

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 1 HAWTHORNE PLACE, IN INDEPENDENCE, MISSOURI.

WHEREAS, an application submitted by Ken and Pamela Wells requesting approval of a Special Use Permit to allow the operation of a bed and breakfast at 1 Hawthorne Place, was referred to the Planning Commission; and,

WHEREAS, the Unified Development Ordinance provides for the approval of a Special Use Permit by the city following public hearings by the Planning Commission and City Council; and,

WHEREAS, after due public notice in the manner prescribed by law, the Planning Commission held a virtual public hearing for the consideration of the request on September 14, 2021, and rendered a report to the City Council recommending the Special Use Permit be approved by a vote of 5-0; and,

WHEREAS, after due public notice in the manner prescribed by law, the City Council held a public hearing on October 18, 2021, and rendered a decision to approve the Special Use Permit for the said property; and,

WHEREAS, in accordance with the Unified Development Ordinance, it was determined that the request was consistent with the review criteria in Section 14-704-09.

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

SECTION 1. The following described tract of real estate is hereby declared subject to the Special Use Permit approved by this ordinance. The site is legally described as follows:

All of Lot 2, Hawthorn Place Acres, a subdivision in Independence, Jackson County, Missouri.

SECTION 2. That the Special Use Permit is hereby approved with the conditions listed below.

1. The Bed and Breakfast shall obtain a business license in accordance with all City Code and comply with Section 5.01.004 (Article 1, Chapter 5) of the City Code. The business license number shall be listed on all advertisements and online platforms.
2. The business must comply with all safety and other standards required by Section 14-420 of the City Code.
3. All outdoor activities shall cease at 9:00 pm on weekdays and 10:00 pm on weekends.
4. The pertinent items listed on the fire inspection report must be resolved prior to the business license being issued.
4. All backflow preventers on site must be tested by a MODNR Certified Backflow Tester and a copy of the report must be sent to the Water Dept.'s Engineering Division. A list of approved testers can be found on the Department's website at <http://www.ci.independence.mo.us/Water/BackflowPrev>. These tests must be completed prior to the business license being issued.
5. The drive/parking lot on the east side of the building must be cleaned, re-sealed and restriped with proper striping and signage, with at least one ADA space provided. This work must be completed prior to

the business license being issued.

SECTION 3. Any other uses on the property described by Section 1 of this Ordinance shall be governed by the base zoning district and other applicable regulations of the Unified Development Ordinance.

SECTION 4. Nonseverability. All provisions of this ordinance are so essentially, and inseparable connected with, and so dependent upon, each other that no such provision would be enacted without all others. If a court of competent jurisdiction enters a final judgement on the merits that is not subject to appeal and that declares any provision or part of this ordinance void, unconstitutional, or unenforceable, then this ordinance, in its collective entirety, is invalid and shall have no legal effect as of the date of such judgement.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this ordinance, as determined by the City Clerk and City Counselor, may be corrected with the endorsement of the City Manager without the need to come before City Council.

SECTION 6. That failure to comply with all the provisions contained in this ordinance shall constitute violations of both this ordinance and Chapter 14, the Unified Development Ordinance, of the Code of the City of Independence, Missouri.

PASSED THIS _____ DAY OF _____, 2021, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

Presiding Officer of the City Council
of the City of Independence, Missouri

ATTEST:

City Clerk

APPROVED - FORM AND LEGALITY:

City Counselor

REVIEWED BY:

City Manager