BILL 2776 **ORDINANCE 2012-050**

"AN ORDINANCE OF THE CITY OF RAYMORE MISSOURI, AMENDING SECTION 445.030K2A OF THE UNIFIED DEVELOPMENT CODE OF THE RAYMORE CITY CODE."

WHEREAS, the City Council of the City of Raymore, Missouri adopted the Unified Development Code as Ordinance 28117 on December 8, 2008; and;

WHEREAS, the Planning and Zoning Commission held a public hearing on the proposed amendment on May 1, 2012, after notice of said hearing was published in a newspaper of general circulation in Raymore, Missouri, at least fifteen (15) days prior to said hearing; and;

WHEREAS, the Planning and Zoning Commission heard public testimony at the public hearing and has submitted its recommendation of approval to the Governing Body of the City of Raymore, Missouri; and,

WHEREAS, the Governing Body, City Council of Raymore, Missouri, held a public hearing on the proposed amendment on June 11, 2012 after notice of said hearing was published in a newspaper of general circulation in Raymore, Missouri, at least fifteen (15) days prior to said hearing; and

WHEREAS, the City Council of the City of Raymore, Missouri has determined the amendment proposed would be in the best interest of the health, safety and welfare of the citizens of Raymore.

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

Section 1. Section 445.030K2a of the Unified Development Code is hereby repealed in its entirety and re-enacted as follows:

Section 445.030K Sidewalks

2. Installation of Sidewalks
   - a. Residential developments
   - (1) Sidewalks on an individual lot shall be installed along all public streets adjacent to the lot prior to the issuance of a certificate of occupancy for the structure on the lot.
   - (2) Sidewalks in common areas shall be installed at the time public improvements are installed.
   - (3) Sidewalks along local roads adjacent to land not included in the subdivision phase shall be installed at the time public improvements are installed.

(4) Sidewalks along arterial or collector streets shall be installed at the time public improvements are installed.

(5) The owner of any undeveloped lot within the subdivision or subdivision phase shall be required to construct a sidewalk on that lot when 66% or more of the lots on the same side of the street in the same block already have a sidewalk constructed and:

(a) it has been 5 years from the effective date of this Code for those subdivisions or subdivision phase for which a final plat was approved as of the effective date of this Code; or

(b) it has been 3 years from the date the first Certificate of Occupancy was issued in the subdivision or subdivision phase for those final plats approved after the effective date of this code.

(6) Should any sidewalk not be completed within the required time period, the city may, after holding a public hearing, proceed with constructing the sidewalk and levy a special assessment against the property owner for the costs thereof.

(7) Any final plat approved after the effective date of this Code shall include a note on the plat that includes the language stated in Section 445.030K2a5.

Section 2. Section 445.030K2a of the Unified Development Code is hereby amended by the addition of the following language:

Section 445.030K2 Installation of Sidewalks

a. Residential Developments

(8). After holding a public hearing, the City Council shall consider the following factors in its deliberation to determine if the City is to install a sidewalk on an undeveloped lot and levy a special assessment against the property owner for the costs thereof:

(a) Whether the sidewalk segment is necessary to create a continuous sidewalk from the subdivision to a school.

(b) Whether the sidewalk segment is necessary to create a continuous sidewalk from the subdivision to a sidewalk or trail on an arterial street.

(c) Whether installation of the sidewalk segment eliminates a safety concern.

(d) The percentage of the developed lots (degree of completion) in the subdivision or subdivision phase is high enough to warrant the installation of the sidewalk segment.

(e) The likelihood that the lot would be developed within the next year.

(f) Whether the sidewalk segment is necessary to create a continuous sidewalk to a park or subdivision amenity such as a pool.

(g) Whether the sidewalk segment is necessary to create a continuous sidewalk between subdivisions.

(h) Whether the sidewalk was required under a previously adopted City Code provision.

Section 3. This Ordinance shall be known as the Twelfth Amendment to the Unified Development Code.

Section 4. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 11TH DAY OF JUNE 2012.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 25TH DAY OF JUNE 2012 BY THE FOLLOWING VOTE:

Councilmember Abdelgawad	Absent
Councilmember Adams	Aye
Councilmember Cox	Aye
Councilmember Hall	Aye
Councilmember Kellogg	Aye
Councilmember Seeley	Aye
Councilmember Stevens	Aye
Councilmember Wescoat	Aye

ATTEST:

Jean Woerner

Jean Woerner, City Clerk

APPROVE:

Peter Kerckhoff, Mayor

6/26/12

Date of Signature