

AFFIDAVIT OF PUBLICATION

State of Missouri

County of Clay

(Paste here the notice as it
appeared in the newspaper.)

NOTICE OF PUBLIC HEARING
Pursuant to order of the Zoning Commission of the Village of Oakwood, Clay County, Missouri, made on the 4th day of February, 1955, notice is hereby given that a Public Hearing will be held at the residence of John Munger, 520 South Woodland Drive, in said village at 7:30 P. M., Monday, February 28, 1955, for the considering of a new zoning ordinance for said village to be enacted in lieu of the present zoning ordinance as now appears upon the ordinances of said village.
ZONING COMMISSION
VILLAGE OF OAKWOOD, MISSOURI
L. W. Parrish, Secretary.
Time 2/10/55

I, George I. Sandford, being duly sworn according to law, state that I am the manager of the Dispatch, a weekly newspaper of general circulation in the county of CLAY, where located; which has been admitted to the Post Office as second-class matter in the City of NORTH KANSAS CITY, the city publication; which newspaper has been published regularly and consecutively for a period of three years and has a list of bona fide subscribers voluntarily engaged as such who have paid or agreed to pay a stated price for a subscription for a definite period of time, and that such newspaper has complied with the provisions of Section 14,963 Revised Statutes of Missouri, 1939. The affixed notice appeared in said newspaper on the following consecutive weeks (issues).

From Feb. 10 19 55 to 19

First insertion Vol No. 4 Issue No. 5 Date 2/10

Second insertion Vol. No. Issue No. Date

Third insertion Vol. No. Issue No. Date

Fourth insertion Vol. No. Issue No. Date

Fifth insertion Vol No. Issue No. Date

(Signed) George I. Sandford

Subscribed and sworn to before me this 20th

day of April, 19 55
Ruby L. Dugan Notary Public

My term expires the day of

19 . My Commission Expires Jan. 23, 1959

Oct 24 1961

B 48770

Bill No. 10

Ordinance No. 10

ZONING ORDINANCE
FOR
VILLAGE OF OAKWOOD, MISSOURI

AN ORDINANCE TO REGULATE AND RESTRICT IN THE INCORPORATED AREA OF THE VILLAGE OF OAKWOOD THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR RESIDENCES ONLY; TO REGULATE AND LIMIT THE HEIGHTS OF BUILDINGS HEREINAFTER ERECTED OR ALTERED; TO REGULATE AND DETERMINE THE SIZE AND AREA OF YARDS, COURTS AND OTHER OPEN SPACES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION; TO ESTABLISH A SINGLE RESIDENTIAL DISTRICT WITH THE SAME BOUNDARIES AS THE INCORPORATED VILLAGE; TO PROVIDE FOR ITS INTERPRETATION AND THAT OF OTHER LAWS OR COVENANTS, ETC. RELATING TO THE SAME OR SIMILAR SUBJECTS; TO PROVIDE FOR AMENDMENTS TO THIS ORDINANCE; TO PROVIDE FOR ITS ENFORCEMENT IN PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; TO PROVIDE FOR A BOARD OF ADJUSTMENT AND A ZONING COMMISSION AND DEFINING THEIR POWERS AND DUTIES; TO PROVIDE FOR PERMITS; TO PROVIDE THAT IF ANY CAUSE, SENTENCE, SECTION PARAGRAPH OR PART OF THIS ORDINANCE SHALL BE HELD INVALID: SUCH INVALIDITY SHALL NOT INVALIDATE THE REMAINDER; TO PROVIDE FOR THE REPEAL OF ALL OTHER ORDINANCES OR PARTS OF SUCH ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, For the purpose of promoting health, safety, morals, and the general welfare of the Village of Oakwood, Clay County, Missouri, the Board of Trustees of said Village wish to secure the benefits of Zoning rules, restrictions, and regulations under the authority and provisions of Chapter 89, RSMO, 1949, and

WHEREAS: at a meeting of the Board of Trustees of said Village, held on January 31, 1955, said Board of Trustees appointed a Zoning Commission, composed of the following named persons: Dr. F. Von Bohland, Russell Carpenter, William Woods, L.P. (John) Munger, and L.W. Parrish to meet and recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS, said Zoning Commission, at a meeting held on February 4, 1955, in said Village, considered a zoning ordinance proposed to be enacted, and made its preliminary report to the Board of Trustees that same be enacted, and said Zoning Commission ordered that a public hearing be held before said Zoning Commission on February 28, 1955, and that fifteen (15) days notice be given thereof by publication of said notice in the North Kansas City (Mo.) Press-Dispatch, and

WHEREAS, said notice was duly published on February 10, 1955, (the affidavit of which is attached to this page of this Ordinance) and said Commission did consider said proposed ordinance and hear all who appeared in relation thereto, and

3, said Zoning Commission did submit its final report thereon, and ordered to the Board of Trustees that said proposed ordinance be

1, and

WHEREAS, said Board of Trustees, at the meeting held on March 8, 1955, received said final report from said Zoning Commission and ordered a public hearing to be held before the said Board of Trustees, on March 28, 1955, and that fifteen (15) days notice be given thereof by publication of said notice in the North Kansas City (Mo.) Press-Dispatch, and

WHEREAS, the proofs of notices aforesaid and the reports of said Zoning Commission have been filed with the Village Clerk as public records, and

WHEREAS, all preliminary proceedings necessary to the passage of such Ordinance have been complied with and strictly followed.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF OAKWOOD AS FOLLOWS:

Section 1. SHORT TITLE. This ordinance shall be known and may be cited as the Zoning Ordinance of the Village of Oakwood.

Section 2. RESIDENTIAL DISTRICT. For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, alteration, repair, relocation, or maintenance of buildings or structures and use of land and lots, the incorporated territory of the Village of Oakwood, Missouri, is hereby established and declared to be one residential district.

Section 3. DISTRICT BOUNDARIES. The boundaries of the district are hereby established and are hereby designated as the existing boundaries of the Village of Oakwood as described in detail in the incorporation of said Village, and are hereby made as much a part of this Ordinance as if the same were set forth in full herein. It shall be the duty of the Zoning Commission to keep on file in its office an authentic copy of all maps, and all changes, amendments or additions thereto.

Section 4. BOARD OF ADJUSTMENT. A Board of Adjustment is hereby established in accordance with the provisions of the Zoning Act and shall have such supervisory and appellate powers as made and provided by law. The word "Board" when used in this Ordinance shall be construed to mean the "Board of Adjustment," and the word "Trustees" when used in this Ordinance shall be construed to mean the "Board of Trustees."

The Board shall be appointed by the Trustees and shall consist of five (5) freeholders. The membership of the first Board appointed shall serve respectively: one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years and one (1) for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. Members shall be removable for cause by the Trustees upon written charges and after public hearings. Vacancies shall be

filled by the Trustees for the unexpired term of any member whose term becomes vacant. The Board shall elect its own chairman, and shall adopt rules of procedure consistent with the provisions of this Ordinance and the Zoning Act.

Section 5. DEFINITIONS. For the purpose of this Ordinance, the following words and terms as used are defined to mean the following:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" or the word "must" is mandatory and not directory; the word "lot" includes the word "plot"; the term "used for " includes the meaning "designed for " or "intended for ."

1. ACCESSORY BUILDING OR USE: A subordinate building or a portion of the main building have a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property.

2. ALLEY: A public way which affords only a secondary means of access to abutting property.

3. BASEMENT: A story below the first story as hereinafter defined.

4. CURB LEVEL: The mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb is the highest.

5. GARAGE PRIVATE: An accessory building for storage only of motor vehicles.

6. HEIGHT OF BUILDINGS: The vertical distance measured from the highest of the following three levels:

- a. From the street level;
- b. From the established or mean street grade in case the curb has not been constructed;
- c. From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the foot, and to the mean height level of the top of the main plate and highest ridge for other roofs.

7. HEIGHT OF YARD OR COURT: The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

8. LOT: A parcel of land occupied or to be occupied by one building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or place.

9. LOT, CORNER: A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Trustees.

10. LOT, INTERIOR: A lot whose side lines do not abut upon any street.

11. LOT, THROUGH: An interior lot having frontages on two streets.

12. LOT, LINES: The lines bounding a lot as defined herein.

13. LOT, DEPTH: The mean horizontal distance from the front street line to the rear line.

14. LOT, WIDTH: The mean horizontal distance between side lines measured at right angles to the depth.

15. NON-CONFORMING USE, BUILDING OR YARD: A use, building or yard existing legally at the time of passage of this ordinance which does not, by reason of design or use, conform to this Ordinance, and the regulations thereunder.

16. PLACE: An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

17. REAR LINE: The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Trustees shall determine the rear line.

18. SIDE LINE: Any lot boundary line not a front or rear line thereof. A sideline may be a party lot line, a line bordering on an alley or place or a side street or line.

19. STABLE, PRIVATE: An accessory building for the keeping of horses or mules owned by occupants of the premises, and not kept for remuneration, hire or sale.

20. STORY: That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in paragraph 6 of this section.

21. STREET: A public thoroughfare which afford principal means of access to property abutting thereon.

22. STREET LINE: The dividing line between the street and the abutting property.

23. STRUCTURE: Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

24. STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

25. YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between a lot line and the main building shall be used.

26. YARD, FRONT: A yard across the full width of the lot extending from the front line of the main building to the front street line of the lot.

27. YARD, REAR: A yard between the rear lot line and the rear line of the main building and the side lot lines.

28. YARD, SIDE: A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard thereof.

29. ZONING ACT: Chapter 89, Section 89.010-89.140 Vernon's Annotated Missouri Statutes.

30. PRIVATE DRIVEWAY: A passageway for foot or vehicular traffic, which serves or terminates at the residence or other building located on a particular lot or parcel of land abutting on a public street in said Village, and which only serves the lot or parcel of land upon which it is located.

Section 6. REQUIREMENTS MUST BE OBSERVED. Except as hereinafter provided,

1. No buildings or structures shall be erected, constructed, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose, other than herein permitted.

2. No building or structure shall be erected, constructed, extended, enlarged, reconstructed or structurally altered to exceed the height or area limit herein established.

3. No lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased herein.

4. No street or private driveway shall be constructed, reconstructed, repaired, altered, connected to, intersected with, or extended to or into any existing or future street, private driveway, or other thoroughfare in said Village, without first a permit secured therefor from the Board of Trustees (in addition to and separate from all other permits required under this Ordinance) and said Board of Trustees in respect thereto shall consider and find the following before issuing a permit therefor:

- (a) That the plans for the proposed operation have been approved by an engineer to be selected by said Board of Trustees, if the services of said engineer be deemed necessary by said Board of Trustees.
- (b) That the work shall be done according to the standard specifications of the Village for public work of like character.
- (c) That the operation (during or after the completion thereof) will not, in the discretion of the Board of Trustees, interfere with vehicular or pedestrian traffic and the means of ingress and egress to and from the property affected and adjacent properties.
- (d) That if said operation extends to or connects with streets, driveways or thoroughfares outside the limits of said Village, that the operation after completion will not create or cause an unreasonable burden on the existing streets or thoroughfares of said Village.
- (e) That the health, welfare and safety of the public and the said Village will not be unreasonably impaired.

Section 7. USE REGULATIONS. No building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, reconstructed, or altered, except for one or more of the following uses:

1. Dwellings, one family.
2. Churches and community buildings.
3. Public parks, playgrounds and public recreation buildings.
4. The use of buildings or premises for such public utility

services as are authorized or ordered by the Public Service Commission or by permit of the County Court, and excluded from jurisdiction of the Zoning Commission by the Zoning Act.

5. Accessory uses, customarily incident to the above uses and located on the same lot therein, not involving the conduct of a business or industry.

(a) The term "accessory use" shall include customary home occupations, such as the office of physician, dentist, surgeon, dressmaker, musician, or artist, under the following restrictions:

- (1) That such uses are located in the dwelling used by a person as his or her private residence.
- (2) That no assistant other than a member of the family household is employed, and no window display or sign, either illuminated or more than one square foot in area is used to advertise the same.
- (3) That no power other than electric and of not more than one horsepower is used.

(b) No billboard, signboard, or advertising sign shall be permitted as an accessory use.

(c) Community garages shall not be permitted by the Board of Trustees.

(d) Temporary real estate offices shall not be permitted on property being sold.

See Ordinance 90

HEIGHT AND AREA REGULATIONS. The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

Height: No building shall exceed thirty-five (35) feet or two and one-half (2 1/2) stories.

Size of Building: Square foot floor area, exclusive of porches, garage and service room or rooms, of any one story residence building erected on any lot shall not be less than 1,050 square feet. The square foot floor area, exclusive of porches, garage and service room of any one and one-half (1 1/2) or two (2) story residence building erected on any lot, shall not be less than 1,250 square feet.

See Ordinance 30

Front Yards: Any building hereafter constructed shall provide for a front yard the minimum depth of which shall be at least twenty-five (25) per cent of the depth of the lot but the depth of such front yard shall not be less than fifty (50) feet.

Side Yards: There shall be a side yard on each side of a building not less than twenty (20) per cent of the width of the lot, provided however, that where it can be shown that compliance because of the contour of the land will cause a hardship, then one side may be permitted a minimum of fifteen (15) per cent but such side yards shall, in no event, be less than twenty (20) feet. *see Ord. 1972*

Rear Yards: The depth of the rear yard shall be at least thirty (30) percent of the depth of the lot but such depth shall not be less than fifty (50) feet.

Width of Lots: All lots shall have a frontage on at least one established or platted street. This frontage shall be a minimum of one hundred fifty (150) feet.

Lot Area per Family: Every dwelling hereafter erected or altered shall provide a lot area of not less than thirty thousand (30,000) square feet per family irrespective of whether a lot has less area than herein required in separate ownerships at the time of the passage of this Ordinance, provided however, that as to all land platted and subdivided of record in the office of the Recorder of Deeds, Clay County, Missouri, at the time of the passage of this ordinance, such lot area shall not be less than the area of such lot as fixed by the recorded plat thereof or said minimum of 30,000 square feet, whichever is the greater for each family.

Section 8. NON-CONFORMING USES: a non-conforming use existing lawfully at the time of the passage of this Ordinance may be continued except as hereinafter provided. No non-conforming use of land shall be continued beyond the term ending one year from the time of the adoption of this Ordinance unless such land be wholly or partially occupied by a permanent enclosed building, designed and constructed for a non-^{con}-forming use. The lawful use of a building existing at the time of the passage of this Ordinance may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout such portions of the building as are arranged for such use, provided no structural alterations, except those required by law or ordinance are made therein. If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted classification. If such non-conforming building is removed, the future use of such premises shall be in conformity with the provisions of this Ordinance. In the event a non-conforming use of any building is discontinued for a period of two (2) years, the use of the same shall thereafter conform to the provisions of the zoning ordinances.

A non-conforming use if changed to a conforming use or more restricted, non-conforming use, may not thereafter be changed back to a less restricted use than that to which it was changed. The provisions of this Ordinance relating to the non-conforming use of buildings or premises existing at the time of the passage of this Ordinance shall apply to buildings or premises occupied or used at the time of the passage of such amendment.

Repairs and alterations may be made to a non-conforming building, provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.

All signs and billboards not conforming with this Ordinance shall be removed within a period of one (1) year from the effective date of this Ordinance, except that non-conforming signs specifically describing the business or nature of a non-conforming building, structure or use on the same premises may be maintained during the lawful lifetime of such building, structure or use.

Section 9. COMPLETION AND RESTORATION OF EXISTING BUILDING: Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued, and the plans for which are on file with the Board of Trustees at the time of the passage of this Ordinance and the construction of which in either case shall have been diligently prosecuted within one (1) year from the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within such year and which entire building shall be completed, according to such plans as filed, within two years from the date of the passage of this Ordinance. Nothing in this Ordinance shall be taken to prevent the restoration, within twelve (12) months, of a non-conforming building destroyed to the extent of not more than seventy-five (75) per cent of its reasonable value (exclusive of foundations) by fire, explosion or other casualty, or act of God, or the public enemy, provided that when such restoration becomes involved in litigation, the time required for such litigation shall not be counted as a part of the twelve (12) months allowed for reconstruction; and nothing in this Ordinance shall be taken to prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction, but any building so damaged more than seventy-five

(75) per cent of its value may not be rebuilt, repaired, or used unless it is made to conform to all regulations for buildings provided herein.

The provisions of this Ordinance shall not apply to prevent the extension of any building, existing at the time of the adoption of this Ordinance, to the height to which the walls, foundation and framework of such existing building originally were intended, designed and constructed to carry; provided, however, that the actual construction of the extensions in height permitted by this paragraph shall have been duly commenced within ten (10) years from the date of the effective date of this Ordinance.

Section 10. COMMUNITY UNIT PLAN: The owner or owners of any tract of land comprising an area of not less than five (5) acres may submit to the Board of Trustees a plan for the use and development of all of the tract of land for dwelling purposes. The development plan shall be referred to the Zoning Commission of said Village for study and report and for public hearing. If the Zoning Commission approves the development plan, the plan, together with the recommendation of the Zoning Commission, shall then be submitted to the Board of Trustees for consideration and approval. The recommendations of the Zoning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community unit plan meets the following conditions:

1. That property adjacent to the area included in the plan will not be adversely affected.
2. That the plan is consistent with the intent and purposes of this Ordinance to promote public health, safety, morals and the general welfare.
3. That the buildings shall be used only for single family and community activities, including churches.
4. That the average lot per family contained in the site, exclusive of the area occupied by streets and alleys, will be not less than the lot area per family required by this Ordinance.

If the Board of Trustees approve the plan, building permits may be issued even though the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the general requirements of the zoning regulations.

Section 11. INTERPRETATION AND PURPOSE: In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals or general welfare. Whenever the zoning regulations made under authority of the State of Missouri or the County of Clay thereof, require greater width or size of yards, courts, or other open spaces, or require greater percentage of lots to be occupied, or require a lower density of population, or require a more restrictive use of land, or impose other higher standards than are required in any other statute, local order, or regulation, private deed restrictions, or private covenants, the regulations made under authority of this Ordinance shall govern.

Section 12. CHANGES AND AMENDMENTS: The Board of Trustees may, from time to time, on its own motion or on petition, after notice and hearing as provided by law, and after the recommendation of the Zoning Commission, amend, supplement or change the boundaries or regulations herein or subsequently established. In case a protest be presented duly signed and acknowledged by the owners of ten (10) per cent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred and eighty-five (185) feet distant from the boundaries of the district to be changed, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the Board of Trustees.

Section 13. ENFORCEMENT AND PERMITS: It shall be the duty of the Board of Trustees to enforce the provisions of this Ordinance, and such Board of Trustees are hereby authorized and instructed to take such steps or bring such proceedings in any proper court as are necessary in connection with such enforcement. No building or other structure shall be erected, constructed, reconstructed, or enlarged, nor shall it be altered in such a manner as to prolong the life of the building, nor shall the use of any land be changed, nor shall any private driveway, street, thoroughfare, sidewalk, curb, or curb-cut be constructed, reconstructed, repaired, altered, or graded, without first obtaining a permit from the Board of Trustees to be issued in accordance with the terms of this Ordinance. No permit shall be issued unless there shall first be filed in the office of the Clerk of the Board of Trustees, by the applicant therefor information satisfactory to the Board of Trustees which may include a plan in duplicate, drawn to scale,

correctly showing the location and actual dimensions of the lot to be occupied, the dimensions and location on the lot of the building or improvement to be erected, constructed, reconstructed, enlarged or altered, with measurements from all lot lines to foundation lines of the building, together with a true statement in writing, signed by the applicant, showing the use for which such building or premises is arranged, intended or designed; and no permit shall be issued by said Board of Trustees unless such plan or information shall show that such building, project, improvement or structure is to conform in all particulars with the provisions of this Ordinance. A record of such applications and plans shall be kept in the office of the Clerk of the Board of Trustees. The Board of Trustees shall have power to revoke any permit which has been issued, in case of violation of the conditions of such permit.

Section 14. POWER AND DUTIES OF THE BOARD OF ADJUSTMENT: Meetings of the Board of Adjustment shall be held at the call of the chairman, and at such other times as the Board of Adjustment may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public, and minutes shall be kept of all proceedings and official actions, which minutes shall be filed in the office of the Board of Trustees and shall be a public record.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau affected by any decision of the administrative officer or officers, in administering this Ordinance. Such appeals shall be taken within a period of not more than three (3) months, and in the manner provided by the rules of the Board of Adjustment. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Adjustment that by reason of facts stated in the certificate, the stay would in his opinion, cause imminent peril to life or property.

The Board of Adjustment shall have powers and it shall be its duty:

1. (a) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.

(b) To hear and decide all matters referred to it on which it is required to determine under this Ordinance as herein provided.
2. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, to vary or modify the application of any of the regulations or provisions of this Ordinance, relating to the use, construction or alteration of buildings or structures or the use of land so that the operation of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.
3. In exercising the above mentioned powers, the Board of Adjustment may reverse or affirm wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation of this Ordinance.

Section 15. ZONING COMMISSION: The Zoning Commission appointed pursuant to the provisions of Chapter 89, RSMO, 1949, shall be composed of five (5) members, who shall be freeholders and appointed by the Board of Trustees. The membership of the first zoning commission shall serve respectively, one for one year, one for two years, one for three years, one for four years and one for five years. Thereafter members shall be appointed for terms of five (5) years yeach. The powers and duties of the Zoning Commission shall be those set forth in this Ordinance and said chapter of RSMO, 1949. Any planning or zoning committee appointed prior to the passage of this ordinance shall constitute the Zoning Commission as provided herein. Anyone of the members thereof who shall become ineligible shall be replaced for his unexpired term by the Board of Trustees. Members of said Zoning Commission shall serve until their successors are appointed and qualified.

Section 16. PENALTIES: The Board of Trustees, in addition to other remedies, may institute any appropriate action or proceedings to prevent, restrain, correct or abate the unlawful erection, construction, reconstruction, alteration, conversion, maintenance, use or occupancy of any building, structure or land used in violation of this Ordinance or regulation thereunder, or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the Board of Trustees, which is empowered to cause any building, structure, place of premises to be inspected or examined and order in writing the correction of any condition found to exist therein or thereat in violation of any provisions of the regulations made under authority of the Zoning Act.

2. The owner of general agent of building or premises where violation of any provision of this Ordinance or any regulation thereunder has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars and not more than one hundred dollars for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars for each and every day that such violation shall continue.

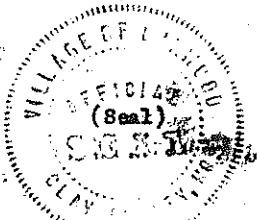
3. Any such person who having been served with an order to remove any violation fails to comply with said order within ten (10) days after said service or who shall continue to violate any provisions of the regulations made under authority of the Zoning Act in the respect named in such order, shall also be subject to a civil penalty of two hundred and fifty dollars (\$250.00).

Section 17. INVALIDITY OF A PART: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 18. REPEAL: All orders or parts of orders in conflict with any of the provisions of this Ordinance and all other Ordinances or parts of Ordinances heretofore passed in conflict with any of the provisions of this Ordinance, are hereby repealed.

Section 19. EFFECT: This Ordinance shall take effect from and after its passage, and notice of said ordinance shall be given by publishing the same in the North Kansas City News-Dispatch (Mo.) a newspaper of general circulation in this Village, in the issue thereof dated April 4, 1955.

PASSED THIS 28th DAY OF March, 1955.



J. C. Leslie
Chairman of the Board of Trustees

Attest:

Margaret P. Steele
Village Clerk

APPROVED THIS 28th DAY OF March, 1955.

J. C. Leslie
Chairman of the Board of Trustees

Filed for Record this 24th DAY of October
A. D. 1961 at 3 o'clock 20 minutes P.M.
and Recorded in Book.....on Page.....

RALPH H. HOOPER

Recorder of Deeds, Clay County, Mo.

Lynla Berndt
Deputy

See Ordinance No. 30
See Ordinance No. 33
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