinance violation, whichever event is later, within two (2) years immediately preceding the application, where the felony, misdemeanor or municipal ordinance violation constitutes a Specified Criminal Act;
7. on applications requesting a license to Operate a Bath House, the applicant shall provide for each Employee, a health certificate from a duly licensed Kansas or Missouri physician stating that within 90 days prior thereto, the applicant and all other Persons working on the premises have been examined and found free of any Contagious or Communicable Diseases, which requirement shall be a continuing requirement and for each Person who is employed, the above described health certificate shall be submitted to the City Clerk within forty-eight (48) hours of the time that Person begins employment;
8. if the applicant is a corporation or limited liability company, a current certificate of registration issued by the Missouri Secretary of State; and
9. a statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained therein is true and correct and that the applicant has read the provisions of this Chapter regulating Adult Businesses.

Failure to provide the information and documentation required herein shall constitute an incomplete application and the application shall not be processed by the City. The City Clerk shall notify the applicant whether or not the application is complete within five (5) working days of the date the

application is received by the City Clerk; in the event the City Clerk has determined that the application is incomplete, the notification to the applicant shall include a written explanation of the reason(s) why the application is incomplete.

B. Manager, Server or Entertainer License.

All Persons desiring to secure a license to be a Manager, Server or Entertainer shall make a verified application with the City Clerk. All applications shall be submitted in the name of the Person proposing to be a Manager, Server or Entertainer. All applications shall be submitted on a form supplied by the City Clerk and shall require all of the following information:

1. the applicant's name, any aliases, mailing address for receipt of notices, home telephone number, date and place of birth, social security number, and, in the case of Entertainers, any stage names or nicknames used in entertaining;
2. the name and address of each Adult Business where the applicant intends to work as a Manager, Server or Entertainer;
3. a statement from the applicant that the applicant has not been convicted of, or released from confinement for conviction of, or diverted from prosecution on, any felony, whichever event is later, within five (5) years immediately preceding the application, or has not been convicted of, or diverted from prosecution on, a misdemeanor or ordinance violation, or released from confinement for conviction of a misdemeanor or ordinance violation, whichever event is later, within two (2) years immediately preceding the application, where that felony, misdemeanor or ordinance violation constitutes a Specified Criminal Act;
4. the applicant shall present to the City Clerk, who shall copy, documentation that the applicant has attained the age of 18 years at the time the application is submitted and any of the following shall be accepted as documentation of age:
 - a. a current motor vehicle operator's license issued by any state, bearing the applicant's photograph and date of birth;
 - b. a current state-issued identification card bearing the applicant's photograph and date of birth;

- c. an official and valid passport issued by the United States of America;
- d. an immigration card issued by the United States of America;
- e. any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk;
or
- f. any other form of identification deemed reliable by the City Clerk.

Failure to provide the information required herein shall constitute an incomplete application and the application shall not be processed by the City. The City Clerk shall notify the applicant whether or not the application is complete within five (5) working days of the date the application was received by the City Clerk; in the event the City Clerk has determined that the application is incomplete, the notification to the applicant shall include a written explanation of the reason(s) why the application is incomplete.

C. Facilities necessary.

No adult business license to conduct a Bath House or body painting studio shall be issued unless an inspection by the Health Inspector reveals that the premises from which the applicant intends to conduct business comply with each of the following minimum requirements.

1. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given or showers taken. Floors shall be free from any accumulation of dust, dirt, or refuse. All equipment used in the operation of the business shall be maintained in a clean and sanitary condition. Towels, linen and items for personal use of Operators and Patrons shall be clean and freshly laundered. Towels, cloths, and sheets shall not be used for more than one (1) Patron. Heavy white paper may be substituted for sheets; provided that the paper is changed for every Patron. No activity related to an Adult Business shall be carried on within any cubicle, room, booth, or any area within any permitted establishment that is fitted with a door capable of being locked.
2. Toilet facilities shall be provided in convenient locations. When five (5) or more employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be

provided: A single water closet per sex shall be provided for each twenty (20) employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets for male employees and patrons, after one (1) water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

3. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

The Health Inspector shall certify that the proposed business establishment complies with all the requirements of this Section and shall give or send that certification to the City Clerk; provided however, that nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises, nor to preclude authorized inspection thereof. The appropriate City Official may recommend the issuance of a license contingent upon the compliance with any requirements in this Section.

D. Application processing.

1. Upon receipt of a completed application for an Adult Business, Manager, Server or Entertainer license, the City Clerk shall immediately transmit one (1) copy of the application to the Chief of Police and one (1) to the Building Inspector.
2. The City Clerk shall notify the applicant for an Adult Business license of his/her obligation to obtain necessary permits from the South Platte Fire Protection District and, if applicable, from the Platte County Health Department or Health Inspector.
3. The City Clerk shall notify the applicant for Manager, Server or Entertainer in a Bath House or body painting studio of his/her obligation to obtain a certificate of health.
4. It shall be the duty of the Chief of Police or his/her designee to investigate the application to determine whether the information contained in the application is accurate and whether the applicant is qualified for the license for which he/she has applied. The Chief of Police shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk.

5. It shall be the duty of the Building Inspector to determine whether the structure where the adult business will be conducted complies with the requirements and meets the standards of the Building and Property Conversation Codes, and to verify that the applicant has received a permit from the South Platte Fire Protection District. The Building Inspector shall report the results of the investigation to the City Clerk not later than ten (10) working days from the date the application is received by the City Clerk.
6. Upon receipt of the reports from the Chief of Police and the Building Inspector, the City Clerk shall submit the application, with accompanying documentation and signatures, to the City Administrator or the City Administrator's designee. The City Administrator shall approve or disapprove the application within forty-five (45) days from the date of its filing with the City Clerk.

Section 7. That Title VI, Chapter 650, Section 650.015 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.015. EXAMINATION OF APPLICATION, ISSUANCE OF LICENSE, DISAPPROVAL.

- A. If the application for an Adult Business, Manager, Server or Entertainer license is in proper form and accompanied by the appropriate license fee, the City Administrator shall examine the application, and after the examination the City Administrator may, if the applicant is qualified, approve a license as provided for by law; provided that a license shall not be approved for any person ineligible pursuant to Section 650.020.
- B. The record of the City Administrator shall show the action taken on the application, and if the license is granted, the City Administrator shall direct the City Clerk to issue the proper license. The license shall state that it is not transferable to other persons or entities and the calendar year for which it is issued. The license shall be posted in a conspicuous place in the business that is licensed or where the licensee is working.
- C. If an application for a license is disapproved, the applicant shall be notified immediately by registered or certified mail to the address given by the applicant on the application, and the notification shall state the basis for that disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.

Section 8. That Title VI, Chapter 650, Section 650.020 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.020. LICENSE – INELIGIBILITY AND DISQUALIFICATION

No Person is eligible nor shall a license be issued to:

- A. An applicant for an Adult Business license if one or more of the following conditions exist.
1. The premises for which an application for an Adult Business has been made is located within one thousand (1000) feet of any primary or secondary school, house of worship, public library, licensed child care center, public park, or property zoned or used for residential purposes, which uses are located within the city limits. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the premises from which the Adult Business would be Operated to the nearest point on the property line of any primary or secondary school, house of worship, public library, licensed child care center, public park, or property zoned or used for residential purposes located within the City;
 - a. provided the phrase "property zoned or used for residential purposes" shall not include any property zoned for residential use for which a special use permit has been granted for an indefinite period of time which permit allows a non-residential use;
 - b. provided further, the list of uses set forth above shall exclude streets, alleys and highway rights-of-way.
 2. The premises for which an application for an Adult Business has been made is located within one thousand (1000) feet of any other business located within or without the City meeting the definition of Adult Business, as set forth in this Chapter, regardless of whether the other business has applied for or received a license to Operate an Adult Business at that location. Measurements shall be made in a straight line, without regard to intervening structures or objects from the closest property line of the premises from which the proposed Adult Business would be Operated to the nearest point on the property line of the other business meeting the definition of Adult Business, as set forth in this Chapter.
 3. The applicant knowingly failed to supply all of the information requested on the application.

4. The applicant knowingly gave materially false, fraudulent or untruthful information on the application.
 5. The applicant's proposed business premises does not comply with or meet the requirements of the applicable health, zoning, building code, fire and property maintenance ordinances of the City; provided that, upon a showing that the premises meets these requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the Governing Body.
 6. The applicant has been convicted, released from incarceration for conviction or diverted on any Specified Criminal Act during the time period set forth herein.
 7. The applicant has had an Adult Business license or comparable license revoked or suspended in this or any other city during the past five (5) years.
 8. If the applicant is applying for a license to Operate a Bath House or body painting studio and applicant has not produced a health certificate as required herein for all Persons working on the premises.
- B. An applicant for a Manager, Server or Entertainer license if one or more of the following conditions exist:
1. the applicant has been convicted, released from incarceration for conviction or diverted on any Specified Criminal Act during the time period set forth herein;
 2. the applicant knowingly failed to provide all of the information required on the application;
 3. the applicant knowingly gave materially false, fraudulent or untruthful information on the application;
 4. the applicant has had a Manager, Server or Entertainer license revoked or suspended in this or any other city during the past five (5) years; or

5. the applicant is applying for a license for a Manager, Server or Entertainer in a Bath House and has not produced a health certificate as required herein.

Section 9. That Title VI, Chapter 650, Section 650.030 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.030. STANDARDS OF CONDUCT.

It shall be unlawful for any Adult Business, or any Manager, Server, Entertainer or Employee thereof, or any Patron of an Adult Business, while on or about the premises of the business, to knowingly fail to adhere to the following standards of conduct, as applicable.

A. Identification Cards.

Any Manager, Server or Entertainer issued a license under this Chapter shall, at all times when working in an Adult Business, have in their possession a valid identification card issued by the City, bearing the permit number, the Employee's physical description and a photograph of that Employee. These identification cards shall be laminated to prevent alteration.

B. Age Restriction.

No person shall knowingly allow a person under the age of eighteen years on the premises of an Adult Business.

C. Exterior Observation.

The premises of all Adult Businesses will be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows shall be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building.

D. Exterior Display.

No Adult Business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or Persons depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined herein, from

any exterior source by display, decoration, sign, show window or other opening.

E. Nudity Prohibited.

No Manager, Employee, Server, Entertainer or Patron in an Adult Business other than a licensed Bath House shall be Nude. This provision shall not apply to businesses that provide overnight accommodations, unless the business which provides overnight accommodations is a Sexual Encounter Establishment under this Chapter.

F. Sale or Consumption of Alcohol Prohibited.

No Person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of an Adult Business.

G. Specified Criminal Acts and Specified Sexual Activities Prohibited.

No Manager, Employee, Server, Entertainer or Patron of an Adult Business shall engage in any Specified Criminal Act or any Specified Sexual Activity on the premises of the business.

H. Certain Other Acts Prohibited.

1. No Manager, Employee, Server, Entertainer or Patron shall wear or use any device or covering exposed to view which simulates any Specified Anatomical Area or use artificial devices or inanimate objects to simulate or depict any Specified Sexual Activity while on the premises of an Adult Business.
2. All dancing or other live Adult Entertainment on the licensed premises shall only occur upon a stage at least eighteen inches above the immediate floor level and removed at least six (6) feet from the nearest Patron. The six-foot boundary from the outer edge of the stage shall be painted or otherwise clearly indicated on the floor so that Patrons will not cross the six-foot boundary. The absence of this demarcation will create a presumption that there have been violations of these standards of conduct during performances in unmarked areas. No Manager in charge of the Adult Business at the time shall knowingly permit any Patron to have any physical contact with an Entertainer or to cross the six-foot boundary while the Entertainer is engaged in a performance of Adult Entertainment. No Patron shall intentionally have any physical contact with an Entertainer or cross the six-foot boundary

while the Entertainer is engaged in a performance of Adult Entertainment. No Entertainer shall engage in any performance of Adult Entertainment, except upon the stage.

3. The display of adult media within or visible from the same area where the dancing or live Adult Entertainment occurs is prohibited.
4. No Employee, Server or Entertainer of an Adult Business, while on the premises of the business, shall knowingly touch, fondle or caress any Specified Anatomical Area of another Person, or knowingly permit another Person to touch, fondle or caress any Specified Anatomical Area of such Employee, Server or Entertainer, whether that Specified Anatomical Area is clothed, unclothed, covered or exposed. No Patron while on the premises of an Adult Business shall knowingly touch, fondle or caress any Specified Anatomical Area of an Employee, Server or Entertainer employed by the Adult Business, whether that Specified Anatomical Area is clothed, unclothed, covered or exposed.
5. No Entertainer shall solicit, demand or receive any payment or gratuity from any Patron for any act prohibited herein and while on the premises of an Adult Business and no Entertainer shall receive any payment or gratuity from any Patron for any entertainment except as follows:
 - a. while that Entertainer is on the stage a Patron may place a payment or gratuity into a container provided by the Adult Business for the receipt of gratuities to be located outside the six-foot boundary surrounding the stage; or
 - b. while that Entertainer is not on the stage, but while on the premises of an Adult Business and is clothed so as to not expose to view any Specified Anatomical Area, a Patron may place a payment or gratuity into the Entertainer's hand.
6. No owner, Operator or Manager of an Adult Business shall:
 - a. knowingly permit alcoholic liquor or cereal malt beverages to be brought, sold or consumed upon the premises;
 - b. knowingly allow or permit any Employee of the business or any Patron to engage in any Specified Criminal Act or any Specified Sexual Activity on the premises;

- c. knowingly allow or permit any Minor to be in or upon the premises of an Adult Business;
- d. knowingly allow or permit a violation of this chapter or any other city ordinance provision or state law to occur on the premises.

I. Signs required.

All Adult Entertainment Businesses that provide live entertainment shall conspicuously display in the common area at the principal entrance to the premises, a sign, on which uppercase letters shall be at least two (2) inches high, and lowercase letters at least one inch high, which shall read as follows:

**THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED
AND LICENSED BY THE CITY OF PARKVILLE**

ENTERTAINERS ARE:

- ◆ Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the pubic region, buttocks, genitals or female breast of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the pubic region, buttocks, genitals or female breast of said entertainer.
- ◆ Not permitted to be nude.
- ◆ Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:

While the entertainer is on the stage, by placing a payment or gratuity into a container located outside a six-foot boundary surrounding the stage; or

While the entertainer is not on the stage, by placing a payment or gratuity into the entertainer's hand.

CUSTOMERS ARE:

- ◆ Not permitted to be upon the stage at any time or to be within the six-foot marked boundary surrounding the stage while entertainers are performing.
- ◆ Not permitted to touch, caress or fondle the pubic region, genitals, buttocks or female breast of any employee, server or entertainer or engage in solicitation for prostitution.

J. Lighting required.

The premises of all Adult Businesses shall be equipped with overhead lighting in every place to which customers are permitted access, at an illumination of not less than one foot candle, as measured at the floor level, and the illumination must be maintained at all times that any customer or Patron is present in or on the premises.

K. Closed booths or rooms prohibited.

An Adult Business, which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction, characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

1. the interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;
2. an operator's station shall not exceed thirty-two square feet of floor area;
3. if the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;
4. the view required under this subsection shall be by direct line of sight from the operator's station;
5. it is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and
6. it shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other

materials or enclosures at all times that any patron is present on the premises.

L. Ventilation and sanitation requirements.

The premises of all Adult Businesses shall be kept in a sanitary condition. Except as otherwise provided herein, separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

M. Hours of operation.

No operator shall allow or permit an Adult Business to be or remain open between the hours of 12:00 midnight and 6:00 a.m. on any day other than a Sunday. No Adult Business may be open between the hours of 12:00 midnight and 12:00 noon on a Sunday. This provision shall not apply to businesses that provide overnight accommodations unless that business is a Sexual Encounter Establishment under this Chapter.

Section 10. That Title VI, Chapter 650, Section 650.040 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.040 LICENSE – POSTING OR DISPLAY

- A. Every Person licensed as an Adult Business shall post the license in a conspicuous place and manner on the Adult Business premises.
- B. Every Person holding a Server, Manager or Entertainer license shall post his or her license in his or her work area on the Adult Business premises so it shall be readily available for inspection by City authorities responsible for enforcement of this Chapter.

Section 11. That Title VI, Chapter 650, Section 650.050 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.050 MANAGER ON PREMISES

- A. A Manager shall be on duty at all Adult Businesses at all times the premises are open for business. The name of the Manager on duty shall be prominently posted during business hours.
- B. It shall be the responsibility of the Manager to verify that any Person who provides Adult Entertainment or works as a Server within the premises possesses a current and valid Entertainer or Server's license and that

those licenses are prominently posted. It shall also be the responsibility of the Manager to ensure that Minors do not enter upon the premises of an Adult Business.

Section 12. That Title VI, Chapter 650, Section 650.060 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.060 INSPECTOR AND INSPECTIONS

All Adult Businesses and any business with respect to which there is a reasonable basis to believe is operating as an Adult Business shall permit representatives of the police department or any other City or other public official acting in their official capacity to inspect the premises as necessary to ensure the business is complying with all applicable regulations and laws.

Section 13. That Title VI, Chapter 650, Section 650.070 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.070 SUSPENSION, REVOCATION OR NON-RENEWAL OF LICENSE

Suspension, revocation or nonrenewal of licenses may be justified whenever the City Clerk has information that:

- A. the owner or Operator of an Adult Business or a holder of a Manager, Server or Entertainer license has violated, or knowingly allowed or permitted the violation of, any of the provisions of this Chapter; or
- B. there have been recurrent violations of provisions of this Chapter that have occurred under any circumstances that the owner or Operator of an Adult Business knew or should have known that such violations were committed; or
- C. the Adult Business license or the Manager, Server or Entertainer license was knowingly obtained through false statements in the application for such license, or renewal thereof; or
- D. the Adult Business licensee or the Manager, Server or Entertainer licensee knowingly failed to make a complete disclosure of all information in the application for the license, or renewal thereof; or
- E. the licensee has become disqualified from having a license by conviction of a Specified Criminal Act.

Upon receipt of any of the information set forth above, the City Clerk shall make this information known to the Governing Body, which, upon five (5) days written notice to the Person holding the license, shall conduct a public hearing to determine whether the license should be suspended or revoked. The Governing Body may pass a resolution setting forth the procedures for the conduct of these hearings. Based on the evidence produced at the hearing, the Governing Body may take any of the following actions:

1. direct the City Clerk to suspend the license for up to ninety (90) days; or
2. direct the City Clerk to revoke the license for the remainder of the license year; or
3. direct the City Clerk to place the license holder on administrative probation for a period of up to one year, on the condition that no further violations of this Chapter occur during the period of probation. If a violation does occur and, after a hearing, the violation is determined to have actually occurred, the license will be revoked for the remainder of the license year.

Section 14. That Title VI, Chapter 650, Section 650.080 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.080 RENEWAL

- A. A license may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses shall expire on May 30 of each calendar year, and renewal applications for the licenses shall be submitted by May 1 of that year.
- B. Upon timely application and review as provided for a new license, a license issued under the provisions of this Chapter shall be renewed by issuance of a new license in the manner provided herein for the initial issuance of the license.
- C. If the application for renewal of a license is not made during the time provided herein, the expiration of that license shall not be affected, and a new application shall be required.

Section 15. That Title VI, Chapter 650, Section 650.090 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.090 JUDICIAL REVIEW – STAY OF ENFORCEMENT OR ORDERS

Following the entry of an order by the Board of Aldermen suspending or revoking a license issued pursuant to this Chapter, or disapproval by the City Administrator of the renewal application for a license, that licensee or applicant may seek judicial review in a manner provided by law. The Board of Aldermen may stay enforcement of the order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

Section 16. That Title VI, Chapter 650, Section 650.100 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.100 PENALTY

It shall be unlawful for any Person to violate any of the provisions of this Chapter. Upon conviction thereof, that Person shall be fined not to exceed five hundred dollars (\$500.00), or be punished by incarceration for a period not to exceed ninety (90) days, or by both the fine and incarceration. Each day's violation of, or failure, refusal or neglect to comply with, any provision of this Chapter shall constitute a separate and distinct offense.

Any premises, building, dwelling or other structure in which Adult Business is repeatedly operated or maintained in violation of this Chapter shall constitute a public nuisance and shall be subject to civil abatement proceedings. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation.

Notwithstanding the provisions of this Chapter, the City may employ any remedy available at law or in equity to prevent or remedy a violation of any provision of this Chapter.

This Chapters does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of this Chapter. Notwithstanding any other provision of law to the contrary, for purposes of this Chapter, an act by an Employee shall be imputed to the Adult Business for purposes of finding a violation of this Chapter only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

Section 17. That Title VI, Chapter 650, Section 650.110 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 650.110 REGULATIONS

The City Clerk shall have the power to promulgate regulations as may be necessary and feasible for carrying out the duties of his/her office which are not inconsistent with the provisions of this Chapter.

Section 18. That Title VI, Chapter 650, Section 650.120 of the Parkville Municipal Code is hereby added as follows:

SECTION 650.120 APPLICABILITY OF CHAPTER TO EXISTING BUSINESSES

- A. The provisions of this Chapter shall apply to all Adult Businesses existing on the effective date of Ordinance No. 2655, as well as to all Adult Businesses established after the effective date of Ordinance No. 2655, including any existing business on the effective date that alters its operations in a manner so as to become an Adult Business after the effective date.
- B. Any Adult Business lawfully operating on November 21, 2012, that does not comply with the public health, safety and general welfare provisions of this Chapter shall be permitted to continue for a period not to exceed ninety days (90) days, unless sooner terminated for any reason, or voluntarily discontinued for a period of thirty (30) days or more. No businesses shall be increased, enlarged, extended or altered, except that the business may be changed to conform to the public health, safety and welfare requirements of this Chapter. By the end of the ninety (90) days, all Adult Businesses shall conform to and abide by the requirements of this Chapter. If two (2) or more Adult Businesses are within one thousand (1000) feet of one another and otherwise in a permissible location, the Adult Business that was first established and continually operating at a particular location is the conforming business and any later-established business is nonconforming.
- C. An Adult Business lawfully operating as a conforming business is not rendered nonconforming by the location, subsequent to the grant or renewal of the Adult Business license, of a primary or secondary school, house of worship, public library, licensed day care center, public park or property zoned or used for residential purposes located within the City limits and within one thousand (1000) feet of the Adult Business. This provision applies only to the renewal of a valid license and does not apply

when an application for a license is submitted after a license has expired or has been revoked.

- D. Any nonconforming business may apply to the Governing Body for an extension of time beyond that date provided herein within which to terminate the nonconforming business or make the business conforming. No extension of time shall be granted for a period longer than six (6) months after the termination date otherwise set forth herein and shall be granted only upon a showing of extreme hardship.

Section 19. That Title VI, Chapter 650, Section 650.130 of the Parkville Municipal Code is hereby added as follows:

SECTION 650.130 RETAIL SALES OF ADULT MEDIA

A. Applicability.

This section shall apply to any bookstore, video store or other similar retail store in which Adult Media constitutes more than ten (10) percent, but not more than thirty-three (33) percent, of the store's inventory at any time, or where Adult Media constitutes more than ten (10) percent but not more than thirty-three (33) percent of the merchandise displayed for sale or rental at any time, or where Adult Media occupies more than ten (10) percent, but not more than thirty-three (33) percent, of the sales floor area of the business (not including store rooms, stock areas, restrooms, or any portion of the business not open to the public) at any time.

B. Prohibition of Public Display.

The owner or Manager of a store to which this section is applicable shall have the affirmative duty to prevent the display of Adult Media at or within the portions of the business open to Minors.

C. Display of Adult Media.

Adult Media in a store to which this section applies shall be kept in a separate room or section of the store, which room or section shall:

1. not be open to any Minor;
2. be physically and visually separate from the rest of the store by an opaque wall or durable material reaching at least eight (8) feet high or to the ceiling, whichever is less;

3. be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
4. have access controlled by electronic or other means to provide assurance that Minors will not accidentally enter such room or section.

Section 20. That Title VI, Chapter 650, Section 650.140 of the Parkville Municipal Code is hereby added as follows:

SECTION 650.140 SEVERABILITY

Severability is intended throughout and within the provision of this Chapter. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Chapter.

Section 21. That Title VI, Chapter 650, Section 650.150 of the Parkville Municipal Code is hereby added as follows:

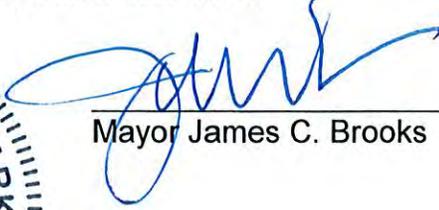
SECTION 650.150 SAVINGS CLAUSE

Neither the adoption of this Chapter nor the repeal or amendment of any ordinance or part or portion thereof shall in any manner affect the prosecution or civil enforcement for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty at said effective date due and unpaid under this Chapter, nor be construed as affecting any of the provisions of the ordinances relating to the collection of any license, fee or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect.

Section 22. This ordinance shall be in effect immediately upon its passage and approval.

PASSED and APPROVED this 6th day of November 2012.





Mayor James C. Brooks

ATTESTED:



City Clerk Claudia Willhite

AN ORDINANCE AMENDING AND REPEALING TITLE II, SECTION 215.180 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE AND ENACTING A NEW PROVISION RELATING TO THE SELLING, DISPLAYING, ADVERTISING, POSSESSING OR USE OF DRUGS, DRUG PARAPHERNALIA AND IMITATION CONTROLLED SUBSTANCES.

WHEREAS, the Board of Aldermen of the City of Parkville, Missouri, passed Ordinance 2615 imposing a six month moratorium on, among other things, the issuance of any business licenses for any business selling or displaying drug paraphernalia as defined in Section 195.010 RSMo, or modifying any existing business or license to allow the same, and

WHEREAS, the Board of Aldermen of the City of Parkville, Missouri, passed Ordinance 2632 extending the moratorium until September 30, 2012, and

WHEREAS, the Board of Aldermen of the City of Parkville, Missouri, are concerned for the health, safety and welfare of the citizens of the City of Parkville because the City lacks local regulations for the sale and display of drug paraphernalia as that term is defined in Section 195.010 RSMo, and

WHEREAS, to protect the health, safety and welfare of the citizens of the City of Parkville, the Board of Aldermen desires to adopt regulations concerning the sale, display, advertisement, possession and use of drug paraphernalia or imitation controlled substances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. That Title II, Section 215.180 of the Parkville Municipal Code is hereby repealed and replaced as follows:

Section 215.180 Drugs, Drug Paraphernalia and Imitation Controlled Substance

A. DEFINITIONS For the purposes of this Chapter and unless the context plainly requires otherwise, the following definitions are adopted:

1. "Controlled Substance" means any substance or immediate precursor in schedules I through V listed in Sections 195.005 - 195.425 of the Revised Statutes of Missouri, as amended.
2. "Drug paraphernalia", all equipment, products, substances and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting,

manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425 of the Revised Statutes of Missouri, as amended. It includes, but is not limited to:

- a. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- b. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
- c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant that is a controlled substance or an imitation controlled substance;
- d. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
- e. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;
- f. Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;
- g. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

- h. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;
- i. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;
- k. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;
- l. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - i. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - ii. Water pipes;
 - iii. Carburetion tubes and devices;
 - iv. Smoking and carburetion masks;
 - v. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - vi. Miniature cocaine spoons and cocaine vials;
 - vii. Chamber pipes;

- viii. Carburetor pipes;
 - ix. Electric pipes;
 - x. Air-driven pipes;
 - xi. Chillums;
 - xii. Bongs; and
 - xiii. Ice pipes or chillers.
- m. Substances used, intended for use, or designed for use in the manufacture of a controlled substance; In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
 - c. The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425*;
 - d. The proximity of the object to controlled substances or imitation controlled substances;
 - e. The existence of any residue of controlled substances or imitation controlled substances on the object;
 - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425425 of the Revised

Statutes of Missouri, as amended; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 425 of the Revised Statutes of Missouri, as amended, shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

- g. Instructions, oral or written, provided with the object concerning its use;
 - h. Descriptive materials accompanying the object that explain or depict its use;
 - i. National or local advertising concerning its use;
 - j. The manner in which the object is displayed for sale;
 - k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
 - m. The existence and scope of legitimate uses for the object in the community;
 - n. Expert testimony concerning its use; and
 - o. The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material.
3. "Imitation controlled substance" means a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a

controlled substance. In determining whether the substance is an imitation controlled substance, a court or other authority concerned should consider, in addition to all other logically relevant factors, the following:

- a. Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;
 - b. Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
 - c. Whether the substance is packaged in a manner normally used for illicit controlled substances;
 - d. Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;
 - e. The proximity of the substances to controlled substances; and
 - f. Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research.
4. "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust,

partnership, joint venture or association, or any other legal or commercial entity.

B. REGULATION OF CONTROLLED SUBSTANCES, DRUG PARAPHERNALIA AND IMITATION CONTROLLED SUBSTANCES; DECLARATION OF NUISANCE.

1. It is unlawful for any person to manufacture, possess, have under his control, sell, give away, prescribe, administer dispense or compound any controlled substance, except as authorized in Sections 195.005 – 195.425 of the Revised Statutes of Missouri, as amended.
2. It is unlawful for any person, knowing the drug-related nature of the object, to sell, lend, rent, lease, give, exchange or otherwise distribute to any person any drug paraphernalia or imitation controlled substance.
3. It is unlawful for any person, knowing the drug-related nature of the object, to display for sale or possess with the intent to distribute any drug paraphernalia or imitation controlled substance.
4. It is unlawful for any person to use, or to possess with intent to use, any drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or imitation controlled substance in violation of statute or ordinance.
5. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia, or imitation controlled substance.
6. The fact that an item has not yet been used or did not contain a controlled substance at the time of the seizure is not a defense to a charge that the item was possessed with the intention for use as drug paraphernalia.

7. The display of any drug paraphernalia or imitation controlled substance at a place of display for educational or scientific purposes shall not be unlawful.
 8. In addition to any penalty authorized by this section, a violation of this section is hereby deemed and declared to be a nuisance.
- C. All controlled substances, drug paraphernalia, and imitation controlled substances in the possession of any person convicted of a violation of this section, shall be seized by, confiscated by, and forfeited to the Chief of Police, who shall make proper disposition thereof.

Section 2. This ordinance shall be in effect immediately upon its passage and approval.

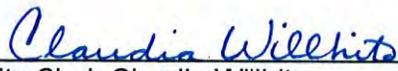
PASSED this 6th day of November, 2012.





Mayor James C. Brooks

ATTESTED:



City Clerk Claudia Willhite

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE TITLE VI, CHAPTER 650, SECTION 650.020, A, 1 AND SECTION 650.120, C, AND AMENDING ORDINANCE 2655 PREVIOUSLY ADOPTING SUCH.

WHEREAS, to protect the health, safety and welfare of the citizens of the City of Parkville, on November 6, 2012, the Board of Aldermen of the City of Parkville, Missouri, unanimously adopted Ordinance 2655, *An Ordinance Amending and Repealing Existing Title VI, Chapter 650 of the Municipal Code of the City of Parkville and Enacting New Provisions for the Licensing and Regulation of Adult Businesses, Establishing Fees, and Providing Penalties for Violations*, to minimize and control the adverse secondary effects associated with adult businesses;

WHEREAS, Section 650.020, A, 1, created by said Ordinance, requires a 1,000 foot minimum separation between an Adult Business and primary or secondary school, house of worship, public library, licensed child care center, public park, or property zoned or used for residential purposes, which uses are located within the city limits; and

WHEREAS, Section 650.120, C, created by said Ordinance, addresses the applicability of Chapter 650 to an existing adult business, when a primary or secondary school, house of worship, public library, licensed day care center, public park or property zoned or used for residential purposes locates within the City limits and within one thousand (1000) feet of the Adult Business; and

WHEREAS, after adoption the City intends to clarify that the 1,000 foot separation was not intended to apply to only those uses within the City limits; and

WHEREAS, it is not the intent of this Ordinance or any previously enacted Ordinance to suppress or limit any speech activities protected by the First Amendment to the United States Constitution, but to enact a content neutral, reasonable time, place and manner regulation that effectively addresses the harmful secondary effects associated with adult businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. That Title VI, Chapter 650, Section 650.020, subsection A, 1 of the Parkville Municipal Code is hereby repealed and replaced as follows:

1. The premises for which an application for an Adult Business has been made is located within one thousand (1000) feet of any primary or secondary school, house of worship, public library, licensed child care center, public park, or property zoned or used for residential purposes. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the

nearest point of the premises from which the Adult Business would be operated to the nearest point on the property line of any primary or secondary school, house of worship, public library, licensed child care center, public park, or property zoned or used for residential purposes;

- a. provided the phrase "property zoned or used for residential purposes" shall not include any property zoned for residential use for which a special use permit has been granted for an indefinite period of time which permit allows a non-residential use;
- b. provided further, the list of uses set forth above shall exclude streets, alleys and highway rights-of-way.

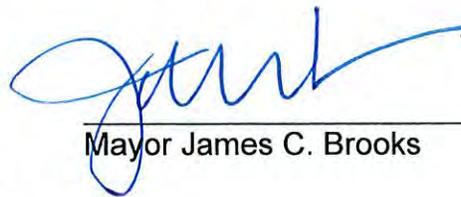
Section 2. That Title VI, Chapter 650, Section 650.120, subsection C of the Parkville Municipal Code is hereby repealed and replaced as follows:

- C. An Adult Business lawfully operating as a conforming business is not rendered nonconforming by the location, subsequent to the grant or renewal of the Adult Business license, of a primary or secondary school, house of worship, public library, licensed day care center, public park or property zoned or used for residential purposes and within one thousand (1000) feet of the Adult Business. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or has been revoked.

Section 3. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 20th day of November 2012.





Mayor James C. Brooks

ATTESTED:



City Clerk Claudia S. Willhite

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE, TITLE IV, ZONING CODE, TO DEFINE ADULT BUSINESS USES AND RELATED TERMS, IDENTIFY WHERE SAID BUSINESSES ARE PERMITTED, PROHIBITED AND CONDITIONALLY PERMITTED, AND TO IDENTIFY ZONING AND OTHER REGULATIONS APPLYING TO SAID BUSINESSES.

WHEREAS, based on secondary effects studies, case law, testimony previously received in connection with earlier adult business ordinances adopted by the City, information presented by the city attorney, city staff and other public testimony, and other information before it, the Board of Aldermen of the City of Parkville, Missouri, has made the following legislative findings of fact:

1. That the Board of Aldermen, as elected representatives of the citizens of the City, have a duty to investigate the feasibility of adopting reasonable regulations to protect the citizens of the City from activities that have adverse effects that are harmful to the health, safety and general welfare of the citizenry; and
2. That the Board of Aldermen and staff have conducted an extensive review of the available studies concerning the detrimental secondary effects associated with the location of adult businesses within a city. The secondary effects studies previously reviewed by the Board of Aldermen include studies conducted by Eric Damian Kelly, Ph.D., AICP, and Connie B. Cooper, AICP, entitled "Adult Use Study" prepared for the City of Kansas City, Missouri, (April 1998)(the "Kelly & Cooper Study"), and Richard McCleary, Ph.D., entitled "Crime-Related Secondary Effects of Sexually-Oriented Business" prepared Jackson, County, Missouri (May 9, 2008), as well as a study prepared by Dr. McCleary for Hillsborough County, FL (August 26, 2006); reports by the Sexually Oriented Business Ordinance Revision Committee of the Houston City Council (January 7, 1997), and the Minnesota Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989); a Survey of Real Estate Appraisers by the City of Oklahoma City, Oklahoma, regarding Adult Businesses in Oklahoma City (March 3, 1986); and testimony before the Ohio Senate Judiciary Committee on Civil Justice by David Sherman, former owner of an adult business (December 3, 2002); and
3. The Kelly & Cooper Study is reasonably believed to be of particular relevance to the City both due to its geographical focus on adult businesses in the metropolitan area of which the City is a part and due to its particularized analysis of businesses it refers to as "sex shops" and "video viewing booths"; and
4. That the Board of Aldermen has heard testimony from Chief Kevin Chrisman, Chief of Police of Parkville, and Detective Chris Onik with the Kansas City, Missouri Police Department, Vice Division, concerning the negative secondary effects associated with adult businesses; and

5. That based on all of the secondary effects studies listed in paragraph 2 above, case law, information from staff and other information, the Board of Aldermen has determined that adult businesses are historically and regularly associated with and promote personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, litter, and other criminal activity that constitute an immediate threat to the public peace, health, morals and safety; and
6. That adult businesses are frequently used for unlawful sexual activities, including prostitution, which create a legitimate health concern of the City that this activity will spread sexually transmitted diseases and create other health related issues, and thus demand reasonable regulation of adult businesses to protect the health, safety and welfare of the citizens; and
7. That adult businesses have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values, which create a legitimate concern of the City to protect property values, business interests and generally protect the City from urban blight associated with adult businesses; and
8. That it is recognized that adult businesses have negative secondary effects, particularly when they are located in the same building or in close proximity to each other, thereby contributing to increased crime, urban blight and deteriorating property values; and
9. That the Kelly & Cooper Study found that the types of media viewed in adult media viewing booths are available for viewing or reading, purchase or rental in other types of adult businesses that are less harmful to the public health, safety and welfare of the community, and therefore adult media viewing booths should be prohibited in favor of other venues; and
10. That adult retail establishments (the businesses referred to in the Kelly & Cooper Study as "sex shops") have documented secondary effects within nearby residential neighborhoods notwithstanding the retail nature of the business and the fact that the goods sold are ultimately consumed off-premises; and

WHEREAS, in 2010 the Missouri General Assembly adopted R.S.Mo. Sections 573.525 – 573.537 regulating sexually oriented businesses in Missouri, and providing that any political subdivision may maintain, enact or enforce any local ordinance, rule, regulation, resolution or similar law concerning the regulation of sexually oriented businesses or similar adult oriented businesses, which is stricter than, but not inconsistent with, the provisions of Sections 573.525 to 573.537; and

WHEREAS, the Missouri General Assembly in R.S.Mo. Section 573.525.2. found that:

1. Sexually oriented businesses, as a category of commercial enterprises, are associated with a wide variety of adverse secondary effects, including but not limited to personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation; and
2. Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area; and
3. Each of the foregoing negative secondary effects constitutes a harm which the state has a substantial interest in preventing or abating, or both. Such substantial government interest in preventing secondary effects, which is the state's rationale for sections 573.525 to 573.537, exists independent of any comparative analysis between sexually oriented and nonsexually oriented businesses. Additionally, the state's interest in regulating sexually oriented businesses extends to preventing future secondary effects of current or future sexually oriented businesses that may locate in the state; and

WHEREAS, the Missouri Supreme Court in *Ocello v. Koster*, 354 S.W.3d 187 (Mo. banc 2011) upheld the provisions of Sections 573.525 to 573.537; and

WHEREAS, the Board of Aldermen of the City of Parkville, Missouri, pursuant to the City's police powers, desires to minimize and control the adverse secondary effects associated with adult businesses and thereby protect the health, safety, and welfare of the neighborhoods and to deter the spread of urban blight; and

WHEREAS, to protect the health, safety and welfare of the citizens of the City of Parkville, the Board of Aldermen of the City of Parkville, Missouri passed Ordinances 2615, 2632, 2652 imposing and extending a moratorium on the issuance of any business license for any business selling, displaying or renting of goods that are designed for use in connection with specified sexual activities in excess of 1% of the gross floor space devoted to that purpose or 1% of the retail floor space devoted to that purpose or 1% of the gross sales of the business as derived from that purpose or modifying an existing business or license to allow for the same; and

WHEREAS, to protect the health, safety and welfare of the citizens of the City of Parkville, the Board of Aldermen of the City of Parkville, Missouri directed the city attorney and city staff to draft adult business ordinances as necessary to minimize and control the adverse secondary effects associated with adult businesses; and

WHEREAS, on November 6, 2012, the Board of Aldermen of the City of Parkville, Missouri, unanimously adopted Ordinance 2655, *An Ordinance Amending and Repealing Existing Title VI, Chapter 650 of the Municipal Code of the City of Parkville and Enacting New Provisions for the Licensing and Regulation of Adult Businesses, Establishing Fees, and Providing Penalties for Violations*; and

WHEREAS, on November 13, 2012, the Planning Commission of the City of Parkville, Missouri held a public hearing to consider amendments to Parkville Municipal Code, Title IV, Zoning Code, found it necessary to amend said zoning code to minimize and control the adverse secondary effects associated with adult businesses, and unanimously voted to recommend approval of amendments to Chapters 400: *General Provisions*, 410: *"R-1" Single-Family District Regulations*, 415: *"R-2" Single-Family Residential District Regulations*, 420: *"R-3" Single-Family District Regulations*, 425: *"R-4" Multiple-Family Residential District Regulations*, 426: *"R-5" Planned Multi-Family Residential District Regulations*, 427: *"TND" Traditional Neighborhood Design District*, 428: *"P-EC" Planned Educational Campus District*, 430: *"B-1" Neighborhood Business District Regulations*, 435: *"B-2" General Business District Regulations*, 440: *"B-4" Planned Business District Regulations*, 442: *"OTD" Old Town District*, 443: *"B-P" Business Park District Regulations*, 445: *"I-1" Light Industrial District Regulations*, 450: *"I-2" Light Industrial District Regulations*, 455: *"I-3" Heavy Industrial District Regulations*, 457: *"U-I-1" Underground Light Industrial District Regulations*, 460: *Vehicle Parking*, 463: *Sign Code*, and 470: *Supplementary Use Regulations -- Conditional Uses*, and the creation of a new Chapter 472: *Regulations Governing Adult Businesses* all as necessary to define adult business uses, identify in which zoning districts adult businesses are permitted, prohibited and conditionally permitted, and to apply parking, signage and other regulations to adult businesses; and

WHEREAS, it is not the intent of the this Ordinance or any previously enacted Ordinance to suppress or limit any speech activities protected by the First Amendment to the United States Constitution, but to enact a content neutral, reasonable time, place and manner regulation that effectively addresses the harmful secondary effects associated with adult businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Parkville Municipal Code, Title IV, Chapter 400, Section 400.030, *Definitions*, is hereby amended to add new definitions as follows:

ADULT BUSINESS: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

ADULT ENTERTAINMENT: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

ADULT MEDIA: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

ADULT MEDIA VIEWING BOOTH: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

EMPLOYEE: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

ENTERTAINMENT: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

MANAGER: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

MINOR: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

NUDE: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

NUDITY: Same as "Nude", herein.

OBSCENE: Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

OPERATOR: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

PATRON: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

SERVER: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

SEXUALLY-ORIENTED TOYS OR NOVELTIES: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

SPECIFIED ANATOMICAL AREAS: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

SPECIFIED SEXUAL ACTIVITIES: Shall have the meaning as defined in Title VI, Chapter 650, Section 650.005.

Section 2. Parkville Municipal Code, Title IV, Chapter 410, "*R-1*" *Single-Family District Regulations*, Section 410.020, *Use Regulations*, is hereby amended to list all permitted uses (without change) as subsection "A. Permitted Uses", and add a new subsection "B. Prohibited Uses" as follows:

B. Prohibited Uses: No building or premises shall be used for the following purposes, either as a primary or accessory use:

1. Adult business

Section 3. Parkville Municipal Code, Title IV, Chapter 425, "*R-4*" *Multiple-Family Residential District Regulations*, Section 425.020, *Use Regulations*, is hereby amended to list all permitted uses (without change) as subsection "A. Permitted Uses", and add a new subsection "B. Prohibited Uses" as follows:

B. Prohibited Uses: No building or premises shall be used for the following purposes, either as a primary or accessory use:

1. Adult business

Section 4. Parkville Municipal Code, Title IV, Chapter 426, "*R-5*" *Planned Multi-Family Residential District Regulations*, Section 426.020, *Use Regulations*, is hereby amended to list all permitted uses (without change) as subsection "A. Permitted Uses", and add a new subsection "B. Prohibited Uses" as follows:

B. Prohibited Uses: No building or premises shall be used for the following purposes, either as a primary or accessory use:

1. Adult business

Section 5. Parkville Municipal Code, Title IV, Chapter 427, "*TND*" *Traditional Neighborhood Design District*, Section 427.100, *Permitted Uses*, is hereby amended to add a new subsection 4 as follows:

4. Prohibited Uses: No building or premises shall be used for the following purposes, either as a primary or accessory use:

- a. Adult business

Section 6. Parkville Municipal Code, Title IV, Chapter 428, "*P-EC*" *Planned Educational Campus District*, Section 428.020, *Use Regulations*, is hereby amended to list all existing language (without change) as subsection "A. Permitted Uses", and add a new subsection "B. Prohibited Uses" as follows:

B. Prohibited Uses: No building or premises shall be used for the following purposes, either as a primary or accessory use:

1. Adult business

Section 7. Parkville Municipal Code, Title IV, Chapter 430, "*B-1" Neighborhood Business District Regulations*, Section 435.020, *Use Regulations*, is hereby amended to list all permitted uses (without change) as subsection "A. Permitted Uses", and add a new subsection "B. Prohibited Uses" as follows:

B. Prohibited Uses: No building or premises shall be used for the following purposes, either as a primary or accessory use:

1. Adult business

Section 8. Parkville Municipal Code, Title IV, Chapter 442, "*OTD" Old Town District*, Section 442.020, *Prohibited Uses*, subsection 5, is hereby repealed and replaced as follows:

5. Adult business

Section 9. Parkville Municipal Code, Title IV, Chapter 443, "*B-P" Business Park District Regulations*, Section 443.020, *Use Regulations*, is hereby amended to add a new subsection C, *Prohibited Uses*, as follows:

C. Prohibited Uses: No building or premises shall be used for the following purposes, either as a primary or accessory use:

1. Adult business

Section 10. Parkville Municipal Code, Title IV, Chapter 455, "*I-3" Heavy Industrial District Regulations*, Section 455.020, *Use Regulations*, is hereby amended to list all permitted uses (without change) as subsection "A. Permitted Uses", and add a new subsection "B. Prohibited Uses" as follows:

B. Prohibited Uses: No building or premises shall be used for the following purposes, either as a primary or accessory use:

1. Adult business

Section 11. Parkville Municipal Code, Title IV, Chapter 457, "*U-1" Underground District Regulations*, Section 457.040, *Prohibited Uses*, is hereby amended to add a new subsection D as follows:

D. Adult business, neither as a primary nor accessory use.

Section 12. Parkville Municipal Code, Title IV, Chapter 460, *Vehicle Parking*, Section 460.040, Table 460.1, *Minimum Parking Requirements by Use*, subsection B, *Commercial*, is hereby amended to add a new subsection 20 as follows:

| Table 460.1 Minimum Parking Requirements by Use | | |
|---|---|---|
| Use | Number of Parking Spaces | Required for Each |
| B. Commercial | | |
| 20. Adult business | | |
| a. Adult businesses that offer merchandise for exchange, rental or sale, including Adult Media Outlet, Adult Newsrack, Adult Retail Establishment, Sexual Device Shop and similar. | 5 | 1,000 sf ¹ of gfa ² |
| b. Adult businesses that provide entertainment, including Adult Entertainment Business, Adult Motion Picture Theater, Adult Theater, Adult Entertainment Cabaret, Adult Entertainment Studio and similar. | 1 | 2 seats |

Section 13. Parkville Municipal Code, Title IV, Chapter 463, *Sign Code*, Section 463.170, *Signs Not Allowed In Any District*, is hereby repealed and replaced as follows:

- A. Flashing Signs. Flashing signs shall not be permitted in any district or portion of the City.
- B. Obscene or Indecent Advertisement. Signs displaying or containing statements, words, or pictures that depict or describe Specified Sexual Activities or Specified Anatomical Areas, or materials of an obscene nature.

Section 14. Parkville Municipal Code, Title IV, Chapter 470, *Supplementary Use Regulations -- Conditional Uses*, Section 470.040, *Conditional Uses Enumerated*, is hereby amended to add a new subsection 25 as follows:

- 25. An adult business that offers merchandise for exchange, rental or sale, including Adult Media Outlet, Adult Newsrack, Adult Retail Establishment, Sexual Device Shop and similar, or Adult business that provides entertainment, including Adult Entertainment Business, Adult Motion Picture Theater, Adult Theater, Adult Entertainment Cabaret, Adult Entertainment Studio and similar, in the "B-2" General Business District, "B-4" Planned Business District, "I-1" Light Industrial District and "I-2" Light Industrial District, all subject to all applicable regulations contained in Chapter 472, *Regulations Governing Adult Businesses*. Any Adult Business permitted as a conditional use shall be primary or principal uses and in no case shall any Adult Business be approved as an accessory use.

Section 15. Parkville Municipal Code, Title IV, is hereby amended to add a new Chapter 472, *Regulations Governing Adult Businesses*, as follows:

CHAPTER 472: REGULATIONS GOVERNING ADULT BUSINESSES

SECTION 472.010: PURPOSE

The purpose of this Chapter is to regulate the secondary effects of adult businesses in order to promote the health, safety, morals, and general welfare of the citizens of Parkville, Missouri, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually explicit materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to sexually explicit materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of this Chapter to condone or legitimize the distribution of obscene or offensive material of a sexual nature.

SECTION 472.020: APPLICABILITY

The regulations set forth in this Chapter, or set forth elsewhere in this Title, when referred to in this Chapter are the zoning regulations governing adult businesses and shall apply to any adult business.

SECTION 472.030: LOCATION RESTRICTIONS

No adult business shall be located:

- A. Within one thousand (1000) feet of any primary or secondary school, house of worship, public library, licensed child care center, public park, or property zoned or used for residential purposes. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the premises from which the Adult Business would be operated to the nearest point on the property line of any primary or secondary school, house of worship, public library, licensed child care center, public park, or property zoned or used for residential purposes;
 - 1. provided the phrase "property zoned or used for residential purposes" shall not include any property zoned for residential use for which a special use permit has been granted for an indefinite period of time which permit allows a non-residential use;
 - 2. provided further, the list of uses set forth above shall exclude streets, alleys and highway rights-of-way.
- B. Within one thousand (1000) feet of any other business located within or without the City meeting the definition of Adult Business, as set forth in this Title. Measurements shall be made in a straight line, without regard to intervening structures or objects from the closest property line of the premises from which

the proposed Adult Business would be operated to the nearest point on the property line of the other business meeting the definition of Adult Business, as set forth in this Title.

SECTION 472.040: SIGNS

- A. All adult businesses shall comply with the sign regulations in Chapter 463, Sign Code.
- B. Any Adult Businesses that shall not be open to minors in accordance with the requirements of Title VI, Chapter 650, shall conspicuously display in the common area at the principal entrance to the premises, a sign, on which uppercase letters shall be at least two (2) inches high, and lowercase letters at least one inch high, which shall read as follows:

THIS BUSINESS IS AN ADULT BUSINESS. ONLY PERSONS EIGHTEEN (18) YEARS OF AGE OR OLDER SHALL BE PERMITTED ON THE PREMISES.

- C. All Adult Entertainment Businesses that provide live entertainment shall conspicuously display in the common area at the principal entrance to the premises, a sign, on which uppercase letters shall be at least two (2) inches high, and lowercase letters at least one inch high, which shall read as follows:

THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED AND LICENSED BY THE CITY OF PARKVILLE

ENTERTAINERS ARE:

- Not permitted to engage in any type of sexual conduct or prostitution on the premises or to fondle, caress or touch the pubic region, buttocks, genitals or female breast of any employee, patron or other entertainer or to permit any employee, patron or other entertainer to fondle, caress or touch the pubic region, buttocks, genitals or female breast of said entertainer.
- Not permitted to be nude.
- Not permitted to demand or collect any payment or gratuity from any customer for entertainment, except as follows:
 - While the entertainer is on the stage, by placing a payment or gratuity into a container located outside a six-foot boundary surrounding the stage; or
 - While the entertainer is not on the stage, by placing a payment or gratuity into the entertainer's hand.

CUSTOMERS ARE:

- Not permitted to be upon the stage at any time or to be within the six-foot marked boundary surrounding the stage while entertainers are performing.
- Not permitted to touch, caress or fondle the pubic region, genitals, buttocks or female breast of any employee, server or entertainer or engage in solicitation for prostitution.

SECTION 472.050: DISPLAYS

A. Prohibition of Public Display. No Adult Business will be conducted in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or Persons depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas, as defined in this Title, from any exterior source by display, decoration, sign, show window or other opening.

B. Display of Adult Media

1. Applicability. This section shall apply to any bookstore, video store or other similar retail store in which Adult Media constitutes more than ten (10) percent, but not more than thirty-three (33) percent, of the store's inventory at any time, or where Adult Media constitutes more than ten (10) percent but not more than thirty-three (33) percent of the merchandise displayed for sale or rental at any time, or where Adult Media occupies more than ten (10) percent, but not more than thirty-three (33) percent, of the sales floor area of the business (not including store rooms, stock areas, restrooms, or any portion of the business not open to the public) at any time.

2. Display of Adult Media. Adult Media in a store to which this section applies shall be kept in a separate room or section of the store, which room or section shall:

- a) not be open to any Minor;
- b) be physically and visually separate from the rest of the store by an opaque wall or durable material reaching at least eight (8) feet high or to the ceiling, whichever is less;
- c) be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
- d) have access controlled by electronic or other means to provide assurance that Minors will not accidentally enter such room or section.

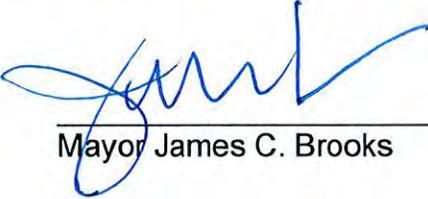
3. The owner or Manager of a store to which this section is applicable shall have the affirmative duty to prevent the display of Adult Media at or within the portions of the business open to Minors.

Section 16. All required notifications have been published and posted, and all required public hearings on this matter have been held.

Section 17. The Planning & Zoning Commission has reviewed and considered the above-referenced amendment. At its November 13, 2012 meeting, the Planning & Zoning Commission recommended approval of the same by a vote of 6 to 0.

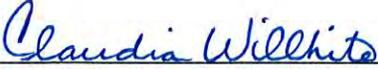
Section 18. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 20th day of November 2012.



Mayor James C. Brooks

ATTESTED:



City Clerk Claudia S. Willhite

BILL NO. : 2691

ORD. NO. : 2661

AN ORDINANCE TO AMEND THE PARKVILLE MUNICIPAL CODE TITLE I, CHAPTER 140, SECTION 140.350 PARKS FACILITY USAGE AND PERMIT FEE SCHEDULE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title I, Chapter 140, Section 140.350 of the City of Parkville Municipal Code is hereby amended to change subsections 1., 2., 3., and 6.b. to:

Reserved Use of Park Facilities. The two (2) large shelters, and the McKeon Stage/Patio, in English Landing Park may be reserved for use by groups, as follows:

6. b. McKeon Stage/Patio

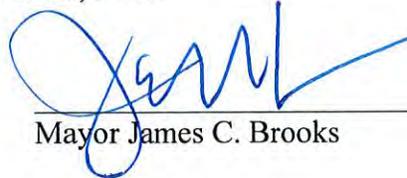
Daily Event fee of \$400 or \$425 (\$300 Event Fee and \$100 Stage/Patio fee for residents or \$125 Stage/Patio fee for non-residents)

Section 2. The above changes have been recommended by the CLARB Board unanimously.

Section 3. The ordinance shall be effective immediately upon its passage and approval.

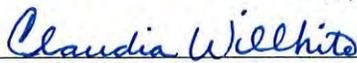
PASSED and APPROVED this 20th day of November, 2012.





Mayor James C. Brooks

ATTESTED:



City Clerk Claudia Willhite

ORD. NO. : 2661

BILL NO. 2698

ORDINANCE NO. 2668

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE, TITLE I, CHAPTER 145, SECTION 145.060, REGARDING QUALIFICATIONS FOR THE POSITION OF MUNICIPAL COURT JUDGE.

WHEREAS, the Parkville Municipal Code Section 145.060, *Qualifications for Office*, lists qualifications required to serve as Parkville Municipal Judge; and

WHEREAS, the Board of Aldermen desire to amend said Section 145.060, subsection 1, to require the judge to be a licensed attorney; and

WHEREAS, the Board of Aldermen desire to amend said Section 145.060, subsection 6, to allow qualified residents or non-residents to serve.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title I, Chapter 145, Section 145.060 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 145.060: QUALIFICATIONS FOR OFFICE

The Municipal Judge shall possess the following qualifications before he shall take office:

1. He/she must be a licensed attorney, qualified to practice law within the State of Missouri.
2. He/she must be a resident of the State of Missouri.
3. He/she must be between the ages of twenty-one (21) and seventy-five (75) years.
4. He/she may serve as Municipal Judge for any other municipality.
5. He/she may not hold any other office within the City government.
6. The Municipal Judge may, but need not, be a resident of the City of Parkville.
7. The Municipal Judge shall be considered holding a part-time position, and as such may accept (within the requirements of the Code of Judicial Conduct, Missouri Supreme Court Rule 2) other employment.

Section 2. This ordinance shall be effective immediately upon passage and approval.

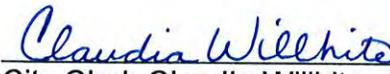
PASSED and APPROVED this 15th day of January 2013.





Mayor James C. Brooks

ATTESTED:



City Clerk Claudia Willhite

BILL NO. 2700

ORDINANCE NO. 2670

AN ORDINANCE APPROVING AN AMENDMENT TO PARKVILLE MUNICIPAL CODE, TITLE III, CHAPTER 362, SECTION 362.050 REGARDING REGISTRATION OF LOW SPEED VEHICLES AND GOLF CARTS.

WHEREAS, on December 20, 2011, the Parkville Board of Aldermen did approve an ordinance to create a new Chapter 362 of the Municipal Code in order to permit operation of golf carts and low speed vehicles on certain public streets in Parkville, and

WHEREAS, said ordinance also addressed the registration process for said vehicles and since the implementation of such registration process, it has been determined that the fees and frequency of registration and renewal should be revised as set out in the following amendment.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title III, Chapter 362, Section 362.050 regarding registration of "Neighborhood Vehicles" as defined in said Chapter of the Municipal Code is hereby repealed and replaced as follows:

SECTION 362.050: REGISTRATION

A. Neighborhood Vehicles operating on public streets under the jurisdiction of the City of Parkville shall be registered with the City Clerk for the City of Parkville.

B. Each application for registration shall include (i) basic identifying information for the Neighborhood Vehicle (make, model, color and such other identifying information as the City Clerk deems advisable), (ii) the name and address of the Owner of the Neighborhood Vehicle, (iii) a copy of proof of financial responsibility if the Neighborhood Vehicle being registered is a Low Speed Vehicle, and (iv) a certification by the owner that the Neighborhood Vehicle meets all requirements of this Ordinance applicable to it as either an LSV or a Golf Cart (and identifying which class of Neighborhood Vehicle is being registered). A proof of registration issued by the City of Parkville in the form of a receipt for registration and an identification sticker shall constitute all permits required from the City of Parkville. The proof of registration shall be kept in the Neighborhood Vehicle at all times of operation on

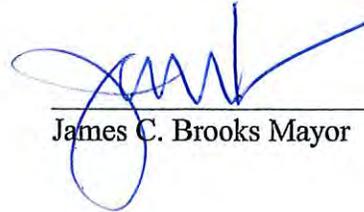
a public street, and the current registration sticker shall be conspicuously displayed on the exterior of the Neighborhood Vehicle. Registrations must be renewed every two (2) years, and will be deemed revoked and invalid if modifications have been made to such Neighborhood Vehicle which would make the owner's certification of the class of neighborhood vehicle untrue.

C. The City of Parkville may charge registration fees as follows: (i) \$30 for each two-year Neighborhood Vehicle registration and/or renewal for Owners registering four (4) or fewer Neighborhood Vehicles and (ii) \$20 for each two-year Neighborhood Vehicle registration and/or renewal for Owners registering five (5) or more Neighborhood Vehicles.

Section 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 19TH day of February 2013.




James C. Brooks Mayor

ATTESTED:

Assistant City Clerk Tracy Sisney

BILL NO. : 2701

ORD. NO. : 2671

AN ORDINANCE TO AMEND THE PARKVILLE MUNICIPAL CODE TITLE I, CHAPTER 140, SECTION 140.350 PARKS FACILITY USAGE AND PERMIT FEE SCHEDULE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title I, Chapter 140, Section 140.350 of the City of Parkville Municipal Code is hereby amended to change subsections 6-(e)2, 6-(f)2, and 6-(g)1:

Ballfield 1, Grigsby Field, and Ballfield 3:

Revise the reserved practice usage fee from \$15 per hour to \$20 per hour per field.

Soccer Field:

Revise the reserved practice usage fee from \$15 per hour to \$20 per hour.

Sand Volleyball Courts:

Add a reserved usage fee of \$20 per hour per court.

Section 2. The above changes have been recommended by the CLARB Board unanimously.

Section 3. The ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 19th day of February, 2013.



Mayor James C. Brooks

ATTESTED:



Assistant City Clerk Tracy Sisney

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE, TITLE I, CHAPTER 110, SECTION 110.120, REGARDING FILLING OF VACANCIES IN CERTAIN OFFICES.

WHEREAS, the Parkville Municipal Code Section 110.120, *Vacancies in Certain Offices -- How Filled*, defines the process for filling vacancies in elected and some appointed offices, referencing the Missouri Revised Statutes Section 79.280, titled the same; and

WHEREAS, since the adoption of Municipal Code Section 110.120, the referenced Missouri Revised Statutes Section 79.280 has been updated and is now more specific than the language contained in the Municipal Code; and

WHEREAS, the Board of Aldermen desire to amend said Section 110.120 as follows, to be consistent with the Missouri Revised Statutes Section 79.280 as currently adopted.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Title I, Chapter 110, Section 110.120 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 110.120: VACANCIES IN CERTAIN OFFICES -- HOW FILLED

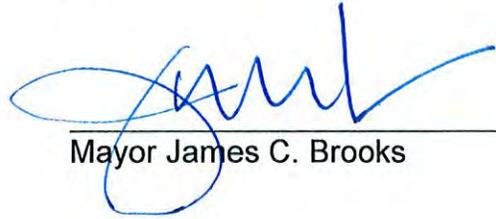
If a vacancy occurs in any elective office, the Mayor, or in the absence of the Mayor the Acting President of the Board of Aldermen, shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The successor shall serve until the next regular municipal election. Except where specific procedure is otherwise set out in the Parkville Municipal Code, if a vacancy occurs in any non-elected office, the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

Section 2. This ordinance shall be effective immediately upon passage and approval.

PASSED and APPROVED this 5th day of March 2013.



ATTESTED:



Mayor James C. Brooks



Assistant City Clerk Tracy Sisney

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE CHAPTER 362, OPERATION OF GOLF CARTS AND LOW SPEED VEHICLES ON PUBLIC STREETS, SECTION 362.050, REGISTRATION.

WHEREAS, on December 20, 2011 Parkville Board of Aldermen adopted Ordinance 2620 creating Parkville Municipal Code Chapter 362, *Operation Of Golf Carts And Low Speed Vehicles On Public Streets*; and

WHEREAS, said ordinance regulates the operation of Low Speed Vehicles on public streets and includes requirements for registering said vehicles; and

WHEREAS, following adoption the Board of Aldermen have determined that it is in the best interests of the City to amend Section 362.050 of said Chapter to require Neighborhood Vehicles more than two years old to obtain an inspection and Certificate of Satisfactory Inspection from a qualified inspector in order to apply for new or renewal registration; and

WHEREAS, Board of Aldermen have also determined that registration shall be required every two years.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Parkville Municipal Code, Chapter 362, *Operation of Golf Carts and Low Speed Vehicles on Public Streets*, Section 362.050, *Registration*, is hereby repealed and replaced as follows:

SECTION 362.050: REGISTRATION

- A. Neighborhood Vehicles operating on public streets under the jurisdiction of the City of Parkville shall be registered with the City Clerk for the City of Parkville.
- B. Each application for registration shall include (i) basic identifying information for the Neighborhood Vehicle (make, model, color and such other identifying information as the City Clerk deems advisable), (ii) the name and address of the Owner of the Neighborhood Vehicle, (iii) a copy of proof of financial responsibility if the Neighborhood Vehicle being registered is a Low Speed Vehicle, (iv) a certification by the owner that the Neighborhood Vehicle meets all requirements of this Ordinance applicable to it as either an LSV or a Golf Cart (and identifying which class of Neighborhood Vehicle is being registered) and (v) for new or renewal registrations for Neighborhood Vehicles more than two (2) years old, a certificate indicating that the Neighborhood Vehicle has passed the requirements of inspection as described in Section 362.050(D) below. A proof of registration issued by the City of Parkville in the form of a

receipt for registration and an identification sticker shall constitute all permits required from the City of Parkville. The proof of registration shall be kept in the Neighborhood Vehicle at all times of operation on a public street, and the current registration sticker shall be conspicuously displayed on the exterior of the Neighborhood Vehicle. Registrations must be renewed every two (2) years, and will be deemed revoked and invalid if modifications have been made to such Neighborhood Vehicle which would make the owner's certification of the class of neighborhood vehicle untrue.

- C. The City of Parkville may charge registration fees as follows: (i) \$30 for each two-year Neighborhood Vehicle registration and/or renewal for Owners registering four (4) or fewer Neighborhood Vehicles, and (ii) \$20 for each two-year Neighborhood Vehicle registration and/or renewal for Owners registering five (5) or more Neighborhood Vehicles.
- D. In order to apply for new or renewal registration under this section, Neighborhood Vehicles more than two (2) years old shall pass an inspection ("NV Inspection") conducted by a licensed Missouri Vehicle Inspection station or a person or entity in the regular business of repairing, servicing and/or maintaining Neighborhood Vehicles (each a "Qualified Inspector"), and shall obtain from such Qualified Inspector, a signed Certificate of Satisfactory Inspection. The City Clerk will maintain a form of "Certificate of Satisfactory Inspection" which will list the NV Inspection requirements as provided below. The City Clerk may provide blank forms of Certificate of Satisfactory Inspection to known Qualified Inspectors, and otherwise will provide such forms to Owners of Neighborhood Vehicles upon request.

The NV Inspection will consist of the following:

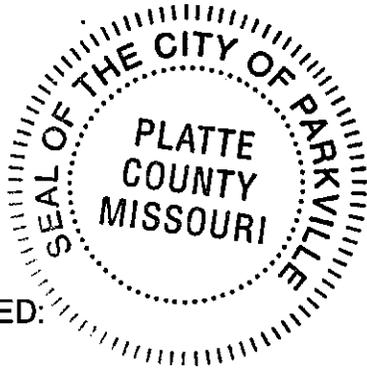
- (i) Confirm that the brakes are operational;
- (ii) Confirm that the parking brake (if equipped) is operational;
- (iii) Confirm that the steering column is operational;
- (iv) Confirm the existence of at least one rear view mirror on the Neighborhood Vehicle;
- (v) Confirm the existence of a flag (not less than 80 square inches in area) extending not less than one (1) foot above the canopy of the Neighborhood Vehicle (or not less than seven (7) feet above the ground if the Neighborhood Vehicle is not equipped with a canopy);
- (vi) Confirm that the Neighborhood Vehicle has not less than four (4) wheels;
- (vii) Confirm that there is not less than two thirty-seconds of an inch ($2/32$ ") of tread depth remaining on each tire, there are no visible tire threads or cords showing and there is no visible rubber separation.

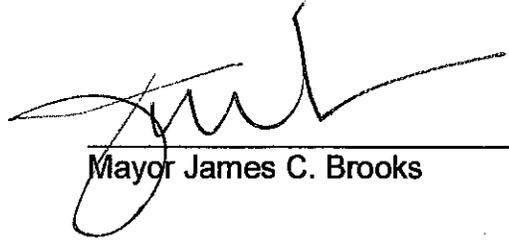
Upon satisfactory confirmation of each of the foregoing, the Owner may request from the Qualified Inspector, a signed Certificate of Satisfactory Inspection.

Section 2. All prior Ordinance or parts of any Ordinance in conflict herewith are hereby repealed.

Section 3. This ordinance shall be effective immediately upon passage and approval.

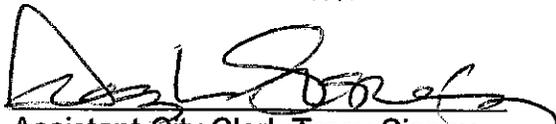
PASSED and APPROVED this 5th day of March 2013.





Mayor James C. Brooks

ATTESTED:



Assistant City Clerk Tracy Sisney

AN ORDINANCE OF THE CITY OF PARKVILLE, MISSOURI, AMENDING AND REPEALING EXISTING TITLE VII, CHAPTER 700 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE AND ENACTING NEW PROVISIONS RELATING TO THE LATE PAYMENT OF BILLS FOR SEWERAGE SERVICE.

WHEREAS, the City of Parkville currently provides for a late fee for any bill for sewerage service that is and remains due and unpaid, as well as a provision for disconnecting sewage service, pursuant to §700.420 of the Municipal Code of the City of Parkville; and,

WHEREAS, R.S.Mo. § 250.234 provides that in addition to late charges for nonpayment, the fees charged by a city shall be a lien upon the property, upon the governing body filing a notice of delinquency with the recorder of deeds; and,

WHEREAS, the Board of Aldermen desire to amend existing §700.420 of the Municipal Code to specifically provide that late fees shall become a lien on property, as authorized by R.S.Mo. § 250.234.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. That Title VII, Chapter 700, Section 700.420 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 700.420: DELINQUENT PAYMENTS

A. If any bill for sewerage services shall be and remain due and unpaid twenty-one (21) days following the date of its rendition, an additional charge, in the nature of a late charge shall be added thereto in the amount of ten percent (10%) of the original bill outstanding, and an additional late charge of three percent (3%) shall be charged for each month thereafter.

B. The City shall retain the right, in addition to all other rights provided for herein, to submit a written request to the water utility to disconnect water service after a bill remains unpaid for ninety (90) days and upon proper notice to the customer receiving sewerage services and owner of the premises where the sewerage services are received as specified by Platte County for payment of taxes for the previous tax year. Service shall not be resumed until all past due bills for sewerage services are paid in full, including the City's actual costs for disconnection and reconnection or any other related costs imposed by the water utility. The City shall retain the right to charge to the customer or owner any court costs and attorney fees incurred by the City in effecting that collection. Following receipt of notice to disconnect, the customer or owner may request that a hearing before the City Administrator concerning the disconnection of water services. The request shall be filed within 15 days of the date of the notice to disconnect, and a hearing shall be held within 15 days of the request for a hearing. The decision of the City Administrator shall be final, and any appeal from that decision shall be made to the Platte County Circuit Court.

C. In addition to imposing late charges, the Board of Aldermen may file with the Recorder of Deeds of Platte County a notice of delinquency, if any bill for sewerage

services shall be and remain due and unpaid ninety (90) days following the date it is due, and those unpaid fees shall be a lien upon the property. If and when the delinquent amounts, plus interest and any recording fees or attorneys' fees, have been paid in full, the Board of Aldermen shall file with the Recorder of Deeds a similar notice of payment. The lien created may be enforced by suit or foreclosure.

Section 2. That Title VII, Chapter 700, Section 700.430 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 700.430: CUSTOMER AND OWNER LIABLE FOR SERVICES

A. The customer for the premises receiving sewerage services and the owner of any such premises shall be jointly and severally liable to pay for such services rendered on such premises. The City shall have the power to sue either the customer or the owner, or both, of such real estate in an appropriate civil action to receive any sums due for such services. Included in this right is the power for the City to receive reasonable attorney's fees and other costs associated with any collection of outstanding bills.

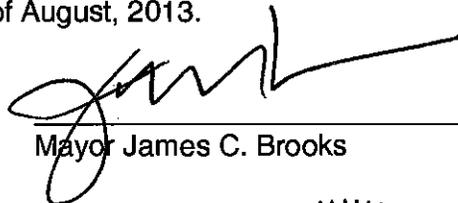
Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, that determination shall not affect the validity of the remainder of this ordinance.

Section 5. This Ordinance shall be printed in the Code of Parkville.

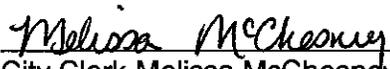
Section 6. This Ordinance shall become effective on October 1, 2013.

PASSED and APPROVED this 20th day of August, 2013.



Mayor James C. Brooks

ATTESTED:



City Clerk Melissa McChesney



AN ORDINANCE TO AMEND SECTION 145.250 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE, MISSOURI, TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF A SURCHARGE ON ALL MUNICIPAL COURT ACTIONS.

WHEREAS, in revised opinion No. 8-2010 of the Office of the Attorney General of the State of Missouri, dated March 11, 2011, the Attorney General opined that under §57.955, RSMo, municipal court clerks must collect a three dollar (\$3.00) surcharge on municipal court violation cases unless the costs are waived and paid by the municipality;

WHEREAS, on July 8, 2013, the Parkville Municipal Court Clerk received a directive from the Office of the State Courts Administrator to begin assessment on August 28, 2013, in every case disposed of by a plea of guilty, an additional surcharge of three dollars (\$3.00) for the "Sheriffs' Retirement Fund", AND

WHEREAS, the clerk responsible for collecting court costs in municipal court shall collect and disburse those amounts as provided by Sections 488.010 to 488.020 RSMo.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. That Title I, Chapter 145, Section 145.250 of the Parkville Municipal Code is hereby repealed and replaced as follows:

In addition to any fine that may be imposed by the Municipal Judge, there shall be assessed as costs in all cases the following:

1. Costs for the Court shall be twelve dollars (\$12.00) per case plus two dollars (\$2.00) for the Police Training Fund. These costs shall apply to all cases.
2. Other costs, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
3. Actual costs assessed against the City for the defendant's apprehension or confinement in any prison facility.
4. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the Officer must travel (both directions) to serve any warrant or commitment or order of this Court.
5. A seven dollar fifty cent (\$7.50) fee to be collected by the City and paid to the Missouri Department of Revenue, County Tax Division, monthly, for the Crime Victims Compensation Fund, pursuant to Section 595.045.3, RSMo.
6. A three dollar (\$3.00) surcharge for every case disposed of by a plea of guilty or a finding of guilty, to be disbursed as provided by Sections 488.010 and 488.020 RSMo and paid to the Sheriff's Retirement Fund.
7. One dollar (\$1.00) per case to be deposited with the Treasurer of the State in the Peace Officer Standards and Training Commission Fund, to be used Statewide for training of Peace Officers. This cost shall apply to all cases.

8. Alcohol and drug-related offenses.
- a. Upon a plea of guilty or a finding of guilty for an alcohol or drug-related traffic offense, the Court may assess as additional costs the costs associated with the arrest of the defendant, as authorized by Section 577.048, RSMo. The sum of one hundred dollars and fifty cents (\$100.50) has been determined to be the minimum cost to the City for an arrest for those offenses.
 - b. If the violator is convicted or pleads guilty to:
 - (1) an "intoxication-related traffic offense", defined by Section 577.023, RSMo., as driving while intoxicated, driving with excessive blood alcohol content, or driving under the influence of alcohol or drugs in violation of State law or a county or municipal ordinance, where the Judge in that case was an attorney and the defendant was represented by or waived the right to an attorney in writing; or
 - (2) a drug-related offense pursuant to the provisions of Chapter 195, RSMo.

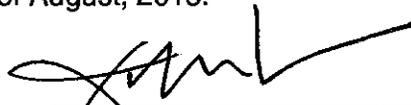
The violator may be assessed a fee in the amount of five dollars (\$5.00) to be collected, if assessed, by the City and paid to the State of Missouri and placed to the credit of the Independent Living Center Fund created in Section 178.653, RSMo., pursuant to and as mandated by Section 561.035, RSMo.

Additionally, the violator may have a judgment of twenty-five dollars (\$25.00) assessed. Collections, if assessed, by the Court shall be paid to the State Department of Revenue to the credit of the Spinal Cord Injury Fund, to the following address: Missouri Department of Revenue, County Tax Section P. O. Box 453, Jefferson City, MO 65105-0453.

9. The Court, at its option, may assess costs for services as set forth in Sections 57.280, 57.290, and 57.300, RSMo, in the amounts as prescribed therein.
10. A two dollar (\$2.00) fee to be collected by the City and paid to Synergy Services, Inc., a battered persons shelter, to help with the cost of providing service to City residents, as authorized in Section 479.261, RSMo.

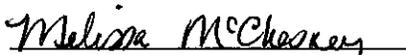
Section 2. This Ordinance shall become effective immediately upon passage and approval.

PASSED and APPROVED this 20th day of August, 2013.



Mayor James C. Brooks.

ATTESTED:



City Clerk Melissa McChesney



AN ORDINANCE AMENDING CHAPTER 405 OF THE PARKVILLE ZONING CODE TO REZONE 5.0 ACRES FROM COUNTY "AG" AGRICULTURE DISTRICT AND "PI" PLANNED INDUSTRIAL DISTRICT TO CITY "B-4" PLANNED BUSINESS DISTRICT AND 15.69 ACRES FROM COUNTY "PI" PLANNED INDUSTRIAL DISTRICT TO "R-1" SINGLE-FAMILY DISTRICT.

WHEREAS, the subject property was annexed in 2001 and retained a County "AG" Agriculture District and "PI" Planned Industrial District zoning; and

WHEREAS, Kringle Enterprises, the owner of said property, submitted an application to rezone said property to the City's "R-1" Single-Family District and "B-4" Planned Business District; and

WHEREAS, notice of a public hearing to be held before the Planning and Zoning Commission was published, mailed and posted in accordance with the Parkville Municipal Code and Missouri Revised Statutes; and

WHEREAS, all property owners within 185 feet of the subject property were given notice of their right to protest said rezoning; and

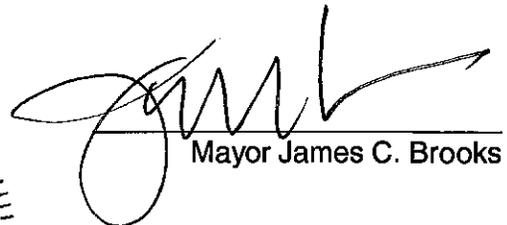
WHEREAS, on August 20, 2013, the Parkville Planning & Zoning Commission held said public hearing, considered the rezoning application and voted to recommend approval of the proposed rezoning.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Section 405 of the Parkville Zoning Code is hereby amended to rezone 5.0 acres from County "AG" Agriculture District and "PI" Planned Industrial District to City "B-4" Planned Business District and 15.69 acres from County "PI" Planned Industrial District to "R-1" Single-Family District, generally located approximately ¼ mile east of Union Chapel Road on the north side of FF Highway and are legally described in Exhibit A attached hereto and incorporated herein by reference.

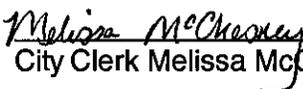
Section 2. This ordinance shall be effective immediately upon its passage and approval, subject to the approval of the Replat of Lot 2 of Enochs Ridge prior to recording.

PASSED and APPROVED this 20th day of August 2013.


Mayor James C. Brooks



ATTESTED:


City Clerk Melissa McClesney

AN ORDINANCE REPEALING ORDINANCE NO. 2696 AND AUTHORIZING THE CITY ADMINISTRATOR AND CITY ATTORNEY TO TAKE THE NECESSARY STEPS TO REMOVE THE MATTER PRESENTED BY ORDINANCE NO. 2696 FROM THE NOVEMBER 5, 2013, GENERAL ELECTION BALLOT.

WHEREAS, after the decision to place a matter to change the term of mayor from two years to three years on the November 5, 2013, general election ballot, it was decided that final invoiced costs exceeded the estimated amount the City was willing to pay for the election; and,

WHEREAS, the Board of Aldermen decided that it is necessary to remove this matter from the November 5, 2013, ballot;

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI AS FOLLOWS:

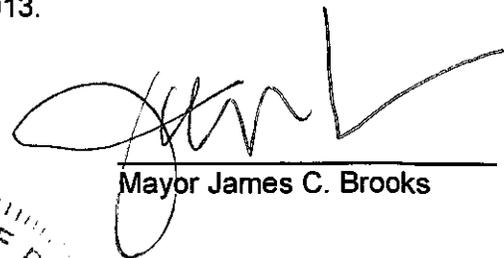
Section 1. Repeal of ordinance. Ordinance No. 2696 is repealed.

Section 2. Removal from ballot. The City Administrator and City Attorney are authorized to take the necessary steps with the Platte County Circuit Court to remove the ballot language set forth in Ordinance No. 2696 from the November 5, 2013, ballot and seek a court order removing the matter presented by Ordinance No. 2696 from the ballot of November 5, 2013.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

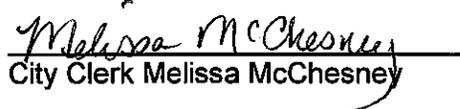
Section 4. This ordinance is effective upon its passage and approval.

PASSED and APPROVED this 23rd day of September, 2013.

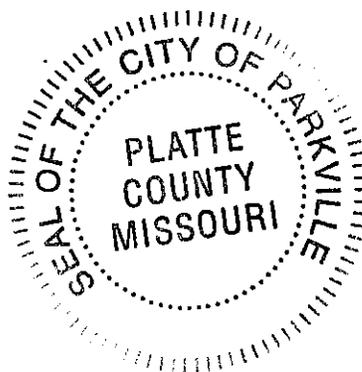


Mayor James C. Brooks

ATTESTED:



City Clerk Melissa McChesney



IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

IN THE MATTER OF:)
)
THE CITY OF PARKVILLE, MISSOURI)
MAYOR TERM ELECTION)
)
THE CITY OF PARKVILLE, MISSOURI)
8880 CLARK AVENUE)
PARKVILLE, MISSOURI 64152)
)
Petitioner.)

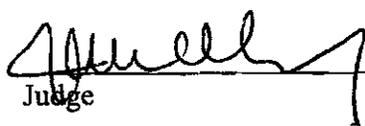
Case No.: 13AE-CV03172
Division: V

FILED
SEP 24 2013
SANDRA L. DOWD
Clerk of the Circuit Court Platte County, MO

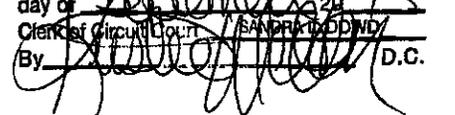
ORDER

It is hereby ordered that the relief prayed for in Petitioner's Petition for Order Authorizing and Directing the Removal of an Issue from Election Ballot is granted, and, pursuant to Section 115.127(3) RSMo, the County Clerk and the Platte County Board of Elections are authorized and directed to remove the City's Mayoral Term issue from the ballot of the November 5, 2013 general election.

Date September 24, 2013



Judge

STATE OF MISSOURI, COUNTY OF PLATTE
This is to certify that the foregoing is a true and exact copy of the documents on file in my office. Witness my hand and official seal this day of September, 2013
Clerk of Circuit Court SANDRA L. DOWD
By  D.C.

IN THE CIRCUIT COURT OF PLATTE COUNTY, MISSOURI

| | | |
|---------------------------------|---|-----------------|
| IN THE MATTER OF: |) | |
| |) | |
| THE CITY OF PARKVILLE, MISSOURI |) | |
| MAYOR TERM ELECTION |) | Case No.: _____ |
| |) | Division: _____ |
| THE CITY OF PARKVILLE, MISSOURI |) | |
| 8880 CLARK AVENUE |) | |
| PARKVILLE, MISSOURI 64152 |) | |
| |) | |
| Petitioner. |) | |

**PETITION FOR ORDER AUTHORIZING AND DIRECTING REMOVAL OF AN
ISSUE FROM ELECTION BALLOT**

COMES NOW, the City of Parkville, Missouri, by and through its attorney(s), and for its
Petition states and alleges as follows:

1. Pursuant to Ordinance No. 2696, the Board of Aldermen authorized a ballot question to be placed on the November general election to change the term of the Mayor of the City from two years to three years pursuant to § 79.050.2, RSMo.
2. Prior to the Board of Aldermen's adoption of Ordinance No. 2696, the Platte County Board of Elections (the "Board of Elections") had estimated the cost of the election at \$5,000 to \$6,000.
3. On September 13, 2013, the City received the final invoice for the election from the Board of Elections in the amount of \$8,238.55, not including publication costs.
4. The Board of Elections has indicated to the City that it underestimated the costs of the election.
5. Because of the increase in costs, the Board of Aldermen adopted Ordinance No. 2709, authoring the City Administrator and City Attorney to take the necessary

steps to remove the matter presented by Ordinance No. 2696 from the November 5, 2013 general election.

6. Section 115.127.3 RSMo, provides that no ballot issues which appears on the sample ballot or official printed ballot shall be stricken or removed from the ballot except on death of a candidate of by court order.
7. The Platte County Board of Elections has prepared the official printed ballot and instructed the City that a court order will be required in order to remove the ballot issue authorized by Ordinance No. 2696 from the ballot.
8. If the ballot measure is removed, the cost for printing the ballot will be assessed against the City in the amount of \$680.64.

WHEREFORE, the City prays for an order authorizing removal of the ballot measure to change the term of the Mayor of the City from two years to three years; that this Court instruct the Platte County Election Board to waive the fees for printing of the ballot; and, for such other further relief the Court deems just and proper.

RESPECTFULLY SUBMITTED:
STINSON MORRISON HECKER LLP

BY: _____
Stephen C. Chinn #23811
Andrea G. Bough #48598
1201 Walnut, Suite 2900
Kansas City, Missouri 64106-2150
Phone No.: (816) 842-8600
Fax. No.: (816) 691-3495
schinn@stinson.com
abough@stinson.com
Attorneys for City of Parkville

AN ORDINANCE CALLING FOR THE ELECTION ON APRIL 8, 2014 TO AMEND SECTION 110.010 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE, MISSOURI, TO PROVIDE FOR THE TERM OF OFFICE FOR THE MAYOR TO BE THREE YEARS.

WHEREAS, pursuant to §110.010 of the Municipal Code of the City of Parkville a general election is held on the first Tuesday in April in every other year to elect a Mayor, who shall hold his or her office for a term of two (2) years; and,

WHEREAS, RSMo. §79.050 provides that the Board of Aldermen may provide by ordinance, after the approval of a majority of the voters voting thereon at the next municipal election at which the issue is submitted, that the term of the mayor shall be two, three, or four years; and,

WHEREAS, the Board of Aldermen believes that it would be beneficial, appropriate, and desirable for the qualified voters of the City to consider approving an amendment to §110.010 to allow the Mayor to hold office for a term of three (3) years.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI AS FOLLOWS:

Section 1. The change from two (2) years to three (3) years will allow the Mayoral election to occur on an election date that does not coincide with the elections for the same Aldermen's seat. Additionally, the longer term will allow for more continuity in this key position.

Section 2. The Board of Aldermen accordingly calls and orders an election to be held on April 8, 2014, on the question of amending §110.010 which currently reads:

At the general election to be held on the first Tuesday in April of every other year, the qualified voters of the City of Parkville shall elect some suitable person as Mayor, who shall hold his office for a term of two (2) years, and until his successor is elected and qualified.

and adopting a new §110.010 in lieu thereof, to read as follows:

At the general election to be held on the first Tuesday after the first Monday in April of every third year, the qualified voters of the City of Parkville shall elect some suitable person as Mayor, who shall hold his or her office for a term of three (3) years, and until his or her successor is elected and qualified.

Section 3. If the qualified voters of the City approve amending §110.010 of the Municipal Code of the City of Parkville, said amendment shall not extend the term of the Mayor holding the office of Mayor at the time of the amendment, but shall be implemented upon the election of the Mayor elected to serve at the April 2016 municipal election.

Section 4. The ballot language to be used at the election shall be substantially in the following form with such variations as may be deemed necessary by the Platte County Board of Elections:

**OFFICIAL BALLOT LANGUAGE
MAYORAL TERM AMENDMENT ELECTION
CITY OF PARKVILLE, MISSOURI
TUESDAY, APRIL 8, 2014**

QUESTION NO. 1

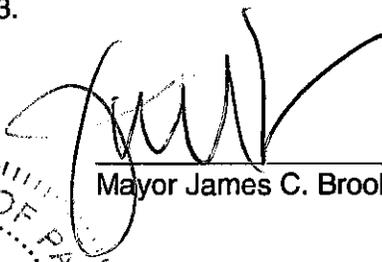
SHALL SECTION 110.010 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE BE AMENDED TO PROVIDE FOR A THREE-YEAR TERM OF OFFICE FOR THE MAYOR WITH SUCH THREE-YEAR TERM BEING IMPLEMENTED FOR THE MAYOR ELECTED AT THE APRIL 2016 MAYORAL ELECTION?

For Question No. 1 Yes []
Against Question No. 1 No []

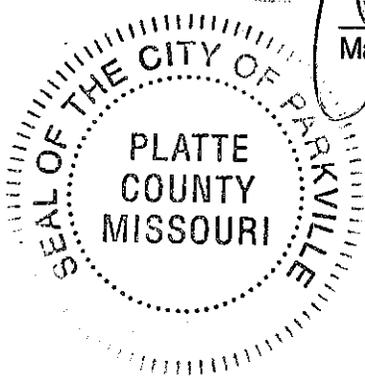
Section 5. The City Clerk shall prepare and cause to be forwarded to the Platte County Board of Elections, a Notice of Election in compliance with this ordinance and take such other steps as may be required so that an election may be lawfully conducted.

Section 5. This Ordinance shall become effective immediately upon passage and approval.

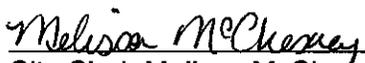
PASSED and APPROVED this 23rd day of September, 2013.



Mayor James C. Brooks



ATTESTED:


City Clerk Melissa McChesney

AN ORDINANCE AMENDING CHAPTER 405 OF THE PARKVILLE ZONING CODE TO REZONE 5.0 ACRES FROM COUNTY "AG" AGRICULTURE DISTRICT TO CITY "R-1" SINGLE-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the subject property was annexed in 2001 and retained a County "AG" Agriculture District zoning; and

WHEREAS, Kevin Myers submitted an application on behalf of Arville and Marion Paulette Myers, owners of said property, to rezone said property to the City's "R-1" Single-Family Residential District; and

WHEREAS, notice of a public hearing to be held before the Planning and Zoning Commission was published, mailed and posted in accordance with the Parkville Municipal Code and Missouri Revised Statutes; and

WHEREAS, all property owners within 185 feet of the subject property were given notice of their right to protest said rezoning; and

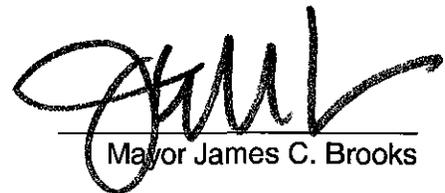
WHEREAS, on October 8, 2013, the Parkville Planning & Zoning Commission held said public hearing, considered the rezoning application and recommended approval of the proposed rezoning by a vote of 5 to 0.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Section 405 of the Parkville Zoning Code is hereby amended to rezone 5.0 acres, generally located approximately one half mile south of 45 Highway, south of the intersection of Brink Myers Road and Brink Myers Road on a portion property at 14801 NW 68th Street and legally described and depicted in Exhibit A attached hereto and incorporated herein by reference, from County "AG" Agriculture District to City "R-1" Single-Family District,.

Section 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 15th day of October 2013.

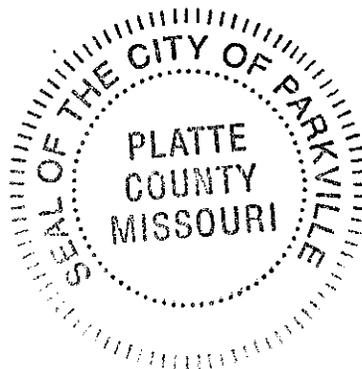


Mayor James C. Brooks

ATTESTED:



City Clerk Melissa McClesney

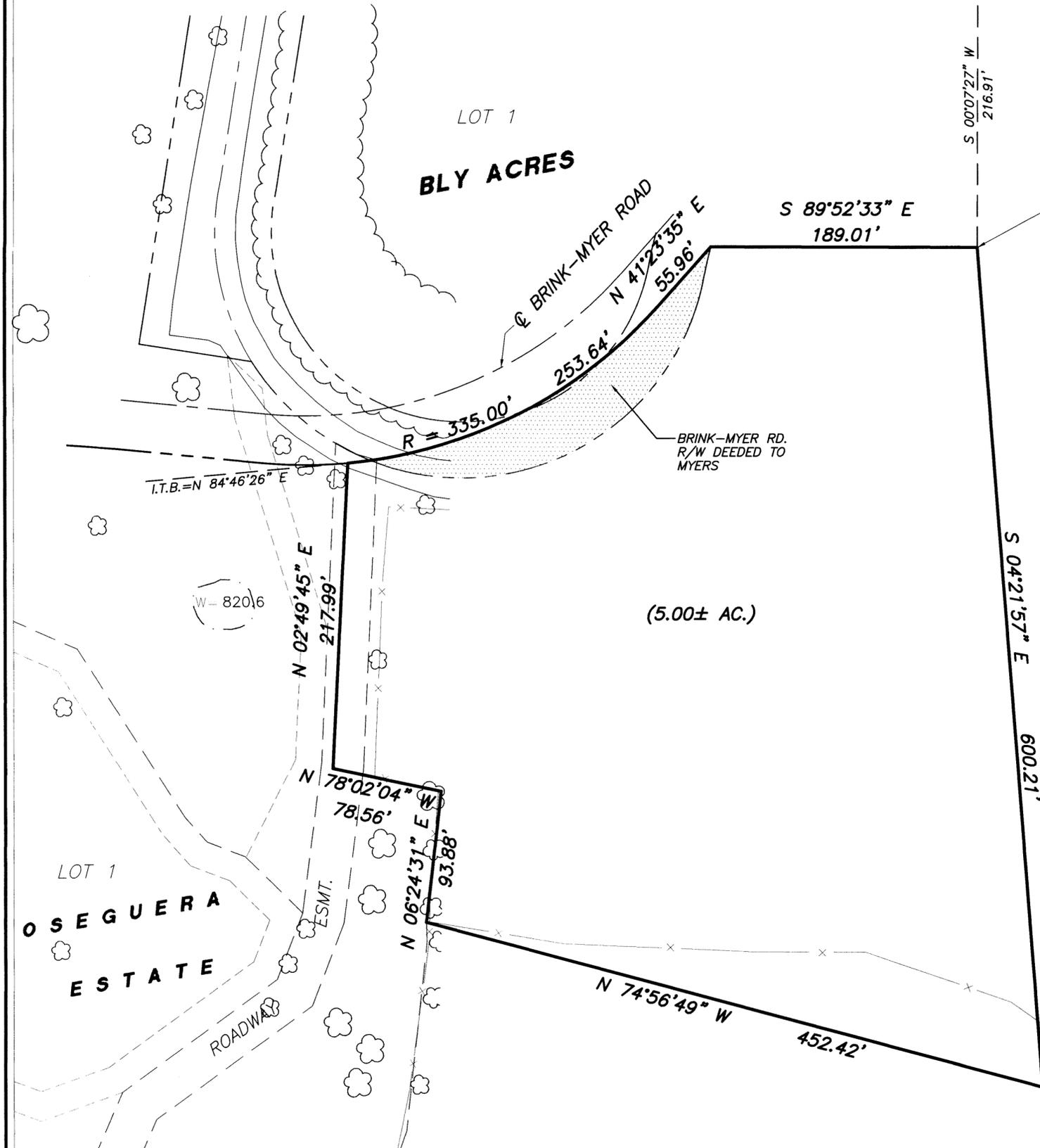


SOUTH LINE, NORTHEAST QUARTER, SECTION 19-51-34
 NORTH LINE, SOUTHEAST QUARTER, SECTION 19-51-34

N 89°52'33" W
 923.99'

(N.T.S.)

NORTHEAST CORNER,
 SOUTHEAST QUARTER,
 SECTION 19-51-34
 ALUMINUM MONUMENT

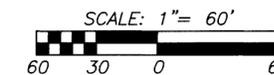


PROPERTY DESCRIPTION:

All that part of the Southeast Quarter of Section 19, Township 51, Range 34 in Platte County, Missouri described as follows: Commencing at the Northeast corner of the Southeast Quarter of said Section 19; thence North 89 degrees 52 minutes 33 seconds West, along the North line of the Southeast Quarter of said Section 19, a distance of 923.99 feet; thence South 00 degrees 07 minutes 27 seconds West, a distance of 216.91 feet to the Point of Beginning of the tract of land herein to be described; thence South 04 degrees 21 minutes 57 seconds East, a distance of 600.21 feet; thence North 74 degrees 56 minutes 49 seconds West, a distance of 452.42 feet; thence North 06 degrees 24 minutes 31 seconds East, a distance of 93.88 feet; thence North 78 degrees 02 minutes 04 seconds West, a distance of 78.56 feet; thence North 02 degrees 49 minutes 45 seconds East, a distance of 217.99 feet to a point on the Southerly right of way line of Brink-Myer Road; thence Northeasterly, along said right of way line, along a curve to the left having an initial tangent bearing of North 84 degrees 46 minutes 26 seconds East and a radius of 335.00 feet, an arc distance of 253.64 feet; thence North 41 degrees 23 minutes 35 seconds East, along said right of way line, a distance of 55.96 feet; thence South 89 degrees 52 minutes 33 seconds East, a distance of 189.01 feet to the Point of Beginning. Said tract of land contains 5.00 acres, more or less.

POINT OF BEGINNING

BK. 993, PG. 922
 TRACT 1



NOTE:
 THIS IS NOT A BOUNDARY SURVEY OR PLAT
 AND IS FOR REZONING PURPOSES ONLY.



| | | |
|----------|--------------------------------------|-----------------|
| REZONING | PROJECT NO.: 49034 | SURVEYOR'S SEAL |
| | DRAWING DATE: 8/14/13 | |
| | CLIENT NAME: KEVIN MYERS | |
| | CLIENT ADDRESS: 106 BRIDGEPORT DRIVE | |
| | COUNTY: CLAY CITY: SMITHVILLE | |
| | DRAWN BY:JKR CHKD. BY: SAA | |

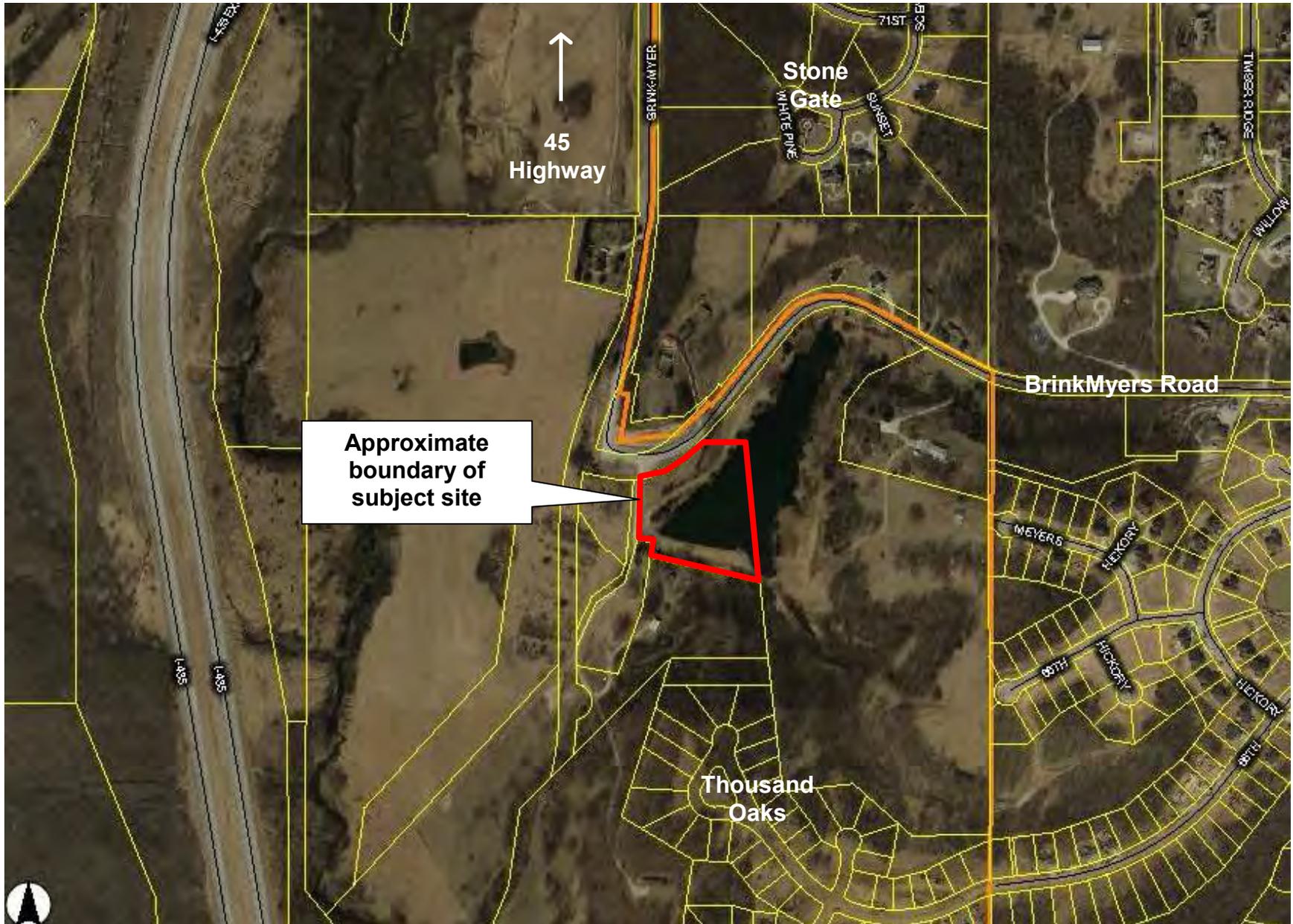
SE. 1/4, SEC. 19-51-34,
 PLATTE COUNTY, MISSOURI
DESCRIPTION FOR REZONING

AYLETT SURVEY & ENGINEERING CO.
 LAND SURVEYING ~ CIVIL ENGINEERING ~ LAND PLANNING
 201 NW. 72ND ST. ~ GLADSTONE, MO 64118
 PH. (816) 436-0732 ~ FAX (816) 436-0767

| NO. | DATE | REVISIONS | BY | APPR'D |
|-----|------|-----------|----|--------|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |

SHEET NO. 1 OF 1

Area Map showing approximate location of proposed rezoning
Case PZ13-12



BILL NO. 2747

ORDINANCE NO. 2717

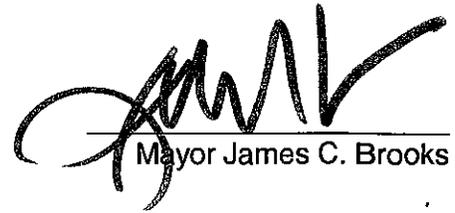
AN ORDINANCE REPEALING ORDINANCE NO. 2277 AND THE RELATED PARKVILLE MUNICIPAL CODE TITLE VII, CHAPTER 700, ARTICLE IX, SECTION 700.485.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. Parkville Ordinance 2277 approved August 1, 2006 and the related Section 700.485 of the Parkville Municipal Code is hereby repealed.

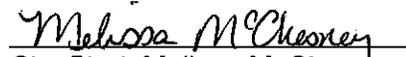
Section 2. This ordinance shall be effective immediately upon its passage and approval.

PASSED and APPROVED this 5th day of November 2013.

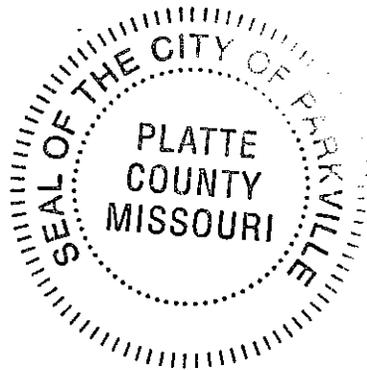


Mayor James C. Brooks

ATTESTED:



City Clerk Melissa McChesney



AN ORDINANCE REPEALING AND REPLACING PARKVILLE MUNICIPAL CODE TITLE I, CHAPTER 100, SECTION 100.130, WARDS.

WHEREAS, Municipal Code Section 100.130, *Wards*, includes, in addition to a map of the four wards, a list of the streets within those wards; and

WHEREAS, the new Section 100.130 provides clear procedures for dividing the City into wards, amending the ward boundaries as may be necessary, assigning new addresses to wards and updating ward maps, all as necessary to reflect best practices; and

WHEREAS, this new Section incorporates by reference the ward map and a record of streets and address ranges within each ward, eliminating the need to routinely amend the code to include updated information; and

WHEREAS, at the time of this Ordinance the City ward map and record of address ranges are up to date, and will be updated periodically hereafter to reflect changes as necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI AS FOLLOWS:

Section 1. Title I, Chapter 100, Section 100.130 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 100.130: WARDS

- A. The Board of Aldermen shall divide the City of Parkville into four (4) wards by Ordinance. Populations within each ward shall be roughly proportionate, but may vary as growth, development and other changes affecting population occur. Following annexation, one or more ward boundaries shall be extended by ordinance to include the newly annexed land.
- B. At a minimum, ward boundaries and populations shall be evaluated and updated, if necessary, each decade with the release of the decennial census population data. Wards may also be evaluated from time to time following significant growth, annexation or other changes which may affect the population of the City of Parkville or the distribution of population within the wards.
- C. Wards shall be delineated on the "City of Parkville Ward Map" (Ward Map), which is incorporated herein by reference and which is on file in the City Clerk's Office. The Ward Map shall depict the boundaries of each designated ward and shall show streets and other landmarks as may have existed at the time of publication. The Ward Map may be updated from time to time as necessary to depict current streets and landmarks, however, ward boundaries shall not be modified except by City Ordinance. The City Clerk shall also keep and maintain a record of streets and address ranges within each ward.
- D. New streets and residences shall be assigned to existing wards by the City Clerk based on their geographic location in relation to ward boundaries. Where a property may bisect a dividing line between two wards, the property will be assigned a ward based on the majority location of said property. Following designation, the City Clerk

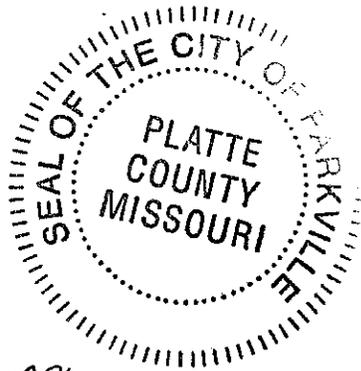
shall notify the Board of Elections, and other jurisdictions as necessary, of the street name, address range and ward designation.

Section 2. All ordinances or parts of ordinances in conflict herewith shall be, and the same are, hereby repealed.

Section 3. This ordinance shall be printed in the Parkville Municipal Code.

Section 4. This ordinance is effective upon its passage and approval.

PASSED and APPROVED this 17th day of December, 2013.



A handwritten signature in black ink, appearing to be "J. Brooks", written over a horizontal line.

Mayor James C. Brooks

ATTESTED:

Melissa McChesney
City Clerk Melissa McChesney

AN ORDINANCE REPEALING SUBSECTIONS C, D, AND G OF SECTION 703.040 OF THE PARKVILLE MUNICIPAL CODE TO REPLACE THE SAME WITH NEW SUBSECTIONS C, D, AND G OF SECTION 703.040, SETTING THE SEWER BASE CHARGE, SEWER USE CHARGE AND SURCHARGE FOR CUSTOMERS OF THE SEWER SYSTEM.

WHEREAS, the City of Parkville, Missouri has constructed wastewater treatment works; and

WHEREAS, the City of Parkville must pay all expenses associated with said treatment works and charge the users of said treatment works accordingly.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI AS FOLLOWS:

Section 1. Subsection C of Section 703.040 is hereby repealed and shall be replaced by the following language:

C. The minimum charge per month shall be \$11.86. In addition each contributor shall pay a user charge for operation and maintenance, including replacement, of \$0.560 per 100 gallons of water as determined in the preceding section.

Section 2. Subsection D of Section 703.040 is hereby repealed and shall be replaced by the following language:

D. For those contributors who contribute wastewater the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance including replacement is

\$0.7149 per pound BOD
\$0.6149 per pound SS

Section 3. Subsection G of Section 703.040 is hereby repealed and shall be replaced by the following language:

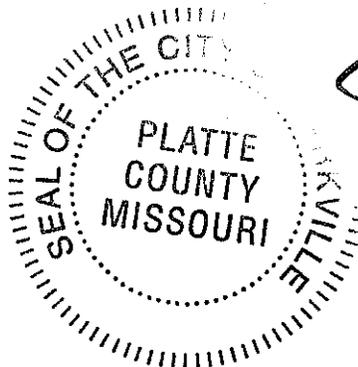
G. The charge for users in the Riverchase subdivision of Parkville shall be a set user charge of \$54.29 per month.

Section 4. This ordinance shall be in effect immediately upon its passage and approval.

PASSED and APPROVED this 21st day of January 2014.

ATTESTED:

Melissa McChesney
City Clerk Melissa McChesney



James C. Brooks
Mayor James C. Brooks

AN ORDINANCE OF THE CITY OF PARKVILLE, MISSOURI, AMENDING AND REPEALING EXISTING TITLE VI, CHAPTER 630 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE AND ENACTING NEW PROVISIONS RELATING TO THE FARMERS MARKET.

WHEREAS, the City of Parkville currently appoints a Farmers Market manager each year to operate the Farmers Market on behalf of the City, pursuant to §630.110 of the Municipal Code of the City of Parkville; and,

WHEREAS, the Board of Aldermen desires to amend Title VI, Chapter 630 of the Municipal Code to specifically provide that the Farmers Market may be managed by a private operator pursuant to a separate agreement, as authorized by 79.390 RSMo.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI, AS FOLLOWS:

Section 1. That Title VI, Chapter 630, Section 630.010 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 630.010: FARMERS MARKET ESTABLISHED

The Mayor and Board of Aldermen are hereby authorized on behalf of the City of Parkville to establish a Farmers Market for the promotion of trade and commerce in the City of Parkville pursuant to 79.450.7 RSMo; said Market is deemed to be in the best interest of the citizens of the City of Parkville.

Section 2. That Title VI, Chapter 630, Section 630.020 of the Parkville Municipal Code is hereby repealed and replaced as follows:

SECTION 630.020: MANAGEMENT OF THE FARMERS MARKET

- A. The Mayor may appoint with the consent of the Board of Aldermen a manager of the Farmers Market. The manager shall have the following duties:
 - 1. Liaison between the City and sellers.
 - 2. Enforcement of all rules and regulations established by the Board of Aldermen for the operations of the market, including hours of operation and collection of space rental fees. City Hall staff may also collect these fees in cooperation with the manager.
- B. The Board of Aldermen may contract with a private operator to manage the Farmers Market.

Section 3. That the following sections of Title VI, Chapter 630 of the Parkville Municipal Code are hereby repealed:

- Section 630.030: HOURS OF OPERATION
- Section 630.040: PRODUCTS TO BE SOLD LIMITED
- Section 630.050: SALE OF ANIMALS PROHIBITED
- Section 630.055: QUALITY OF ITEMS SOLD
- Section 630.060: CLEANLINESS AND DISPLAY

Section 630.070: SPACE ASSIGNMENT
Section 630.080: RESERVED
Section 630.085: RESPONSIBILITIES OF SELLERS OF PREPARED FOODS
Section 630.090: CITY'S RESPONSIBILITIES
Section 630.100: FEES
Section 630.110: MANAGER OF THE FARMERS MARKET
Section 630.120: RESERVED
Section 630.130: CANCELLATION OF PERMIT
Section 630.135: NO DOGS OR OTHER PETS IN MARKET
Section 630.140: ENFORCEMENT OF OTHER LAWS
Section 630.150: PURPOSE

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, that determination shall not affect the validity of the remainder of this ordinance.

Section 6. This Ordinance shall be printed in the Code of Parkville.

Section 7. This Ordinance shall become effective upon adoption.

PASSED and APPROVED this 21st day of January, 2014.



Mayor James C. Brooks

ATTESTED:



City Clerk Melissa McCheshey

